OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

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ACTION OFFICE: ~~EDO~~ CFO

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AFFILIATION: DOI

ADDRESSEE: Dale Klein

SUBJECT: Supplemental guidance for reporting expenditures for the Conservation of Endangered and Threatened species for FY 2008

ACTION: Direct Reply

DISTRIBUTION: RF, SECY to Ack

LETTER DATE: 04/08/2009

ACKNOWLEDGED No

SPECIAL HANDLING: Deadline for entering data is June 30, 2009

NOTES:

FILE LOCATION: ADAMS

DATE DUE: 06/30/2009 **DATE SIGNED:**

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240

In Reply Refer To:
FWS/AES/040561

APR 08 2009

Mr. Dale E. Klein
Chairman, Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike
Rockville, Maryland 20852-2738

Dear Mr. Klein:

The Endangered Species Act requires 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, and this letter serves as the request for your agency to provide data for the fiscal year 2008 expenditures report.

The Service depends on the cooperation of other agencies to compile expenditures data subject to the Act's reporting requirement. As in the past, we request that your agency enter expenditures data directly into our Web-based system for receipt in a central server. Agency data is securely protected on our server, and only approved staff from your office and ours have access to it. We will accept data entered through the Web-based system as the official record of each reporting agency; however, it is your responsibility to officially sanction the entered data. The deadline for entering the data this year is **June 30, 2009.**

Enclosed is the Supplemental Guidance for FY 2008 that explains the scope of activities on which to report. **The guidance has been revised to eliminate the reporting category of "Other ESA Expenses."** The list of species on which to report matches the Federal lists of threatened and endangered species (50 CFR 17.11 and 17.12). Please view the list of species for fiscal year 2008 at **http://ecos.fws.gov/expenditures**. A password is not required.

Due to the time-sensitive nature of this request, we have sent this letter by e-mail to your agency's point of contact. Generally, this point of contact is the person who entered your agency's data for fiscal year 2007. We fully understand that the contact person must wait for direction from you before beginning the data collection task for this year's report.

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We greatly appreciate your assistance. For further clarification or technical assistance, please contact Denise Henne, Endangered Species Program Specialist, at 703-358-2155 or denise_henne@fws.gov.

Sincerely,

Acting Deputy

DIRECTOR

Enclosure

Supplemental Guidance for Reporting Expenditures for the Conservation of Endangered and Threatened Species for FY 2008

To return to the original intent of Congress when amending the Endangered Species Act in 1988, we have eliminated the reporting of data into the category previously known as "Other ESA Expenses" for the FY 2008 Expenditures Report. The Congress requested the information for this report on a species-by-species basis to the extent this information is reasonably available. This revised reporting guidance will provide information on how to report expenditures attributable to individual species.

Each agency must enter the data directly into a Web-based system and will need to designate a contact person to enter the data (more than one person is permissible) for the agency. The contact person(s) will need to obtain a password before entering the data. This is done by accessing the Environmental Conservation Online System at https://ecos.fws.gov/ecos/login.do and clicking on "Register for access here." Fill in the requested information, then request access to the "Expenditures" application at the bottom of the page. Please allow 2 to 3 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, "...the 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 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 Federal and State agencies, a good faith effort to collect information is expected.

- Submission of data from any agency 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 should be submitted for any given fiscal year.

DATA FORMAT:

- Species should be identified by the same scientific name as found in the most current list of endangered and threatened species.

- Amounts should be reported in actual dollars. Amounts above $2,000 need to be reported only to the nearest $500 or $1,000; smaller amounts may be rounded to the nearest $100. Do not report amounts lower than $100.

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, 2007 to September 30, 2008) 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). Funds expended 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, but again, to the extent they are reasonably identifiable.

- Only reasonably identifiable expenditures for listed species will be totaled in this report. Extraordinary accounting to track funds expended on listed species is not expected.

- All habitat (land or water) 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.

- Monitoring and survey costs should be reported when: (1) the cost of the monitoring or survey was incurred 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; or (3) the cost was readily identifiable to individual species (and should be reported for those species).

- Salary and benefits of an employee working full-time on a single species or whose time is devoted to particular species that can be readily identified should be reported for those species, 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, by species, if readily identifiable as such.

- All State agencies (e.g., parks, heritage programs, forests, highways) may report their expenditures, but only a single report from each State should be submitted. For ESA section 6 grants or other Federal grants, States should report **only** the State cost-share portion of each grant. Do not include other sources of non-Federal cost share, e.g., third-party contributions, unless those contributions are donated to the State as a general donation.

- 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.

- Expenditures in a single project devoted to a number of listed species should be prorated by the agency if possible. 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.

- Litigation costs should not be reported.