

Overview of the America's Conservation Enhancement Act as it pertains to DFHP and project criteria. Note, this is not the entire Act. You can find the full Act [here](#). Sections highlighted in yellow represent decisions and guidance that still need to be determined by the NFHP Board. We (the Partnerships) are still awaiting guidance from the NFHP Board on how FY2023 will operate. We expect FY2023 to still be a transitional year. Therefore, please expect a certain amount of uncertainty and potential flexibility as the Board delivers these decisions. Sections highlighted in blue represent changes to the program under the ACE Act. Many of these pertain to increased public access and recreational fishing opportunities. Please **DO NOT** be discouraged from applying if your project benefits non-game species. **DFHP is designed to be and has always operated as a Partnership promoting conservation for primarily non-game native species. This will not change.** If your project would increase public fishing access or recreational opportunities, make sure to note that in your project narrative.

#### Purpose of Act:

1. Achieve measurable habitat conservation results through strategic actions of fish habitat partnerships that lead to better fish habitat conditions and increased fishing opportunities by:
  - a. Improving ecological conditions
  - b. Restoring natural processes or
  - c. Preventing the decline of intact and healthy systems
2. To broaden community of support for fish habitat conservation by
  - a. Increasing fishing opportunities
  - b. Fostering the participation of local communities, especially young people in local communities, in conservation activities
  - c. Raising public awareness of the role healthy fish habitat play in the quality of life and economic well-being of local communities

#### Purpose of Partnerships:

1. To work with other regional habitat conservation programs to promote cooperation and coordination to enhance fish populations and fish habitats
2. To engage local and regional communities to build support for fish habitat conservation
3. To involve diverse groups of public and private partners
4. To develop collaboratively a strategic vision and achievable implementation plan that is scientifically sound
5. To leverage funding from sources that support local and regional partnerships
6. To use adaptive management principles, including evaluation of project success and functionality
7. To develop appropriate local or regional habitat evaluation and assessment measures and criteria that are compatible with national habitat condition measures
8. To implement local and regional priority projects that improve conditions for fish and fish habitat

#### Criteria for project selection:

1. A recommendation of the Partnership that is, or will be, participating actively in implementing the fish habitat conservation project

2. The capabilities and experience of project proponents to implement successfully the proposed project
3. The extent to which the fish habitat conservation project
  - a. Fulfills a local or regional priority that is directly linked to the strategic plan of the Partnership and is consistent with the purpose of this title
  - b. Addresses the national priorities established by the Board
 

*\*Note\* The following priorities have been approved by the Board for FY2023*

    1. Protect intact healthy waters
    2. Restore hydrologic conditions for fish
    3. Reconnect fragmented fish habitats
    4. Restore water quality
    5. Coordination and operational support for FHPs to make on-the-ground progress within program appropriations
  - c. Is supported by the findings of the habitat assessment of the Partnership or the Board, and aligns or is compatible with other conservation plans
  - d. Identifies appropriate monitoring and evaluation measures and criteria that are compatible with national measures
  - e. Provides a well-defined budget linked to deliverables and outcomes
  - f. Leverages other funds to implement the project
  - g. Addresses the causes and processes behind the decline of fish or fish habitats
  - h. Includes an outreach or education component that includes the local or regional community
4. The availability of sufficient non-Federal funds to match Federal contributions for the fish habitat conservation project, as required by subsection (e)
  - e. Non-federal contributions
    - i. In general – except as provided in paragraphs (2) and (4), no fish habitat conservation project may be recommended to by the Board under subsection (b) or provided financial assistance under this title unless at least 50 percent of the cost of the fish habitat conservation project will be funded with non-Federal funds
    - ii. Non-Federal share – Such non-Federal share of the cost of a fish habitat conservation project –
      1. May not be derived from another Federal grant program, and
      2. May include in-kind contributions and cash
    - iii. Special Rule for Indian Tribes – not withstanding paragraph (1) or any other provision of law, any funds made available to an Indian Tribe pursuant to this title may be considered to be non-Federal funds for the purpose of paragraph (1).
5. The extent to which the fish habitat conservation project –
  - a. Will increase fish populations in a manner that leads to recreational fishing opportunities for the public
  - b. Will be carried out through a cooperative agreement among Federal, State, and local governments, Indian Tribes, and private entities
  - c. Increase public access to land or water for fish and wildlife-dependent recreational opportunities

- d. Advances the conservation of fish and wildlife species that have been identified by a State agency as species of greatest conservation need
  - e. Where appropriate, advances the conservation of fish and fish habitats under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) and other relevant Federal law and State wildlife action plans
  - f. Promotes strong and healthy fish habitats so that desired biological communities are able to persist and adapt
6. The substantiality of the character and design of the fish habitat conservation project

Requirements for Evaluation: No fish habitat conservation project may be recommended by the Board or provided financial assistance under this title unless the fish habitat conservation project includes an **evaluation plan designed using applicable Board guidance** –

1. To appropriately assess the biological, ecological, or other results of the habitat protection, restoration, or enhancement activities carried out using the assistance
2. To reflect appropriate changes to the fish habitat conservation project if the assessment substantiates that the fish habitat conservation project objectives are not being met
3. To identify improvements to existing fish populations, recreational fishing opportunities, and the overall economic benefits for the local community of the fish habitat conservation projects
4. To require the submission to the Board of a report describing the findings of the assessment

#### **Acquisition Authorities**

1. In general – a State, local government, or other non-Federal entity is eligible to receive funds for the acquisition of real property from willing sellers under this title if the acquisition ensures –
  - a. Public access for fish and wildlife-dependent recreation, or
  - b. A scientifically based, direct enhancement to the health of fish and fish populations, as determined by the Board
2. State Agency Approval
  - a. In general – all real property interest acquisition projects funded under this title must be approved by the State agency in the State in which the project is occurring
  - b. Prohibition – the Board may not recommend, and the Secretary may not provide any funding for, any real property interest acquisition that has not been approved by the State agency
3. Assessment of other authorities – The Board may not recommend, and the Secretary may not provide any funding under this title for any real property interest acquisition unless the Partnership that recommended the project has conducted a project assessment, submitted with the funding request and approved by the Board, to demonstrate all other Federal, State, and local authorities for the acquisition
4. Restrictions – A real property interest may not be acquired pursuant to a fish habitat conservation project by a State, local government, or other non-Federal entity conducted with funds provided under this title, unless –
  - a. The owner of the real property authorizes the State, local government, or other non-Federal entity to acquire the real property, and

- b. The Secretary and the Board determine that the State, local government, or other non-Federal entity would benefit from undertaking the management of the real property being acquired because that is in accordance with the goals of a Partnership

#### Funding

- (a) There is authorized to be appropriated to the Secretary \$7,200,000 for each of fiscal years 2021 through 2025 to provide funds for fish habitat conservation projects approved under section 205(f), of which 5 percent is authorized only for projects carried out by Indian Tribes.