

**FINAL Meeting Notes**  
**Joint/Federal Task Force on Federal Assistance Policy (JTF)**  
April 11-12, 2016  
USFWS Desert National Wildlife Refuge

- 1. Welcome and Introductory Remarks – Hepler/Bolton**
- 2. Add an item in the agenda-** C. Bambery and J. Frampton - Some states have reported that the Fish and Wildlife Service (FWS) regional federal aid staff has denied grants that requested funding for purchasing pen-raised game birds. This item is added to the agenda.
- 3. Status of Previous Action Items – Joyce Johnson**
- 4. Blue Ribbon Panel – Draft Implementation Language – Hepler/ Voyles**

The Blue Ribbon Panel (BRP) and partners are planning to introduce legislation that will provide up to \$1.2B/year for conservation of non-game species across the nation. We need to start discussions with WSFR on what the process and timeline will be to implement the new legislation and provide a consistent approach across the FWS regions. The JTF should also discuss how best to sell the concept to constituencies that may not initially be in favor of it because they fear it won't serve game species, is too green, or would create a need to divert game funding to non-game conservation.

**Discussion**

- One suggestion was to pull out the most current language we have to date on what BRP resolved. AFWA has a good white paper already on what this was intended to do but it doesn't address the issues; it's just historical background.
- There is a need to have a clear understanding on the what the exact purposes you could use the new monies for
  - Somebody needs to create an informational document (maybe AFWA) on the intent of the legislation. The document should also look at the language in the existing statute creating the subaccount that the BRP plans to fund with the revenues from the proposal. The language could provide direction on limitations of the use the funds.
  - Small group discussion can set the stage to begin this process.
- The BRP will have broader reach than the original Teaming with Wildlife Coalition, which might help address a perception problem that arose with CARA- that it was too "green". Also, people may see the proposed legislation as just a duplicate of the original CARA legislation and if so, that will create additional challenges to successfully pass the legislation.
- There have been concerns brought up that implementation of this new program may lead to a diversion of fish and game dollars to non-hunting programs as well issues of being able to provide match for the states with limited budgets (they might have to use licensing money for matching).
- One suggestion was to have the match be 90/10 vs 75/25.
  - This issue needs to be clarified in statute.

## 5. Excise taxes collection issues including discussion on airguns

More people are now shooting air guns at shooting ranges, many of which now have airgun facilities. Airguns are not subject to the Pittman-Robertson excise taxes on firearms and ammunition. If airgun users are using ranges paid for by PR dollars, or if people are hunting with airguns, these are challenges we need to address. The question is how to invite airgun manufacturers into the table and make them understand they have a responsibility for the conservation of this country and recreational shooting sports.

### Discussion

- Who should lead the effort to reach out to airgun industry? Council to Advance Hunting and the Shooting Sports (CAHSS), Industry/Agency Coalition?
- Manufacturers pushed AZ to change its regulations to allow the use of airguns for hunting. There is an opportunity to negotiate with the airgun industry on a state-by-state basis: in exchange for legalizing airguns for hunting, the industry must agree to make airguns subject to PR.
- NH has already had this conversation and will not legalize airguns for hunting unless the industry will contribute to PR.
- We should not bludgeon industry into coming to the table; this is a sensitive issue right now. While the issue will be on the agenda at the next Industry/Agency Summit, entering discussions with the airgun industry would be premature.
- Should we get some input today on what should we do in the next round of the industry agency cooperation?
- For airguns to be taxable, IRS code has to be changed. The time to do this is now, before any more states legalize airguns for hunting. AFWA/JTF could prepare some kind of communiqué to all of the state directors or AFWA Executive Committee recommending that states don't move any further with allowing airgun for hunting at this stage.
- Other concerns include how to keep BATFE from regulating airguns were they to be taxed as airguns are not "firearms" (although some think that bows and air rifles could fit within the definition of firearm), addressing the international shipping loophole with airguns that we see with bows, and assessing the fiscal impact of taxing airguns
- Someone should produce a fact sheet on airguns that includes information on their legal status for hunting purposes and for which types of game, whether current law is broad enough to cover airguns without legislative change, is the financial impact for the states worth the effort, and are there unintended consequences such as shipping loopholes that avoid tax collection and disincentivizing youth from moving to firearms for hunting and shooting
- Running the idea through AFWA's Law Enforcement Committee to get feedback on some of these questions would be helpful.
- Before we do any of this, the first step should be to have internal discussions with state directors to see if it's something we want to pursue.

## 6. Pen-raised birds Issues

Some directors have been told by FWS they can't spend PR funds on pen-raised birds. From the DJ standpoint, you can use funds to stock waters with fish with the sole purpose of catching them, or use funds on a hatchery, as long as you are not expanding the population.

### Discussion

- The question is not whether a state can use funds to propagate populations, but rather whether it can use money to purchase birds for release as part of educational and recruitment/retention programs.
- MA does lots of pheasant stocking, but not under PR. As a tool for advancing recruitment/retention, the ability to purchase birds would be beneficial.
- It's potentially important distinction between whether it is a youth program associated with entry level/hunter education vs. "put and take," but if you start putting 3Rs in front of it, it could apply to adults as well and essentially move to toward "put and take." There could be pressure within states to spend a lot more money on birds for "R3" programs.
- NH only uses funds to buy birds, not for "put and take." It has reached agreement with various clubs who are interested in doing this and has been giving out permits to clubs for youth programs.
- WSFR can take a look at getting policy guidance written and share it before the next meeting.
- 50 CFR 80 does not specifically prohibit the purchase of pen-raised birds. It's more of a policy issue.
- A pure WR management purpose or a pure R3 purpose would be eligible. Put and take was what original policy banned.
- Discussion on next steps
  - Poll the states on whether they have had grants rejected when they requested funding to purchase pen-raised birds
  - This issue might not be ripe for the JTF. When the larger group convenes tomorrow, we should put the question before them.
  - If it's really an issue, then policy guidance should be drafted

## 7. CAHSS Update – John Frampton

- National Hunting and Shooting Sports Action Plan
  - National Plan Draft has been released and anticipating approval by the Council Board on June 1st. The plan is pretty detailed.
  - Major partnerships will be developed at the state level and the states will step down and we will work with Industry, NGOs and other entities to build partnerships. Georgia is taking lead on that e.g. Georgia chapter of the National Wild Turkey Federation. We will see more NGOs follow suit.
- R3 Community website
  - The website is up and running

- The Council's role is more in facilitating than coordinating and the website serves this purpose. It allows members of the R3 community to share ideas and programs.
- Many ideas and comments have been shared on the site already and 48 states are participating on the site as of the end of March.
- Legislative Changes to PR
  - CAHSS needs sustained funding and it is seeking an opportunity to apply for a multistate grant; this concept was met by some opposition by major NGOs.
  - CAHSS went to the states to explain their need for funding and that states could contribute PR funds to CAHSS. 49 states have signed membership agreements to facilitate this. This process was time-consuming.
  - CAHSS and partners have proposed changes to PR
    - One change would boost the available funding in the MSCGP from \$3M to \$8M on the PR side.
    - These additional funds could be used for national R3 programs and for related communication and outreach
      - CAHSS would apply for \$1M for its national R3
      - The other additional funds (\$4M) would be available to the states and NGOs for grants for outreach and marketing which is currently allowed on the DJ side, but not the PR side
    - Another change would be to add hunter recruitment and retention programs to the purposes of PR
    - The legislation caps states' use of funds for these purposes at 25% of the state's PR apportionment over the previous 5 fiscal years. They chose this cap to alleviate NGOs' concerns
  - The legislation could go through this year, but more likely in 2017
  - CAHSS has requested additional funding from states of \$10K/year for the next 3 years and will discontinue the ask if the legislation passes. 15 states have agreed.
- CAHSS has hired new staff to do some of the work that Matt Dunfee (WMI) is currently doing.

## **8. Update on Legislative and Regulatory Requirements for WSFR - Steve Barton**

- 50 CFR 80 and PR/DJ haven't changed for last 30 years. But in the last 5 years, there has been significant change to federal assistance regulations that affects all recipients of grants.
- All laws coming from Congress and regulations from OMB have been focusing on accountability, transparency, public right-to-know, etc.
- One of the things that has affected us is changes/amendments to FFATA, DATA, etc., affecting reporting requirements that not only Federal Agencies have, but recipients (particularly if you have sub-recipients) do as well. According to 2 CFR 200, OMB doesn't care what grant recipient calls the document forming the relationship (you can call it a contract or a grant); it's relationship that matters, and it is the recipient of those funds accomplishing the objectives of the initial reward.
- New requirements for sub-recipients include (on state side) Risk Assessment, mandatory disclosure requirement for those sub recipients, who performs what.

- Under 2 CFR 200 (effective on December 2014), there is a section that deals with performance measurements, and it's unclear what this means.
- This is the sole aspect of the regulations that hasn't been interpreted by various departments that is stepped down to the recipient. Whenever appropriate or/and applicable, the awarding agency must require and the recipient must report, performance on a cost per unit basis. But it's hard to know when that is appropriate.
- So all the Interior bureaus are trying to determine what this means under Interior's regulations. FWS's initial approach with requiring this sort of reporting has been to stay at a higher level and not dig into detail, e.g. what did you spend on your hatchery program on a statewide basis, or what did you spend on your land management program?
- Legislation on these issues continues to come through Congress and is affecting how we do business. For example, taxpayers' right to know legislation has passed the House. This would require reporting of how many FTEs are used to administer programs and how many FTEs were funded on recipient side.
- Further, the level of comments on policy issues is increasing.
- We are just begging to get treasury implementation guidance on DATA, addressing on the federal side how the funds are spent internally.
- WSFR is being affected by this high rate of change and expects it to continue for the next several years.

**Discussion:**

With all the changes going on, there is a communication gap between those changes and how WRSF explains and provides updates on all those changes to the states. We need to think how to close those gaps.

- AK is trying to retrofit its work to be able to enter information in TRACS . TRACS is not a quickly moving or involving system, so it's creating more work for the coordinators and erodes some of the trust. AK is not sure if it can continue to be compliant.
- Are these regulatory changes or reporting at the end of the grants cycle?
  - Certainly affects the reporting side. Some of requirements are operational for the recipients. As you go through the process of awarding grants, FWS will need to know what the intent is. Recipients need to document everything (for example, all merit reviews and risk assessments). It's all about where is the money going, who gets it and what are they doing – all way through from grant application side to the operational side to the final report.
- Someone has to evaluate or determine between true contractor/sub recipients. Who makes that decision?
  - It's in regulations. A decision has to be made individually; it's up to the recipient. (2 CFR 200.330, 5 criteria)
- There is frustration of states with regulations/rules/TRACS, changes and all requests, or "regulation dump." Concerned that states' expenses will increase.
- We have to give really good thought to communication in this new environment of increased reporting requirements in a way that ensures that the hierarchy within a state agency receives the communication – not just directors – but also

related coordinators and it has to be simply explained. Everything has to be laid out and explained out in good fashion. Internally, a director doesn't know that workload has been increased for the coordinators and they don't understand why coordinators need help.

- It's like when 2 CFR 200 came out; it was hard to understand it. We started to realize bit by bit what it means, so it is kind of hard to say at the beginning here is a whole of implication what we will be facing. FWS is trying through webinars and training groups with Federal Aid Coordinators to explain what some of changes are, making changes in training materials as changes come along. It would be nice to have online training materials. But that takes time, staff and money.
- Maybe we should find some ways to communicate sooner (prior to pushing requirements down to the states) to let everyone know what's going on. Communication doesn't necessary need to go through JTF (maybe prepare and send out a memo).
- It could be valuable for couple of us to talk to the OMB examiner and have conversations, what are you looking for, what can we help with? We have Tom who is part of these discussions who could facilitate and he is open to that. The new OMB examiner, Emma Roach, is also open to meeting.

## **9. Working with WSFR, States and Industry – Jon Gassett**

- Annual Business Summit
  - Is taking place on 7/6 – 7 in Richmond, VA. This year it will focus on range development (a big part of PR, lot of money coming in). Save the date to be sent soon; please send to him items you want to include in the agenda.
- Industry/Agency Coordination Grant
  - The grant is in its 3<sup>rd</sup> year
  - The Summit, funded in part by the grant, will cover:
    - Marketing and branding (signs, brochures)
    - Work on PR modernization
    - State-level I/A summits
    - Development of the hunting and shooting sports alliance
  - He is putting together an LOI for the upcoming MSCGP cycle

## **10. License Certification – Update and continuing discussion – Ed Carter**

Background/setup for discussion

The key points we are attempting to address:

- Establish equity and parity among states in determining the threshold criteria a license must meet for certification purposes
- Assure that the revenue from the two trust funds is distributed based on equal criteria and used for the purpose for which the fund was established.
- 430 different license types exist across the country, so this is a complicated issue.

In the last JTF meeting in SC what came forward was:

- To have a proposal setting a minimum price for a license such that it can still be counted for certification and issuing cost. Issuing cost has been addressed over the years. Lots of States use paper licenses and some use electronic, which have different issuing costs associated. So we simplified the proposal by setting the price at \$1 after issuing costs.
- For multiyear licenses, the price must be met annually for each year the license would be certified.
- Factors considered:
  - Issuing cost depends on delivery method and states
  - Trip license (day or multiple days) are reduced in price from an annual license. They are eligible for certification, but a purchaser can only be counted one time during a license year.
    - It has become more of an issue as some states are giving them free with the purchase of another privilege
  - The requirement “For any multi-year license, the price be met annually for each year the license would be certified” presents a problem for many states with lifetime or similar licenses.
- We must establish some agreed upon minimum cost for issuing a license and a minimum price for the license proper which would equal the total cost for that privilege or license.
- This could be as simple as \$1 for the issuing cost and \$1 for the license price. Before any license is eligible for certification, it must have a minimum overall stated price of \$2. And if we are looking at 50 year multiyear license, \$100 would be the cheapest you could charge for that license.
- Our task is to determine a suggested dollar number to put before the AFWA Executive Committee and the JTF.
- Our recommendation is that we go forward at the very minimum cost that we can, such as \$1 per privilege, so the minimum price for a combination license would be \$2.
- One of the concerns is, can states still give away free licenses? E.g., if you buy an elk license, than can you have a fishing license for free? No matter how the license is packaged, there would have to be a minimum stated for each privilege. E.g., A \$50 deer license and a \$2 fishing license would cost \$52. This would address free license and changes in policy that allowed multiple privileges for the same price.

**Discussions:**

- There is a fixed number that every state has to look at to decide if they need to make adjustments so they charge minimum cost and don't have problems with certification. It simplifies it for every state.
- The assumption is that this is a statute definition; also, we will have to change the regulations to make sure it's consistent with regulations.
- The question is, how much revenue do we have to generate a year?

**Next step:**

- Talk to some of directors, give a background, and send out a simple survey

- After receiving response back from most directors, set up a time to talk to the states that raise concerns
- Bring final package back to the Executive Committee for action at the September AFWA meeting.
- WSFR staff and DOI solicitor will work with AFWA legal staff to draft regulatory language and complete it by the end of May.
- They will then send the draft to the JTF.
- Get response by June 15.

## **11. Small Groups**

1. Memorandum of Understanding – Implementation of TRACS
2. License Certification - Grandfathered Clause

### **Draft White Paper – Common Understanding and expectations for TRACS**

- Be able to tell the story in quick efficient manner
- Grants reporting
- Why are we implementing performance-based metrics?

#### **Discussion:**

- Was this a White Paper to lead us into the development of an MOU?
  - According to discussions last fall, the white paper itself is a policy, but it's usually where it starts as recommendation.
- The states were just introduced to standardized objectives, standardized performance measurements. These should be in writing because they keep changing and that affects the staff's ability to manage the grant program. There is a need for stronger language and agreements between services and the states (i.e., MOUs). There is a feeling that the states are not being heard at all. The states are providing input on TRACS and they are being told, thank you, but our organizational leadership will make the decision.
- There are three different parts:
  - The Narrative - We need to figure out how to tell the story and who is the audience. We must all agree this is necessary and decide how broad of an audience we are targeting.
  - Grants – We must collect examples and do our best to show Congress we are doing what we are supposed to do.
  - Performance based metrics - this is still not clear. Why now? There is no answer for that yet.
- Despite states' protests regarding the impact this will have on project leaders, federal aid coordinators, and others, they continue to want standardized objectives. Historically auditors have been satisfied, and industry has not been upset, with how grants are being written.
  - Discussions on this matter so far have not been fruitful. For the TRACS working group we invited coordinators in for the distinct purpose of getting their viewpoint on how this thing will work. We are at the point of having a discussion without having had the opportunity to talk about where we are with the

standardized objectives, standardized project statement, or what the long term vision is, and what we are trying to do with this.

- Maybe the next JTF should focus on this issue so we can get calibrated.
- FWS: Federal assistance grants on education, health, safety protocols etc. are all in place. We benchmarked against recording methodologies/requirements for the other \$400B in grants out there to see how our methodologies comply with others.

**Guidance is required:**

- It would be helpful if we knew what the general standards are.
- Communication is easier with concrete examples. Currently, everything we are discussing is an abstract concept. Once we start building the system it becomes more concrete.
- We need to understand from OMB:
  - What level of reporting is required to support TRACS in order to report effectively and efficiently?
  - In reference to 2009 OMB WSFR recommendations on how to work with the partners, how do we identify who are the partners? Are the partners state agencies, industry people who collect money, NGO community? If we are defining measures in conjunction with partners we need to identify them.

**Other Challenges**

- Federal Aid Coordinators - These types of discussions don't belong with the FACs; they belong with the state directors, and it's a major problem. And if so, who is to share the feedback with the FWS? We need to correct this; we need to be part of it.
- Audience - Different potential topics at different levels. Standardized objectives create the potential to impair the way the grant is written. You miss the mark and check the box instead of writing a more accurate narrative statement.
- To whom do we report? Industry, OMB? There are different levels of reporting.
- There are two basic problem statements:
  - We need something to capture grant information - TRACS would be able to do that
  - A way to show outcomes and accomplishments (that's difficult)
- TRACS - How difficult is it to work with the current version? Not sure what is going to happen with the old version and we have done some serious work with on it. Specifically concerned with the cost reporting aspect. We are not sure if it's auditable or not, and whether or not that cost reporting in TRACS will be compared with federal audits and raise alarms because of discrepancies. There is also a lot of dissatisfaction because TRACS is hard to work with and is time-intensive. In small states like Alaska, we don't have a lot of people/resources to put into it.
  - It seems like some of these concerns are based on the future. I understand the concern about the cost; however, what auditors look at in the financial system is the accuracy, whether or not it meets the requirements to the grant recipients, and what are the results within that financial system. It's not what is in TRACS; TRACS is only the receiver of whatever spits out of your financial system. As we get done by tomorrow and after you have a chance to look at what some of draft samples forms are, you will see it's going to likely be hesitant to use this, but once you work your way through and go through the drop down boxes the outcome

will be your grant application. The decision that the states will have to make is how much more besides doing reports within TRACS, how much more I want in my state for the hatchery program, big game surveys and inventories or other programs.

- Memorandums of Understanding (MOUs) - We need to continue with the idea of an MOU and decide the direction we want to take. In the minutes from last year's meetings, there are certain pieces that keep coming back that an MOU could address. I captured at least 6 key pieces that we could approach in this meeting or postpone them.
- Outputs - Do we know if what is coming out of this system is what our partners want? At the end of the day we haven't heard from the partners, from Industry, or OMB. We don't think the states are comfortable hearing from OMB that what TRACS is going to push out is really what they want. The 6 items are going to be reporting, objectives, standardized objectives, outcomes, and outputs. It's been a cycle for two years with things going around and no decision being made.
- There is a whole series of potential of outcomes and unless we work with who we think are the key stakeholders and get a grip on those outcomes, we can spend a lot of money on the system without success measuring against agreed upon outcomes. Here is what we agree on; these are next steps to be able to tell that story:
  - On the WSFR part, all we can deal with are outputs because that's what grants are. Outputs over period of time point toward outcomes, which have to be determined by states. It's similar to the effort that was for state wildlife grants to come up with effectiveness measures. We have a methodology where states could enter information voluntarily (for long-term outcomes) to some agreed upon basis they can report on. Part of this is our acknowledgement that the only things we can deal with are one-year outputs. , We hope at some point at time we can start pointing at outcomes - when we talk in 5 year periods at least have some consensus to report what we are able to accomplish through the grant programs.
  - Part of the outcomes may come from national surveys, or special surveys, and some through progress reporting. We could almost use an AFWA major committee on how to put together data to tell the story and to consider how TRACS can be optimized to feed into that.
  - The Coast Guard will be adapting TRACS in 2017. One of the benefits is they do the Recreational Boating Survey, which we will have access to, which is somewhat similar to our national survey.
- 5 year report is coming up - hoping to get baseline out next fall. Some of these decisions need to be put on hold.
- How do we improve the dialogue and how do we work together for that common outcome and build our agendas? Steve and Tom: how do we break this cycle so we don't have the same conversation again.
  - WSFR thinks that they have been communicating. We need to improve the communication and work together. We need to identify the ultimate goal and understand what that is.
    - Maybe you have been communicating the wrong questions with the wrong people. This is the frustration. We have to decide how we are going to roll things out nationally, what's the audience, and what message to send.

- The broader objective has to be set at the top; otherwise if you go discuss the main objective 4-5 steps down the organizational, ladder we will never roll up to anything because it will be hard to decide what to roll up to.
  - We should take some time in JTF meeting and go through and make sure we are all comfortable with that.
- We don't want WSFR to tell us how to measure success; it's our job to tell them so we can build the system to deliver that. The states must show leadership, do it ourselves, bring product back in JTF, discuss with the Service and be on the same page and go forward. Maybe bring in WMI (which has done independent reviews in the past) to broaden the picture.
- The ideas of filing reporting, of standardized objectives, should be set aside till we get a chance to come back and sit down as a team, but in the meantime, we can have reporting on grants like in the past, so we can meet the basic law. So we can collaborate and work together as a team.
  - Are you suggesting we stop with approving grants? Because you need to have adequate and allowable standardized objectives in order to approve grants.
    - Do we need to have national standardized objectives to keep approving grants? Kelly's point is we didn't have to have standardized objectives in the past for single grant approval. The concern is that WSFR has approved many grants that maybe it shouldn't have.
- WSFR agrees to have a group from JTF working collaboratively and transparently together. We can slow down for 3-6 months. We would like to keep TRACS moving and in the same time working and this group of directors will be involved and working with WSFR and make sure they connect to WSFR.
- The work we have been doing, groundwork we have been laying on TRACS, on requirements for building TRACS, long-term reporting is the right thing. We need to have this bigger picture that shows why are we doing this, where are we going with this. The work that has been done is valuable enough that if AFWA and States come together with a bigger picture where we want to take this thing, the TRACS and filing reporting process will serve what they want. We need to get this from states.

**AFWA and WSFR will work together to produce a scope of work within 30 days that addresses overarching communication policy issues regarding TRACS.** (Kelly Hepler, Clint Riley, Ed Carter, Jim Douglas, Bob Curry, (add'l FWS staff TBD by FWS))

### **Reporting from Group 2 – License Certification – Grandfathering Clause**

Any license sold in any certification year going forward after the effective date must cost at least \$2 per privilege. If the state sold a license before certification that met the previous standards, then it can be counted and it will be grandfathered in. If after the effective date the state sold a license that didn't meet the standard of certification, they still won't be able to count it.

### **Day 2 – Tuesday, April 12<sup>th</sup>**

#### **1. Welcome and Introductory Remarks – K. Hepler**

## **2. Recap of License Certification (and discussions from previous day) - Ed**

### **Discussion**

- If everything goes as scheduled and the regulation becomes effective in a year, the states will have up to 2 years to make changes if they need to. At the end of 2 years whatever is forwarded will begin to count in the new process.
- Is it too early to share a draft?
  - It's only a 3-page white paper. We will get more details, adapt it, and we can send it out.
- There are issues to think about and send to the working group. WSFR has committed to come up with regulatory language and they will start with what's there and make changes, adding certain provisions. Once we have a draft, it will be the best time to share it and get comments. The idea is to capture all possible license scenarios, and deal with them. It will take 1-3 yrs to lay it all out and move through the time period in which the old regulations could still apply before only the new regulations apply. There will be certification years in which it will be necessary to apply 2 different rules to one-year's certification.

## **3. Recap on Blue Ribbon Panel – Draft Implementation Language**

### **Discussion**

- As a recap from yesterday, some states will have difficulties selling the program to their constituents who are more in favor of game than non-game management and convincing them that money and focus will not be diverted from game.
- The match will be the same as for WSFR: 75/25.
- Given the implementation conversation that has to happen, it would be prudent to take a step back from some of the regulation development revision activity that's going on. We can continue the conversation on what implementation might look like, but perhaps not draft revisions to 50 CFR 80 to address any changes that might come from BRP legislation and send out them for comments. So if we are fortunate enough to see BRP funding come through, those new modifications on regulations can be addressed just once as opposed to having to continually return to the CFR to revise it again to include new grant activities.
- 50 CFR 80 is probably not the CFR subsection where FWS would put new regulations to capture any new program authorized by of BRP-driven legislation. FWS would probably write a new regulation. However, it might be; FWS has not yet discussed internally.
- This is a discussion that directors wanted to have here. There are no presumptions as to how it would be regulated on AFWA's part. AFWA has an internal "clock" and the details need to be discussed and we need to ensure that the Service and the states are on the same page. Further, this is not a crystallized situation and is not completely within AFWA's control; there are political forces that could shape any legislation that passes on this topic.
- The bill might be dropped next Wednesday
- The reason for looking at the WCPR to house the new money is because it's an existing subaccount within current legislation. The Congress won't create a new, stand-alone subaccount; otherwise it would be an independent bill/law and not be married to the

statute. Yet, it's important to keep PR and the proposed program separate in concept. The match is another important issue that needs to be clarified in statute, so this will go back to the drafters.

- A program authorized by the legislation can be run without regulations – people should be aware of this.
- They are going to Congress without all the ducks in a row because there is a narrow window of opportunity and the BRP co-chairs are driving toward action. However, it's a miracle if the legislation passes during this Congress. The focus is on getting the \$ in the account, although it will be a challenge to getting it in without an offset elsewhere. The OMB examiner confirmed that we need to identify an offset. Further, it will be hard to get a permanent appropriation.

#### **4. Recap from yesterday on Excise taxes collection issues including discussion on air guns – Jon G.**

(see notes from yesterday)

#### **5. Communication Issues and discussions**

##### **Discussion:**

- (recap on TRACS discussion from yesterday)
- Point made that directors need more communication from state federal aid coordinators and they need to do more than just push information to their directors.
- Region 4 communicates to states information that comes from headquarters. We try to prioritize what communication goes to which level. We send any hard copy to the directors and scanned copies to coordinators, but we do not trouble directors with everything.
  - This is a general rule among regions.
- Communication between the directors and coordinators can vary depending on the organizational structure of the state and layers of reporting within agencies.
- We will be working with staff to develop mechanisms – send letters from headquarters to directors before the meetings and ask who is the person designated that will be sitting in the call, who would like to get information delivered about issues coming up, questions, etc. What we are focusing on now is: how do we make sure right information is delivered?
- Regions would reach out to the directors in their states – how do you want to communicate on this issue, do you want to be part of conference calls, talk to a lead person?
  - Monthly/every other month meetings with WSFR staff would be helpful – conference calls.
  - It's easier to communicate with a smaller group than directly with directors.
- Set time to get coordinator work group on the phone with JTF state members and have a conversation.
- Coordinators must be able to know what the other coordinators in the region think, do they communicate with each other?

- There are chairs, vice chairs of working group; region level and we never had interactions direct in regional meeting with those individuals. This is the missing piece. We got 3 new coordinators and it's a constant challenge with directors and their staff to make that connection. Someone in the region needs to ensure that directors hear specific important developments. We can use association, regional association to facilitate that.
- Lots of layers to get to talk to the directors. And if we get someone to talk to it's fortunate.
- We are not using the regional associations enough. We will come up with a list and send it out to people, striking up relationship with regional level one more time, maybe have a standing agenda item for WAFWA to get reports from FAC. I urge these ARDs and WSFR chiefs not to feel that you can't talk states and join the conversation.
- There is another aspect to the communication shortcomings. So far, we have been discussing how well FWS is getting the information to states, and communication among the states and we haven't talked much about how well the states feel like information is getting to the right people at FWS. We need to figure out if the Service is not getting it to the right people, or it's not clear to the states who to talk at FWS.
- Not all FAC are as engaged in their working groups, and although each regional FAC tries to represent his entire region to the best he can, sometimes a FAC is just representing his state because he doesn't have any communication with the other states in his region.
- Between the Coordinators and between the directors how many people really know what the existence of FAC group is?
  - Not many FAC know about it as it is buried in AFWA structure. Maybe we should post it on the AFWA website.
- We could also put together some kind of material for succession, orientation for directors how to reach out and talk to coordinators.
- Are you asking the FAC working group to do a better job trying to get the regional counterparts to communicate with their directors better or are you asking the working group to do better job at communicating with other working groups such as JTF?
  - It's not just the working group; it's also the directors and states that have issues with communication so if we can identify a tool to improve communication, there is a long list of shortcomings it can be used to address. So we need to summarize the communication issues and provide the list to the rest of the group.

## **6. Recap on TRACS / Discussion – Kelly/Clint**

- Discussion will be about what is the collective goal/message that we are working toward for conservation in this country? TRACS plays an important role in that. We need to hear from industry, what are you looking for? This discussion is going to help us to craft the message. TRACS provides incredible opportunity and provides lots of helpful information to make it easy roll on a national scale to help send an overarching message about conservation efforts. Once we understand what that message should be, we can start building what that looks like: who are the audiences, what is the reporting structure, what are the categories for reporting, so then when Tom Busiahn starts building 5-year report of standardized objectives, we all have an understanding of what we are trying to get out of it.

- There has been a lot of involvement with the middle management input on TRACS. How we spell success is how all that middle management input rolls up to something bigger (which we define as we being all on board). We did for SWG effectiveness measures, which are different from WSFR effectiveness measures. If we are taking on TRACS to measure and portray our accomplishments on how we spell success for WSFR projects, we have to find the highest-level objectives that are all in agreement. We all have to agree on how we spell conservation success for WSFR.
- Let's not throw out TRACS work that has already been done without reviewing it first to see if can be used in part. We can step back look at the bigger picture, but also look at this product on which people have spent lots of time and money.
- October 1 is still the date for the TRACS hand off to states, but what will be put in TRACS is not decided yet.
- TRACS roll-up part of system hasn't built yet.

### **Concerns about 5-year report**

- October 1 was discussed as the date for states to begin putting information in TRACS and it is problematic. The question is, shall we let the FWS regions work it out with the directors and see if it works out?
- The issue for Alaska is that we have been entering stuff in TRACS, but pieces keep moving. We have been training the staff that has been entering data in TRACS, but the changes necessitate more training because we will have to enter something different. We are not sure whether we will continue entering information until we know we have resources to do it and until we know what information we must enter.
- In our region, we started in January, engaged states in the conversation about it, and said we are going to help you prepare for the October 1 date. We are working state by state because people are on different levels and in two weeks we are having the training and we are anticipating to hand it off on October 1<sup>st</sup>. So far our states are on board with that.
- The recommendation is to try for October 1, 2016 (with flexibility) for the states to enter their own data (in TRACS). The effectiveness measures (standardized objectives) will be in the TRACS enhancement for fall 2017 (maybe 2018).
- At what point do we spread far and wide all these result chains to get feedback? We need to give a wider distribution opportunity for feedback. Unless FACs are on the TRACS Working Group, they haven't seen any of this information - either standardized objectives, or effectiveness measures. And that creates lots of angst just because we don't know; we don't have the broader review. It has to go beyond the TRACS Working Group; it has to go to all states.
- In the last TRACS Working Group we had sample screens that went very well and the request was to have more of them so we could see the whole process from start to finish. Unfortunately, we haven't been able to show those yet to answer a lot of questions about standardized objectives, how does they fit into the process and what does it look like, what will be the impact? We have the samples finished (hatchery project in PA) to show what it would look like. And during the meeting of chiefs and coordinators, we are prepared to talk about that in much more detail. This will frame lots of questions on TRACS. And with that we will be able to know if we are on track so we can push this out to other coordinators to share with directors who have never seen the process.
- In TRACS right now, you are required to report at the grant activity level, not the project level or objective level. It sounds like with the push, we are not going to be required to

report at the activity level. We need to have a discussion at policy level about how to interpret 2 CFR 200.

- We are trying to figure out 2 CFR 200 and that has been under discussion since 2014. FWS has not yet figured out the level of granularity at which reporting will be required going forward.
- Further need for communication improvement.
- Discussions happen between states and regions on how the grants are being reported and structured; it's not done by TRACS.
- Not all TRACS Working Group members are present, so how and who is going to communicate this discussion to that group so they don't feel they are being left out?
  - Jon. G volunteers to take care of the states' side. He had the opportunity to serve in that group as region 5 rep. TRACS WG never had intention to make policy. There is communication going on, but bridges have to be built to figure out whose responsibility is to report to the JTF or Directors what is going on with the Working Group.

## **7. Status of WSFR Administrative Effectiveness Measures – Tom Busiahn**

✓ Status of the WSFR program five year reporting and template

- Increased workload and lower staffing impairs WSFR's ability to effectively administer the programs.
- WSFR seeks, with the admin effectiveness measures, to provide quantitative information on the need for additional administrative funds to effectively administer the WSFR Programs and meet the needs of state grantees. Focus on things that are meaningful and measurable.
- Meaningful is a component of "effective administration" of grants, i.e. administering all aspects of the full grant cycle in a timely manner, in compliance with all policy and regulatory requirements; reflects WSFR's ability to meet the needs of State grantees, as expressed by the FAC Work Group; is a function of funding level, i.e. more funding results in more / better / faster and less funding results in less / worse / slower.
- Measurable has been clearly defined so that each reporting office has the same understanding of its characteristics and components; can be counted or evaluated during routine operations without extraordinary effort and with minimal need for developing additional data systems.
- The measures should produce valid comparisons across years.
  - Comparisons across reporting offices (Regions & HQ) must take into account the enormous differences among the jurisdictions that receive grant funds in each Region.
  - Comparisons across Regions are not likely to be meaningful.

### **Current Tasks**

- Using provisional 2015 data, evaluate whether measures are meaningful and measurable.
- Modify measures based on evaluation; delete measures that can't be fixed.
- Adjust 2016 goals based on evaluation and modifications.
- Apply the measures for fiscal year 2016.

Chief meeting will review data and the recommendation is that these go back to small group within each program for tweak the measures as needed.

### **Discussion**

- Are the measures that were established by JTF allowed to change individually? Measures have to be true to what AFWA Executive Committee and JTF have been asking for. They can't be tweaked without any communication with key directors or members of Executive Committee. It would be a split between the service and industry.
  - We share these measures with AFWA and JTF. We don't make changes after we share them. There were few bills that included those measures. There haven't been significant changes in measures.

## **8. Policy vision / moving forward – Lisa Van Alstyne**

### **WSFR Branch of Policy Vision:**

- To support WSFR programs through clear, understandable, and relevant Policy
- To work cooperatively with others so that WSFR Policy considers the perspectives of all interested parties
- To respond to the needs of our clients professionally and effectively
- To never lose sight of who we serve and what WSFR Programs give back to the public

### **When making policy determinations, we will consider:**

- **The Acts** – that establish the purpose and general or specific direction of the grant programs we administer; that dictate how we must administer Federal financial assistance
- **Regulations** – that we implement; that regulate administering and implementing WSFR grant Programs
- **Other Promulgated Policy** – Executive Orders, Director's (or AD) Memoranda/Orders, Interim Policy; etc.
- **Legal direction** – Solicitor's Opinions, other laws that affect our grant programs, Court decisions, etc.
- **History, Experience, Knowledge** – historical successes and failures, expert knowledge and opinion, research, emerging topics, challenges today and into the future
- **Needs** – where needs arise that are not addressed in law or current Policy, reaching ahead to coordinate development of appropriate responses
- **Comments/Interests** - of our partners, management, and the public

### **Policy Targets**

- Review existing regulations and chapters at least every 5 years
- Update as needed
- Reduce number of chapters and other published policy > move to regulation as appropriate
- Consolidate policy by 2021 into: 8 Regulations, 6 – 7 Chapters, 1 Handbook

### **50 CFR 75 – WSFR Financial Assistance Administration**

- Internal draft developed and sent it around for comments
- Comments received internally
- Do not expect to send a working draft out for review this FY, but we may open up some topics for discussion

### **Why 50 CFR 75?**

- Include topics that concern WSFR grant administration in one location
- Cover WSFR-administered programs with no current rules
- Uniform application of 2 CFR 200
- Improve clarity and consistency
- Add information from chapters or other policy
- Define how WSFR will approach areas where we have flexibility
- Cost savings and efficiency

### **50 CFR 76 – Real Property Acquired with Federal Financial Assistance**

- Tom Barnes – Policy Lead for Real Property
- Target for publishing 520 FW 6, 7, & 8: Summer 2017
- Regulations for Real Property @ 50 CFR 76 – portions that reflect the chapters, will follow shortly thereafter
- Disposition will be addressed separately

### **50 CFR 85 – Clean Vessel Act**

- ANPR published September 2015 – Comments received from 35 respondents
- Comments being compiled for review
- Working with SFBPC – Technical Subcommittee
- Will combine 3 Federal Register documents: Final rules for CVA and Symbols and Technical Guidelines
- Timeline – Targeting a working draft for review at the October 2016 SOBA meeting
- Will host webinars as needed to clarify direction on topics
- Will continue to work with EPA, NOAA, and USCG
- Target Proposed rule/Final rule for FY 2017

### **50 CFR 80 - Financial Assistance: Wildlife Restoration & Sport Fish Restoration**

#### **Programs and Subprograms**

- Hosted a series of 12 webinars: June – Sept. 2015
- Over 90 topics discussed
- Averaged 35+ State and Regional offices represented
- Posted draft document on Wiki requesting comments
- Available Nov. 2015 – March 2016
- Wiki documents back to HQ for further development

### **50 CFR 80 – License Certification**

- Presented alternative approach to JTF and AFWA – November 2015 (Revenue replacing net revenue)

- AFWA discussed at December ExComm meeting
- AFWA further discussed at N. American Conference
- AFWA is considering the approach and has asked for more time to assess our proposal and the affect for all States

## **50 CFR 80 – Proposed Phased Approach**

### **Phase 1:**

We propose to stick as closely as possible to our current schedule for publishing a Proposed rule, but will only address selected topics. We will focus much of the update on topics that have already been “resolved” by prior discussions and decisions – removing the need for large amounts of engagement.

Current 50 CFR 80 sections/language remain the same except as changed to reflect these items:

- Fixes for 2 CFR 200
- Adding information from rescinded chapters
- Adding information from JTF chapters
- Targeted topics needing attention: Predator control, climate change, Wildlife TRACS....

### **Phase 1 Approach:**

- Present draft in a format that is easier to read and review
- Include tools that will identify where changes are made, the former language and new language (where applicable), the reference for the change, and links to more information if wanted

### **Phase 2:**

- Work with WSFR staff and partners to develop a rollout schedule for additional updates.
- Post the schedule and topics to be addressed

### **Phase 3:**

Implement schedule by issuing a series of 50 CFR 80 rule updates. This will mean:

- Fewer topics to consider during each rollout
- Ability to focus clearly on limited content and comments
- Updates presented in easier to manage packages

## **Proposed Timeline**

### **Phase 1:**

- First Proposed rule published Aug. 2016
- 60- or 90-day review?
- Final rule published 2<sup>nd</sup> Q FY 2017

**Phase 2:** Now forward, preliminary schedule NLT Aug. 2016

**Phase 3:** Sept. 2016 – Sept. 2018

***WSFR Policy Development – What We Want to Know***

You can help us as we move forward.

- We want to explore if the means of communicating Policy is working for you
- What forms of communication work best for you?
- Do you like the webinars? For information, or for discussion, or both?
- The Wiki is a super tool, but takes some getting used to and not everyone has embraced it. That being said, any super tool that is not used as effectively as possible will not give the best results. Help us to know what works well for you on the Wiki and any challenges you may be having. We can work toward making it easier to use.
- We are currently working on a Wiki space that will host all documents related to our grant programs, etc. While we are developing the space, it will not be available for external use. This will only confuse viewers. We hope to have the space populated enough to share during FY 2017. It would be helpful if you let us know what documents we should prioritize – if you have an opinion. If not, it's good. We'll just keep at it.
- What are your major barriers to participating in Policy? What might we consider as methods to use to help engagement?

Soon we will be rolling out a policy program listserv so we encourage everyone to sign up for the listserv and when we have coordinator information we will be sending it out to listserv.