

**Using the State Wildlife Action Plan Minor Revision Process to
Add Plant Species of Greatest Conservation Need to Qualify for the Plant Supplemental Funding
Included in Recovering America’s Wildlife Act of 2022**

I. Background

This advisory document provides guidelines for fish and wildlife agencies of the States, Territories, and the District of Columbia (D.C.) (recipients) that want to voluntarily add plant SGCN to their current, approved State Wildlife Action Plan (Plan) through the Minor Revision process and qualify for the five percent plant supplemental funding outlined in the Recovering America’s Wildlife Act (RAWA). RAWA is an unprecedented effort to address the need for action to conserve declining species and habitats in the United States. RAWA would “...amend the Pittman-Robertson Wildlife Restoration Act to make supplemental funds available for management of fish and wildlife species of greatest conservation need as determined by State fish and wildlife agencies...” to benefit a diverse array of wildlife and their habitats, including plants. RAWA funds can be used for plant species that are identified as Species of Greatest Conservation Need (SGCN) in a Plan, *or* are listed as endangered, threatened, or candidate species or are proposed or petitioned for listing under the federal Endangered Species Act (ESA) or State law (‘listed plant species’).

If enacted as currently drafted, RAWA includes a plant supplemental funding provision referred to as the “plant supplemental set-aside.”

Eligibility for the five percent plant supplemental funding is limited to those recipients that identify plants as SGCN and include some or all of those plant SGCN in the “planning and habitat prioritization efforts” of their Plan. In a June 2022 review of

the current, approved Plans, the Wildlife and Sport Fish Restoration Program (WSFR) determined that 18 recipients would qualify for the five percent plant supplemental funding. If RAWA were in place today, 18 recipients could use their RAWA funding for plant SGCN and listed plant conservation and would receive the five percent supplemental funding in their apportionment. If the remaining 38 entities want to directly conserve plants, they could use their RAWA funding only for listed plant species conservation. If any of the remaining 38 entities choose to add plant SGCN to their Plans and include them in the Plan’s conservation planning and habitat prioritization efforts through a Minor or Major Revision or a Comprehensive Review/Revision, they could also use their RAWA funding for plant SGCN conservation and also receive a five percent supplemental funding increase once approvals are in place.

ALLOCATION AND APPORTIONMENT OF AVAILABLE AMOUNTS. -- “(C) 5 percent of amounts apportioned to each State, each territory, or the District of Columbia under this section for a wildlife conservation and restoration program shall be reserved for States and territories that include plants among their species of greatest conservation need and in the conservation planning and habitat prioritization efforts of their Wildlife Conservation Strategy. Each eligible State, territory, or the District of Columbia shall receive an additional 5 percent of their apportioned amount. Any unallocated resources shall be allocated proportionally among all States and territories under the formulas of this section.”

A recipient may initiate a Minor Revision to add plant SGCN at any time, including prior to or after enactment of RAWA or apportionment of RAWA formula funds by WSFR. However, in order for WSFR to determine how many recipients qualify for the five percent supplemental funding when calculating the apportionments, the timelines provided in this document need to be followed.

II. Calculating Apportionments

If/when RAWA is enacted into law, the U.S. Fish and Wildlife Service (Service) will determine annual apportionments according to the terms in the law. The following information is based on RAWA as drafted as of June 14, 2022 in [H.R. 2773](#) and [S. 2372](#), and provided in the sidebar (above).

Once the total amount available for apportionments is determined, WSFR will calculate five percent of the amount available for allocation to all recipients and deduct that amount as the plant supplemental set-aside. Next, WSFR will calculate “base” apportionments according to the statute (a defined percentage for Territories and D.C., and a formula for the 50 States¹).

Once all base funding is determined, the plant supplemental funding will first be calculated and assigned to qualifying jurisdictions as an additional five percent of their base apportionment amount. Any funds remaining from the plant supplemental set-aside after the five percent allocations have been deducted will be reallocated according to the base statutory percentages and formulas to all recipients. These three calculations (base apportionment, plant supplement, if applicable, and reallocation of any remaining funds) determine the total annual RAWA apportionment amount for each recipient.

III. Requirements for Receiving Plant Supplemental Funding

The current RAWA bill language describes two criteria that a Plan must fulfill to qualify for the five percent plant supplemental funding: 1. official inclusion of plants as SGCN; and 2. inclusion of plant SGCN in the Plan’s “conservation planning and habitat prioritization efforts.” Unlike Minor Revisions that focus on adding or removing SGCN, Minor Revisions to qualify for the five percent plant supplemental funding carry with them this additional requirement specific to eligibility for RAWA funding: inclusion of plant SGCN in at least one of the Plan Elements 2 (**Habitats**), 3 (**Threats**), 4 (**Actions**), and/or 5 (**Monitoring**). Each of these criteria is described in detail below using verbatim language from the bills (in quotes), followed by examples of Plans that currently meet the requirements for the five percent plant supplemental funding. FAQs are also provided in the last section of this document.

1. Plans must “include plants among their species of greatest conservation need”:

This criterion requires that a recipient apply a defined selection procedure to the known plant species occurring within its borders, resulting in a list of species that is equivalent in function to the Plan’s animal SGCN list. This means the plant SGCN list must include low and declining plant populations and be indicative or representative of the diversity and health of the recipient’s plant and/or animal SGCN. Some level of information on plant SGCN distribution and abundance must be included to meet this criterion. A simple list of plant species occurring within its borders, without further information, would not meet this criterion.

¹ The statutory formula for determining the base apportionment applies only to the 50 States and includes the ratio of a State’s land/water area, population, and the number of Endangered Species Act listed species to the national totals for each of these three factors, adjusted so no State receives less than one percent or more than five percent.

A State, Territory, or D.C. may select any number of plant SGCN in a Minor Revision as it deems appropriate. However, the recipient must make a good-faith effort to meet the intent of Element 1 (Species) by choosing an appropriate number of plant species to indicate or represent the diversity and health of the plant and/or animal SGCN communities (see Section IV). Some Plans use different terminology to identify species under Element 1, such as “Species of Conservation Concern.” Use of the term “SGCN” is not required as long as the function and process of the term is equivalent and meets the intent of Element 1.

2. Plans must “include [SGCN] plants in the conservation planning and habitat prioritization efforts” of the Plan:

This second criterion requires that at least some portion of the identified plant SGCN are included in at least one other Element of the Plan. This may be achieved by including plant SGCN in Element 2 (**Habitats**), Element 3 (**Threats**), Element 4 (**Actions**), and/or Element 5 (**Monitoring**).

Habitats: The Plans universally include plant species as part of a jurisdiction’s biomes or habitat classifications and descriptions. Per Element 2 (Habitats), recipients are required to describe the “key habitats and community types essential to the conservation of each SGCN.” The word “key” in this language implies prioritization, above and beyond habitat classification alone, and Element 2 (Habitats) requires that at least a portion of a Plan’s plant SGCN be clearly linked to those key habitats. If a recipient prioritizes habitats through a tiering approach, e.g., such as Tier 1 or “primary” habitat vs. Tier 2 or “secondary” habitat, at least a portion of a Plan’s plant SGCN must be linked to these prioritizations. Simply associating plants with the Plan’s identified biomes or habitat classifications, including typical or dominant plants or plant communities occurring within these classifications, would not meet the requirement that plant SGCN must be included in habitat *prioritization* efforts. To show that plants are included in the habitat prioritizations of the Plan, the revised Plan should include a discussion of habitat characteristics or needs of at least a portion of the identified plant SGCN (for example, soil type, elevation, and solar aspect or exposure), or a discussion of how at least a portion of the plant SGCN are essential to the conservation of identified animal SGCN.

Threats and Actions: Inclusion of plant SGCN in another Plan Element may be accomplished with an analysis of threats to some or all identified plant SGCN, and/or actions necessary for their conservation. Alternatively, a Plan may demonstrate inclusion of some or all of its plant SGCN in the Plan sections describing threats or actions for animal SGCN or their habitats in Elements 3 (Threats) and 4 (Actions).

Monitoring: Animal SGCN habitat monitoring described in a Plan is likely to include a treatment of essential plant species or communities. If at least some of a Plan’s identified plant SGCN are noted and discussed in this context, the Plan would qualify under this criterion. The Plan could also include provisions for periodic monitoring of specific plant SGCN populations in their own right, beyond their importance as habitats for animal SGCN.

Examples

WSFR has identified the following Plans, selected from those that meet the requirements in the current RAWA language to receive the five percent plant supplemental funding, as good examples that meet both of the criteria described in this section.

Table 1. Examples of Selected States that Include Plant SGCN in the Planning and Habitat Prioritizations of their Current Plan

State	Criterion 1 – Plant SGCN	Criterion 2 - Integration
Connecticut	Plan pp. 1-65 to 67.	Plan pp. 4-37
Georgia	Plan pp. H-3-4. List on p. H-7.	Plan pp. H-8 and following pages provide links to Actions, Priority Habitats, etc.
Missouri	Plan p. 37.	Plan p. 83 and following pages give priority habitats and threats with links to plant SGCN.
Colorado	Plan Appendix A (esp. A-10 and following pages).	Appendices B, C, and D provide further integration of plant SGCN in Plan elements.

IV. Adding Plant SGCN Using a Minor Revision for Plant Supplemental Funding Approval

A State, Territory, or D.C. may elect to undertake a Minor Revision of a Plan to include plant SGCN in a Plan as one way to meet the eligibility criteria for the plant supplemental funding. If the Minor Revision process is appropriate based on existing guidance (see below), a second step would be needed to approve a recipient as eligible to receive the five percent plant supplemental funding.

According to the [Guidance for Wildlife Action Plan Review and Revision](#) (2017 Guidance), a Minor Revision is “a change to a Plan that adheres to the methods, criteria, or processes used to address any of the Elements in the approved Plan” (Section 5.3).

A Minor Revision to include plant SGCN (or any other SGCN) will only be approved if a State uses the same methods, criteria, or processes defined in their current plant for Element 1 (Species). This Element, included in the Guidance in Section 8, is defined as:

The distribution and abundance of species of wildlife, including low and declining populations as each state fish and wildlife agency deems appropriate, that are indicative of the diversity and health of the state’s species of greatest conservation need.

Note that the methods, criteria, or processes a recipient uses to select animal SGCN **must be used in their entirety** when selecting plant SGCN in a Minor Revision (see Q2, below). A recipient cannot select some criteria or factors and disregard others when adding plant SGCN. Any significant divergence from the SGCN selection procedure documented in the current, approved Plan would require the recipient to conduct a Major Revision or Comprehensive Review to add plant SGCN. The requirement to use the existing selection procedure in an approved Plan only applies to Minor Revisions. If a recipient elects to undertake a Major Revision or Comprehensive Review/Revision to add plant SGCN, their selection procedure for plant SGCN need not follow the animal SGCN selection procedure in the Plan.

WSFR will accept a Minor Revision to add plant SGCN meeting the criteria in Section III in a separate document if a recipient indicates the separate document is appended to, and considered an official part of, the Plan. However, this acceptance is due to the urgency in adding plant SGCN for securing potential Fiscal Year 2023 RAWA plant supplemental funding, and the challenges some recipients may encounter in revising one or more Elements within the approved Plan itself. WSFR encourages recipients to fully

incorporate an appended plant section in the Plan in the recipient's next Major Revision or Comprehensive Review/Revision.

Section 5.3 of the 2017 Guidance outlines the steps required for a State, Territory, or D.C. and their WSFR Region to execute a Minor Revision. Plan coordinators should contact their WSFR Regional State Wildlife Grant Program Manager prior to the revision process to coordinate timeframes and develop shared expectations. WSFR Regional staff will inform WSFR Headquarters when a State initiates a Minor Revision to add and incorporate plant SGCN in a Plan.

In accordance with the 2017 Guidance, when notifying the Service Region of their intent to conduct a Minor Revision, a recipient must:

- Describe the anticipated changes being considered
- Describe how the changes are consistent with the approved Plan
- Include references to the current Plan's existing methods, criteria, or processes
- Provide an expected timeframe for completion of the Minor Revision

Additional, detailed information in a recipient's notification of intent to conduct a Minor Revision to add plant SGCN may help expedite the Service Region's review and approval to receive the five percent plant supplement. To help ensure the revision will qualify for the five percent plant supplemental funding, WSFR recommends the recipient also:

- Include a detailed justification demonstrating that plant SGCN selection will employ the same methods, criteria, or processes used to select animal SGCN in the approved Plan
- Ensure the timeline for completion of the Minor Revision will align with the due dates established for the apportionments
- Demonstrate how and where in the Plan the recipient will include plants among their SGCN
- Specify how and where in the Plan the recipient will include SGCN plants in one or more of the Elements 2, 3, 4, and/or 5

Consistent with the process identified in the 2017 Guidance, the WSFR Regional Manager or designee will respond via letter or email confirming or denying the Minor Revision request. If the WSFR Regional Manager or designee determines the proposed change is a Major Revision, the WSFR Region will inform the recipient that it must follow the Major Revision requirements in the 2017 Guidance. A State, Territory, or D.C. fish and wildlife agency director may appeal a denial of a Minor Revision request to the Regional Director in writing (2017 Guidance Section 5.2.2). If the Service confirms the Minor Revision request, the State may proceed accordingly, and will notify the WSFR Region if it is unable to adhere to the projected schedule.

Upon completion of the Minor Revision, a State must submit to the WSFR Regional Manager or designee an email or letter that includes a summary of the Minor Revision and identifies the changes and where the changes appear in the Plan. Note: The Minor Revision changes may be appended to the Plan, provided a statement is included that the new information is included therein. Approval to receive the five percent plant supplemental funding is communicated to the recipient via email from the WSFR Regional Manager or designee.

V. Projected Deadlines for Approval of Minor Revisions to Add Plant SGCN

After RAWA enactment, the U.S. Treasury, the Office of Management and Budget, the Department of the Interior, and the Service will need approximately three or four months to establish the new accounts and procedures for obtaining, tracking, investing, and apportioning RAWA funds. To ensure that WSFR has the information needed to run the apportionments to recipients as promptly as possible, WSFR will

need to know which entities have included plant SGCN in their Plans and in one or more of the Elements 2, 3, 4, and/or 5 prior to running the apportionment calculations. WSFR therefore asks recipients that are now or will soon be conducting a Minor Revision to add plant SGCN to inform the WSFR Regional Manager or designee of its intent as soon as possible, but no later than three weeks after RAWA is enacted into law. The overall process must conclude at least three weeks prior to the anticipated date of the final RAWA apportionment.

There are three written communications that a State, Territory, or D.C. would receive from the WSFR Regional Manager or designee as part of this process:

1. Confirmation or denial that use of the Minor Revision process is appropriate (Step 5.3.1 of the 2017 Guidance).
2. A written communication to acknowledge receipt of the completed Minor Revision (Step 5.3.4 of the 2017 Guidance), which permits a recipient to use RAWA Formula funds to address the new SGCN, and
3. A written communication to confirm eligibility for the five percent plant supplemental funding, which requires an additional evaluation of the completed Minor Revision for conformance with the RAWA-specific requirements for inclusion of plant SGCN in the Plan.

The WSFR Regional Manager or designee may communicate Steps 2 and 3 in the same letter or email, or the Region may prefer two separate communications. Recipients and WSFR Regions will establish expectations for the specific milestones to conclude the overall process.

In the event a State, Territory, or D.C. is unable to adhere to the schedule identified in its request for approval of a Minor Revision to add plant SGCN, the WSFR Region may allow for an extension of the projected submission date of the final product. However, if the recipient does not receive confirmation of eligibility for the five percent plant supplemental funding from the Region at least three weeks prior to the anticipated date of the final RAWA apportionment, it would not be eligible for this allocation until the following fiscal year. Failure to meet the apportionment-related deadline would not affect the recipient's ability to use newly apportioned RAWA funding, including any reallocated portion of the plant supplemental funding, to address the new plant SGCN upon receipt of acknowledgement of the completed Minor Revision.

Figure 1. below provides a process overview and theoretical timeline based on a hypothetical date of RAWA enactment.

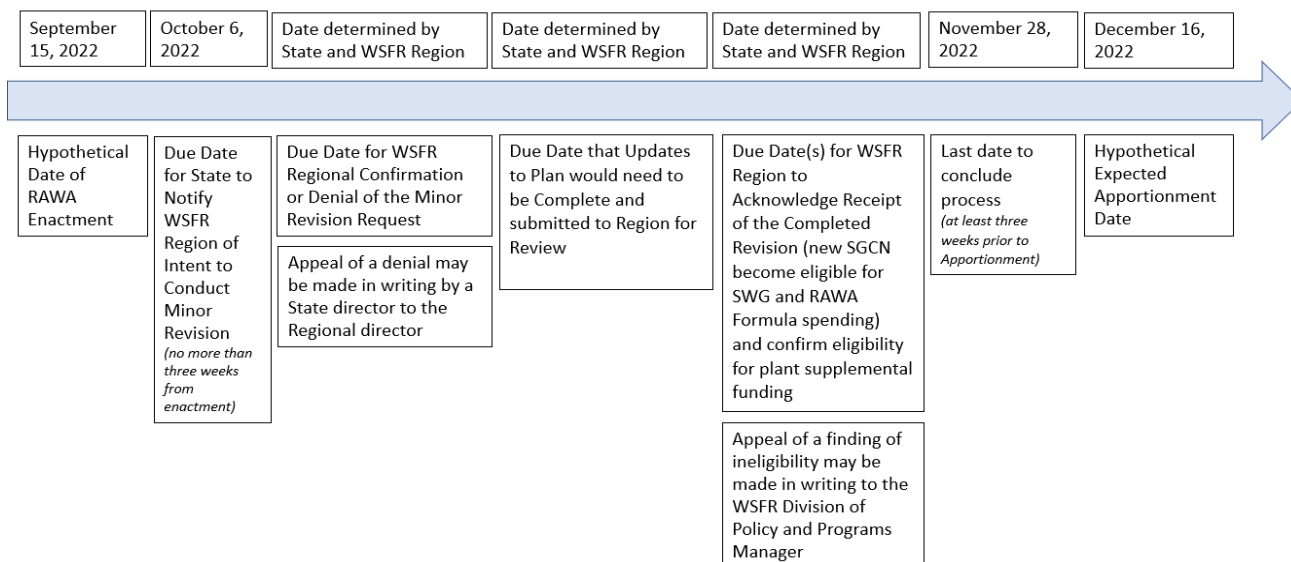


Figure 1. Process and Theoretical Timeframe based on Hypothetical RAWA Enactment Date of September 15, 2022

VI. Appealing a Determination

Consistent with the 2017 Guidance, appeals for denials of the Minor Revision request may be made to the Regional Director.

A State, Territory, or D.C. may send a written appeal of a regional determination of ineligibility for the five percent plant supplemental funding to Ms. Kathy Hollar, Policy and Programs Division Manager, WSFR (kathy_hollar@fws.gov). An appeal must include all relevant communications, a justification of eligibility based on the two criteria identified and discussed in this document, provide Plan references including page numbers and links, and be submitted at least ten working days prior to the anticipated apportionment date. Final determination is made by the WSFR Assistant Director.

FAQs

The following questions and answers provide further guidelines on conducting a Minor Revision to add plant SGCN. WSFR answers these questions based on a legal and administrative interpretation of the current RAWA bill language (June 2022).

Q1: Is a State, Territory, or D.C. required to add plant SGCN to their Plan to use RAWA funding for plant conservation?

A1: No. Any plant species that is listed as endangered, threatened, or candidate species or is proposed or petitioned for listing under the federal Endangered Species Act (ESA) or State law is eligible for RAWA funding for its conservation. If a recipient wishes to conserve plants that are *not* listed under Federal or State law, then those species must be added to their Plan through a Minor or Major Revision or a Comprehensive Review/Revision.

Q2: Can a State, Territory, or D.C. add plant SGCN through a Minor Revision by appending a list of all its federally threatened and endangered (T&E) species?

A2: A Minor Revision could be used to add plant SGCN only if the Plan’s documented methods, criteria, or processes include Federal T&E status as a single factor for selecting SGCN.

Q3: If a State, Territory, or D.C. submits a Minor Revision but it only includes a list of plant SGCN that were identified through a procedure that aligns with the Plan’s animal SGCN selection procedure, would the recipient be eligible for the five percent supplemental plant funding?

A3: No. In addition to a list of plant SGCN and a discussion of the methods, criteria, or processes used to select them, the recipient must also include plant SGCN in one or more of the Elements 2, 3, 4, or 5 of the Plan.

Q4: Can a State, Territory, or D.C. still qualify for the five percent plant supplemental funding if the Plan uses different terminology to identify rare, declining, or representative plant SGCN?

A4: Yes, there is no requirement to use the term “species of greatest conservation need.” Any other term used in place of SGCN that serves the purpose of or is functionally equivalent to the term SGCN is acceptable.

Q5: Does a recipient need to fully integrate plant SGCN into all the other Elements (Habitats, Threats, Actions, and Monitoring)?

A5: No. A Plan need not address plant SGCN in all these Elements, only generally “in the conservation planning and habitat prioritization efforts” of the Plan. Inclusion in any one or more of Elements 2, 3, 4, or 5 is qualifying.

Q6: Do all of a recipient’s plant SGCN need to appear in one or more of the Plan sections addressing Elements 2 through 5?

A6: No. Including a subset of plant SGCN that are indicative or representative of the diversity and health of the recipient’s plant and/or animal SGCN communities in Plan sections Elements 2, 3, 4, or 5 is qualifying.