

JTF Conference Call

August 19, 2019

1:00-2:00pm

Attendance: Paul Rauch (FWS), Scott Knight (FWS), Christy Vigfusson (FWS), Christina Milloy (FWS), Colleen Scully (FWS), Greg Siekaniec (FWS), Larry Mellinger (SOL), Lisa Holt (AK DFG), Lisa Van Alstyne (FWS), Lane Kisonek (AFWA), Mark Tisa (MA DFG), Mike Sawyers (MA DFG), Rusty Garrison (GA DNR), Tammy Brooks (TX PDW), Tim Smith (FWS), Jim Douglas (NE GPC), Martha Williams (MT FWP), Matt Thomas (GA DNR), and Clint Riley (FWS)

Notes

Draft Guidance for: Target Practice and Marksmanship Training Support Act: PL 116-17

Paul explained we have draft interim guidance and wanted to share it with the JTF, discuss the schedule, and get feedback/comments. Lisa will provide an overview, and Larry can provide information too.

Lisa explained that on May 10, 2019 the Target Practice and Marksmanship Training Support Act was signed into law. In order to implement it we need to 1) address the legal aspects and 2) address the administrative aspects. This Act will allow more money to be used to build shooting ranges, and an advantage is the 90 (Federal) - 10 (State) cost share. We are doing interim guidance because we cannot get the regulation passed quickly enough, and we need to be in agreement on how we implement this. This is a temporary placeholder until we can get a regulation in place. This contains some Q&A that will help States understand how we are doing things. We sent it to the WSFR Regions for review twice already, and now we are getting ready to share it beyond WSFR.

Larry said the major points are explaining where the funds come from, how they can be spent, and the period when the funds can be spent. There may be some additional questions, but we can address these during and after the review.

Paul asked if the JTF members had any questions or concerns about the interim guidance. Lisa Holt, Rusty Garrison, and Mike Sawyers asked some clarifying questions:

Lisa Holt asked to clarify whether or not third-parties/non-profits would be allowed to use funds to purchase shooting ranges that are for sale as a subrecipient. Lisa said yes, and Larry clarified that generally, yes, but it depends on the complexity of the individual situation. Lisa Holt also noted there is language in section N that seems to open up subjectivity in how Regions interpret this. Lisa explained that was about the administrative side. For instance, should the 90-10 grants be submitted separately? We felt it was better for States to talk to their Regions about what may work best rather than make a blanket statement. FWS staff will follow up.

Rusty Garrison asked why the implementation date was determined for FY 2020. He was concerned that States will lose the opportunity to take advantage of these monies for FY 2019. Scott explained that the primary reason was because the law passed in May 2019 and the previous year's apportionment was already finalized – the safety margins had already been established for FY 2019. This is why we aren't making the program available until Oct 1st – there was just no way to make it earlier.

Mike Sawyers asked 1) If a State partners with a third-party to fund a capital improvement and expand public access then would it be eligible for 90-10 split? Scott said yes.

2) If the State owns a WMA that was acquired with State funding (no Federal nexus) and they wish to construct a shooting range, can the State use the value of the land as match under the 90-10 scenario (as opposed to purchasing land)? Scott said yes – it is treated the same as any other WSFR grant. It goes back to the question of necessary and reasonable.

Paul explained that as far as schedule, we are committed to getting this finalized by Oct 1st. We propose giving the JTF time to review, then have all the States to review, but we do not have time to do the full Communications Protocol. It's interim guidance, so it can be tweaked in the future if we need to make changes. The approved schedule is:

- JTF comments due Aug 23
- Send to States for 2 week review due Sept 10th
- We will address comments and finalize
- Get signed and distributed by Oct 1st

Paul asked if there were any questions or concerns?

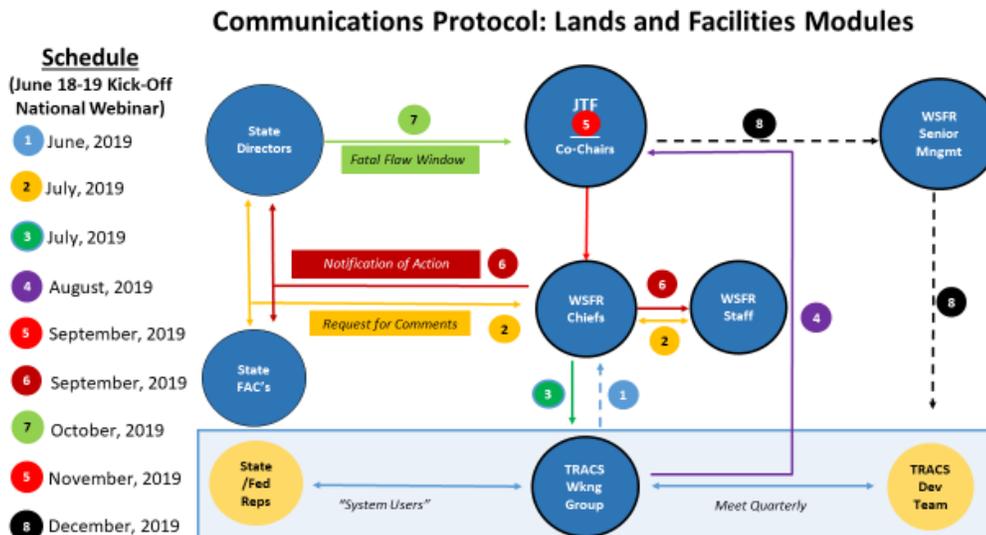
Greg asked if we are working on a set of Q&As to accompany the guidance. Colleen thought the guidance did address the questions that had been raised, but noted it is lengthy. She cautioned on trying to answer every question that arises and getting too specific, because we want to maintain flexibility. Larry agreed that we do not want to get too specific. The purpose of the guidance is to interpret the points of the statute as written. If there are points of confusion, we should clarify that, but getting into specific scenarios can be difficult. Paul agreed we could add some Q&As if we feel it's needed; we can collect comments/thoughts as we go through the process. Then we can determine if we need to bolster the interim guidance with more Q&As.

Clint suggested that explaining the expedited review and timing might be useful, and asked how long we expect the interim guidance to be in place. Paul said it will be at least a few years. Larry said the timeframe will allow us time to see what is/is not working before we do the final guidance. Paul said we will explain the expedited review, and also what interim means.

Please send any comments on the interim guidance to Lisa by COB Friday, August 23rd. Comments should focus on any big issues/fatal flaws you see that we can correct before it goes out to States.

Results of Communications Protocol Review on TRACS Lands and Facilities Module Matrices

Tim provided an update that included these slides:



Proposed Additional Facilities Fields

Water Management Structures

Boating Recreation

Recreational Boating Facilities

Picnic Tables; Shade Structures

Education Centers

Wildlife Education

Fish Hatcheries

Residences /buildings

Water wells (wildlife/recreation, domestic, irrigation)

Fish rearing facilities (raceways, tanks, etc.)

Recreational Wildlife Facilities

Residences /buildings

Water wells (wildlife/recreation, domestic, irrigation)

Bridges

Kiosks

Fencing/Gates

Recreational Fishing Facilities

Water wells (wildlife/recreation, domestic, irrigation)

Bridges

Kiosks

Fencing/Gates

Shooting Ranges

Buildings

Water wells (wildlife/recreation, domestic, irrigation)

Fencing/Gates

Restrooms

Parking

Benches

Shelters

Roads

Trails

Camping

Disposition Instructions

Dispose of facility entirely (past useful life)

General

Add "Other" to dropdowns, plus text box for add'l info.

Mark Required vs Optional fields.

Issues needing final resolution

- Is a pump-out boat equipment or a facility?
- Is Fencing/Gates in or out?

National webinars held June 18/19

Over 120 participants

11 States/1 Region Commented

Arizona

California

Indiana

Kentucky

Maine

Massachusetts

Minnesota

Nevada

Northeast Region Staff

Oklahoma

Pennsylvania

West Virginia

Quotes:

"Collaboration like this is a great example of the State-Federal partnership upon which WSFR has been built."

"...the proposed TRACS module stands to make the required reporting more efficient and less burdensome on state agencies..."

"Our primary request is that FWS keep in mind that... state agencies are working with other federal funding programs in which these regulations also apply."

"At best, the new modules are perceived to create additional administrative burden without resulting in improved fish and wildlife management."

"It is difficult to assess the additional burden this will impose on the States without knowing the date from which WSFR will require lands, facilities and capital improvements will be entered into the new Lands and Facilities Modules"

"Assurance of TRACS longevity will be important to States to invest resources in entering and tracking data as proposed"

Lands and Facilities Matrices Review under Communications Protocol

Conclusions:

- Generally, States very supportive of effort to approve TRACS as alternative to FAIR Rule requirements;
- States request to revisit plan for these modules if they are not approved as alternatives to SF-429 form;
- States request that WSFR promote TRACS Real Property modules as alternative for other federal programs;
- Concern around Legacy projects - Need to be specific about what records will be required to be entered;
- Need for additional guidance - Several questions seeking clarification on where certain info would go;
- Several requests to add certain facilities types;
- Need to see the Final published FAIR Rule.

Action:

- Conditional approval of the Matrices, pending publication of Final FAIR Rule;
- Status and Update at December JTF meeting in Montana.

Tim asked if there were any comments or questions. Lane asked when we expect the Final FAIR regulation to be published - before Fall JTF meeting? Tim said it was supposed to be published in mid-July, so it should be out by then. We can't say for certain though.

50 CFR 80

Paul mentioned we did get approval to publish the 50 CFR 80 Final Rule. It is headed to the Federal Register today, and will take a week or so to get published. We will send out some preliminary information so folks know what is coming, and answer some questions. We will have license certifications out shortly. It has been a two-year process, and we greatly appreciate your patience.

Next JTF Meeting

Bob said the next meeting will be Dec 3-4 (with Dec 2 as a travel day) in Bozeman, MT. We are working on getting hotel bids right now. We plan to meet a full day on the 3rd and at least a ½ day on the 4th. Christina will send a "save the date" email soon.