

2004-077

OFFICE OF THE SECRETARY  
CORRESPONDENCE CONTROL TICKET

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**ACTION OFFICE:** CFO

**AUTHOR:** Steve Williams  
**AFFILIATION:** DOI  
**ADDRESSEE:** CHRM Nils Diaz  
**SUBJECT:** Request expenditures made for the conservation of endangered or threatened species

**ACTION:** Direct Reply  
**DISTRIBUTION:** RF

**LETTER DATE:** 03/19/2004  
**ACKNOWLEDGED:** No  
**SPECIAL HANDLING:** Response requested by April 15, 2004

**NOTES:**  
**FILE LOCATION:** ADAMS  
**DATE DUE:** 03/23/2004 **DATE SIGNED:**

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# United States Department of the Interior

FISH AND WILDLIFE SERVICE

Washington, D.C. 20240

In Reply Refer To:  
FWS/AES/DPO/016022

FEB 19 2004

Mr. Nils J. Diaz  
Chairman  
U.S. Nuclear Regulatory Commission  
One White Flint North  
11555 Rockville Pike  
Rockville, Maryland 20852-2738

Dear Mr. Diaz:

The Endangered Species Act Amendments of 1988 (Public Law 100-478) include a provision requiring the Fish and Wildlife Service to report annually to Congress "an accounting on a species-by-species basis of all reasonably identifiable Federal expenditures made primarily for the conservation of endangered or threatened species pursuant to the Act...." This provision applies to all Federal agencies.

Once again, the Service will depend on the cooperation of other agencies to compile expenditures data subject to the Act's reporting requirement. This letter serves as the request for your agency to provide data via the web-based data entry system for the Fiscal Year 2003 expenditure report.

Enclosed with this letter is information that explains the scope of the activities to be included in the report. As previously required, land acquisition costs are to be reported separately from all other expenditures. Beginning in Fiscal Years 2001 and 2002 and continuing with this report, we request that you also report expenditures not readily attributed to a particular species. Beginning with Fiscal Year 2003, we will match our list with 50 CFR 17.11 and 17.12 (the Federal lists of threatened and endangered species). This means we will include population segments (including experimental), and not just Evolutionarily Significant Units for fish.

We request that your agency enter expenditures data directly into the web-based system for receipt in a central server. This eliminates the need for us to enter the data by hand, and eliminates the opportunity for transcription errors. It also improves consistency of the data, since agencies previously have reported in different formats. Based on our experience and your comments, we have made some improvements to the pilot system. For example, you can view the list of species at <http://ecos.fws.gov/expenditures> without a password.

Mr. Diaz

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Agency data is securely protected on our server, and only approved people from your office and ours will have access to it. We will accept data entered through the web-based system as the official record of the reporting agency; however, it is the responsibility of the reporting agency to officially sanction the entered data. The deadline for entering the data is April 15, 2004. Due to the time-oriented nature of this request, and because we understand that postal security may slow the delivery of this letter, we have e-mailed this letter to your point of contact, generally the person who entered your agency's data for FY 2002.

For further clarification or technical assistance, please contact the Chief, Division of Partnerships and Outreach, Endangered Species Program, at 703/358-2390.

Sincerely,

A handwritten signature in black ink that reads "Steve Williams". The signature is written in a cursive, flowing style.

DIRECTOR

Enclosure

## **Supplemental Guidance for Reporting Expenditures for the Conservation of Endangered and Threatened Species**

**NOTE:** To provide Congress with a more accurate report on expenditures for the conservation of species listed under the ESA, please report both expenditures reasonably attributable to individual species, as in the past, and provide a lump sum figure for expenditures which are reasonably identifiable as primarily for the benefit of listed species, but not readily attributable to an individual species.

In prior years, we had requested only the former information. Some Federal agencies nonetheless have been providing the additional figures, and those were transmitted to Congress in an appendix, but were not included in the total expenditures reported.

We will identify in the report both costs reported to us as attributed to individual species and those reported as reasonably identifiable to the conservation of listed species but not to a specific species. To provide continuity with past reports, we will report the expenditures for individual species as in the past, and simply revise the summary chart to show "Federal Total, by species"; "Federal Total, Other ESA"; State Total, by species"; "State Total, other ESA"; and "Grand Total."

Please note that Congress requested the information on a species by species basis to the extent this information is reasonably available. We urge you to avoid lumping all your expenditures under "ESA Other," as the agency-by-agency reports on expenditures for individual species will still be part of this report.

Each Federal agency must enter the data directly into a web-based system. You will need to designate someone to enter the data (more than one person is permissible), and those people will need to obtain a password before entering the data. This is done by going to the Environmental Conservation Online System at <https://ecos.fws.gov/ecos/index.do> and clicking on "Request Access." Click on "Expenditures" and fill in the requested information. Please allow two to three working days for access approval. Then follow the tutorial for instructions.

The information below should be used to gather the data.

### **BACKGROUND:**

- Section 18 of the Endangered Species Act of 1973 (16 U.S. 1531 *et seq.*) reads, in part, as follows "...Fish and Wildlife Service, shall submit to the Congress an annual report covering the preceding fiscal year which shall contain--
  - (1) an accounting on a species-by-species basis of all reasonably identifiable Federal Expenditures made primarily for the conservation of endangered and threatened species pursuant to this Act; and

(2) an accounting on a species-by-species basis for all reasonably identifiable expenditures made primarily for the conservation of endangered and threatened species pursuant to this Act by States receiving grants under section 6."

- The Conference report for the 1988 amendments made some of the following points concerning the new section 18 of the Act:
  - Provision should not become unduly burdensome or result in diversion of funds from the operation of the program.
  - The Secretary of the Interior is to make a good faith effort to develop and obtain data but is not to undertake extensive or extraordinary measures.
  - Generalized dollar estimates will suffice.
  - Amendment does not apply to monitoring and survey costs for delisted, proposed, and candidate species.
  - Amendment is not to require new species-specific time sheets for the Service or other reporting agency.
  - Listing, consultation, and law enforcement are to be included to the extent they are "reasonably identifiable."
  - Only salary costs that can be reasonably identified as applicable to listed species need be reported.
  - For other agencies and States, a good faith effort to collect information is expected; they are expected to cooperate.
  - Submission of data from the States or agencies is not to be a precondition to receiving any contracts or grants or establishing other arrangements with the Fish and Wildlife Service.
  - Only one data set per agency or bureau should be submitted.

**DATA FORMAT:**

- Species should be identified by the same scientific name as found in the most current list of species. Amounts above \$2,000 need be only to nearest \$500 or \$1,000; smaller amounts may be rounded to the nearest \$100. Amounts should be reported in actual dollars.

- Expenditures that fit the criteria below but are not readily attributable to a single species should be listed at the end of the State or agency report as "Other ESA Costs."

#### EXPENDITURES TO BE REPORTED:

- Only species on the Federal list of Endangered and Threatened Wildlife and Plants (50 CFR Part 17) at the end of the Fiscal Year (October 1, 2002 to September 30, 2003) are to be reported. Expenditures made prior to the actual listing date of a species, but still within the same year, may be reported (e.g., costs of public meetings, notices, surveys, initial recovery efforts). Monies for unlisted, separate populations of listed vertebrates cannot be included in the report (e.g., southeastern brown pelicans, Atlantic and Gulf coast least terns, Alaska bald eagles or gray wolves). Expenditures for State-listed species are not reportable unless they are also federally listed. Amounts for foreign species on the list (e.g., grants or contracts carried out in another country) are reportable in the same manner as domestic species, again, to the extent they are reasonably identifiable. **With this report, we are adding the distinct population segments for all species that have them. In the past, just Evolutionarily Significant Units were identified for those fish that had them. From this year forward, we will request data by taxonomic entities as they appear on the Federal list of threatened and endangered species.**
- Only reasonably identifiable expenditures for listed species will be totaled in this report. Extraordinary accounting to track monies expended on listed species is not expected.
- All habitat acquisition costs are to be reported separately from all other identifiable expenditures. Such acquisitions must be primarily for the purpose of conserving federally listed species. As with other projects, those portions of habitat acquisition costs that are specifically for a listed species may be prorated out of the total acquisition costs when the other habitat is being acquired for other purposes (e.g., 25 acres of a 250-acre purchase will be set aside).
- Expenditures associated with consultations pursuant to section 7 of the Act should be reported as for the benefit of a specific species to the extent they are readily identifiable to that particular species. Thus, a formal consultation dealing with a single species, or up to several species where the relative costs are easily divisible, would be subject to reporting under that or those species, while consultation costs known to have occurred but not readily attributable to a given species would be included in the "Other ESA Costs" total.
- Monitoring and survey costs should be reported when: 1) the cost of the monitoring or survey was during the period the species was under a proposed listing and the species was actually listed in the same fiscal year that the monitoring and surveys were conducted; 2) the monitoring or survey covered both candidates and listed species, and the costs can be prorated to include only the listed species; 3) the cost was readily identifiable to a single species (should be reported for that species); or 4) costs meeting the criteria in (1) and (2),

but not readily identifiable to a single species should be reported in the "Other ESA Costs" category.

- Salary and benefits of an employee working full-time on a single species or whose time is devoted to a particular species can be readily identified should be reported for that species, while staff costs that are not assigned to work on particular species should be reported in the "Other ESA Costs" category. Travel costs should be treated similarly.
- Any State or Federal project that incurs increased costs related directly to mitigation or other conservation efforts on behalf of federally listed species should report that added cost, either by species if readily identifiable as such, or as "Other ESA Costs."
- All State agencies (e.g., parks, heritage program, forests, highways) may report their expenditures, although only a single report from each State (plants and animals must be reported together) should be submitted to the International Association of Fish and Wildlife Agencies.
- Examples of reportable expenditures include status surveys, habitat management or acquisition, research, propagation (including surrogate species), recovery plan development or implementation, and mitigation. The project must primarily benefit listed species and not other conservation goals, although if a readily identifiable portion of the expenditure is for the benefit of listed species (either individually or collectively), that portion of the expenditure may be reported in the appropriate category.
- Expenditures in a single project devoted to a number of listed species should either be prorated by the agency or reported as "Other ESA Costs." General surveys or projects that cover a large number of species, some of which may not be listed, are reportable only to extent that the agency can reasonably identify the proportion of the costs that benefit listed species.