

**Joint Federal/State Task Force on Federal Assistance Policy
February 11-12, 2009**

**Omni Shoreham Hotel
2500 Calvert Street, NW, at Connecticut Ave, NW
Washington, DC 20008**

Metro's Red Line: Woodley Park-Zoo/Adams Morgan Station

Hotel: 202-234-0700

Group Name: Joint Federal/State Task Force on Federal Assistance Policy (JTF)
 Meeting Title: 20th Meeting of the Joint Task Force
 Meeting Days/Dates: Wednesday and Thursday, Feb 11 and 12, 2009
 Travel Days/Dates: Tuesday Feb. 10 and Thursday/Friday, Feb. 12/13, 2009
 Start and End Times: 8 a.m. Wednesday, Feb. 11, 2008 – Noon Thursday, Feb. 12, 2009
 Meeting Contact: Tom Barnes at 703-358-1815
 JTF Co-Chairs: Glen Salmon (IN) and Hannibal Bolton (USFWS)
 JTF Staff: Christina Zarrella, AFWA, Multistate Conservation Grants Coordinator

AGENDA

Wednesday

8:00 am

- **Cochairs' welcome and review of agenda** – Hannibal Bolton and Glen Salmon

One item was added to the agenda: 2011 National Survey. The JTF discussed sending acknowledgements of appreciation to former members including: Gerry Barnhardt, Rowan Gould and Tom Niebauer.

- **Review of action items from JTF's August 2008 meeting in Albuquerque** – Tom Barnes

See page 3 of the meeting packet for the full list of Action Items.

- Item 8: The issue of the SWG audit/management review will be discussed at the upcoming Fish and Wildlife Trust Funds Committee meeting in March.

- Item 9: Glen will report to Dave Schad at the upcoming North American Wildlife and Natural Resources Conference in March on the carbon sequestration issue.

- Item 12: Steve reported on SFR account projection data that has been developed in relation to the Wallop-Breaux reauthorization. There is a difference of opinion within the Angler and Boating Alliance, a partnership developed to work on the reauthorization request, as to what affect the recession will have on the excise taxes. Steve's forecast is an attempt to project what might be experienced. For fishing equipment, he examined every recession since 1950 along with the excise tax receipts. None of the past history would suggest a decline as steep as 15-20% in excise tax receipts.

Additionally, Steve examined the gas tax receipts. Using the numbered vessels (different than number registered) it was impossible to develop a correlation to gas receipts. The number of vessels has declined between 2000-2004 but the fuel tax receipts went up. He generated a trend line to project the forecast, which does show a potential downturn in 2009, 2010 and 2011 followed by a recovery. Glen, Lisa and Ron thanked Steve for his efforts in helping states understand these important projections and the excise tax formulas.

- **Update on Wallop/Breaux reauthorization** – Glen Salmon and Hannibal Bolton

Glen provided some background information on this topic and passed around some additional materials including the consensus document and the list of proposals being considered for inclusion in the reauthorization. Ron Regan, AFWA's Resources Director, explained that a consensus document was approved at the Association's Business Meeting in September. Since then the Angler and Boating Alliance, a group of stakeholders, has been engaged in ongoing discussions. Ron explained that the Alliance is developing a legislative strategy and plans to have its work done by March 1st. It appears the House of Representatives will begin their work on the reauthorization in late April or early May. Due to the current economic problems, this may not be a reauthorization but an authorization of the trust fund.

Steve explained that there is also a Congressional research paper that has been drafted. This paper goes directly to Congressional staff. The paper poses a question: If the gas tax was doubled, what would states do with the extra money? This report is also a good summary of the Sport Fish and Boating Trust Fund. Matt Hogan, Executive Director of AFWA, explained that the Congressional Research Service researches issues at the request of Congressmen. He noted that this document could have a lot of impact and emphasized that it is important that this document accurately reflect our community.

- **Status of the WSFR Administrative Review** – Glen Salmon

Glen – Dale offered to be transparent and that is where this started.

See the handout distributed.

Hannibal explained that this report was to show how USFWS is spending PR/DJ funds and what activities are supported. It was discussed at the ATA meeting. The fixed amount of funding does not provide full delivery of the program. USFWS examined what it would take to get to capacity as described in the Improvement Act of 2000. The amount of appropriated funding needs to be above 1.6%, maybe at 2%. It needs to be higher than the CPI (Consumer Price Index.)

Steve explained the core functions of the program and how the final dollar amount was determined. He explained that USFWS is currently meeting the budget allotment by having staff vacancies in the program. This report assumes no vacancies and determines the full cost to administer the program. Also consider that additional core functions have been added throughout the years. To implement the program 129 FTEs are required (120 were included in the ACT.) This includes 3 FTEs for the USFWS to administer the National Survey of Hunting Fishing and Wildlife-Associated Recreation; currently these positions are funded under a grant from the Multistate Conservation Grant Program. Currently positions are remaining vacant in order to meet our budget needs. This is our opportunity to reset the budget and move forward.

Some JTF members thought this level of analysis was fine, while others wanted to see more details. Kelly commented that states need more details to be able to explain to their legislators that this level of funding is justified, especially in this challenging economic environment. Lisa thought states should be included in the process and asked what services they want from the program. Other programs should also be included in the analysis: SWG, CVA, section 6 and 7 or how much time is being spent on those programs relative to PR/DJ. John Frampton agreed that the source of the funds needed to be respected and that it is the JTF's responsibility to examine how the program is administered. He emphasized that it is not necessary to micromanage the program, but noted that states are also struggling financially and have to do more work with less staff. Lisa said it would also be helpful for states to know what services they are not getting due to the budget issues. Larry agreed that why the program is suffering due to the lack of funding must be identified and highlighted. Gary said that the Federal Aid Coordinators Working Group also asks the same kinds of questions about administrative costs and services. Glen suggested a small working group discuss this topic and how the needs of today are different then those of fifty or sixty years ago.

A small working group was organized on this topic that included:
Hannibal, John Organ, Lisa, Ken, Mike, Gary, Joyce

- **2011 National Survey of Fishing, Hunting and Wildlife-Associated Recreation**

John Frampton explained the concern about using PR/DJ dollars to fund portions of the survey that are not related to fishing and hunting. While the questions related to wildlife-watching are important, the funds for that portion should come from somewhere other than PR/DJ. He also suggested that the costs of the survey be re-examined along with the needs of state agencies. He was concerned that the data from the survey is often not current because it is only conducted every five years.

Ron Regan, AFWA's Resources Director, explained that a National Survey Working Group (NSWG) was assembled and it has technical state representation. Their work was the result of a charge by the Executive Committee to examine ways to reduce the cost of the National Survey by as much as 40% and maintain comparability. The questions being discussed also arose in their meetings but this was not the purpose of the working group. See the reports included in your meeting packet. When the NSWG surveyed the states, the results indicated that states found the information relevant, important and wanted continued access to this information.

Glen noted that there is a concern about funding a portion of the National Survey with PR/DJ dollars and said that the JTF would address this issue if AFWA's Executive Committee makes the request.

- **50 CFR 80: proposed comprehensive revision to address issues raised during 2008 rulemaking** – Tom Barnes

Tom explained this regulation provides authority for PR/DJ grants and protects state license revenues. See pages 24-58 of the meeting packet for the original text and also the working draft with proposed changes. The draft will have much more input before it would become a rule. A previous revision had highlighted additional issues that need to be addressed.

Tom identified and reviewed the main policy issues. A small group was organized to discuss the proposed changes in more detail and included:

Glen, Carol, Kelly, Tom, Robyn, Keith, Steve, Larry

Noon

- **Break for lunch**

Afternoon

- **Conservation Heritage Measures** – Christy Kuczak

Glen provided some background information on the Conservation Heritage Measures, which were developed in response to OMB's request for evaluation measures. Christy explained that the document is currently being reviewed by OMB and that only minor revisions are anticipated. Hannibal said that the initial feedback was positive but that given the change of administration it may take some time for the review to be completed. Christy said that USFWS has started working with FAIMS in order to obtain the measures for 2010. She expected that in autumn USFWS would begin the dialogue with states about getting the required information through their grants accomplishment reporting. She reminded the JTF that the measures are adaptable and if this set of measures does not work we can develop a suite of measures that does. The next step is to wait for feedback from OMB. Glen commented that some partners might think these are the only things states do, and we need to ensure the purpose of these measures are communicated. Christy emphasized that the Service will also be collecting additional data and these are the measures for the GPRA reporting process.

- **Update on revision of WSFR's Service Manual chapters – Tom Barnes**

Tom explained the background information of this topic and referred JTF members to page 66 in the meeting packets. Manual Chapters should be reviewed for revision every 5 years. 17 have been revised and 10 of those were at the recommendation of JTF. Some are as old as 15-17 years. There are also 9 handbooks but only 6 are official. We are reassessing the needs for these handbooks. There are also regulations that are being revised and updated. We have 23 teams that have been assigned to work on these. We do have a process in place for the revisions. When the team has a draft it comes to the DC office and it is put it on ThinkTank for comment. Joyce said that JTF will also be given notification of the revisions. She said they are trying to get all the chapters completed by late summer for the JTF and also for state review. Lisa noted that this effort is a lot of work but very necessary and important. Glen said that this effort has been discussed for a long time and commented that it was great to see so much progress being made.

- **Should the 10-percent limit on educational activities in SWG be applied at the grant level or project level? – Lisa Evans**

Lisa sent an issue paper to the JTF prior to the meeting. The question is whether the 10% limit is at the project level or the grant level? There are two schools of thought: Opinion 1: The 10% restriction for educational activities in SWG grants containing multiple and non-related projects should be applied and accounted for at the grant level, consistent with the Wildlife and Sport Fish Restoration programs. Opinion 2: The 10% restriction for educational activities in SWG grants containing multiple and non-related projects should be applied and accounted for at the project level. She suggested the JTF make a decision and provide that information to the regions for consistent administration.

The JTF engaged in a discussion on this issue and determined that the 10-percent restriction is applied at the grant approval stage and must be consistent with the intent of Congress that education be a minor and critical aspect of meeting the project's objectives. There is no requirement for states to account for SWG educational activities in their performance reporting or financial status reporting.

- **Provisions or circumstances that would allow federal funds to be used as grant match – when do funds received from a federal agency become state funds? – Keith Sexson**

Keith provided a handout for background information and asked where the 50% cap rule is derived. John Organ explained that in the case being discussed, the USFWS funds should not have been considered federal. The 50% refers specifically to Federal grant programs, not just federal funds. There is also a need to consider some instances funds go to the state they may become state funds. John Frampton noted that it also depends on how the grant was written. He also suggested that the grant agreement could be amended if an error occurred. Joyce and Hannibal will discuss the specific situation with Region 6.

Keith asked if there are any instances where federal funds can be used as match with SWG. It seems very few. When does federal money become state money? John Frampton suggested that if the money comes to the state through a grant the funds are federal, and if the money comes through a contract it is not federal. John Organ said that it also depends on the regulations and grants conditions. Glen suggested a small group look at this issue between now and the next JTF meeting to clarify it for consistency.

The small group included:

Carol, Larry, Robyn, Keith

- **The ‘50% Cap Rule’ – federal funds from all sources, including grant reimbursement, cannot exceed 50% of the total cost of the grant. Is this a rule and does it apply to PR, DJ and SWG? – Keith Sexson**

See the above discussion.

- **Letters related to diversions – Glen Salmon**

Glen provided some background information on this issue. There has been pressure on State Directors to take land that was bought with PR dollars and exchange it for other lands. The regulations permit an exchange of land but it must be “no longer needed or useful.” We need to make sure there is consistency. John Organ agreed that this was an important issue and disposal of land should be the last option. The state makes the case for an exchange of lands but the decision is made by the regional director. Robyn also thought this issue was important and may become more so in regard to climate change.

The JTF members discussed the issue and noted that it would be helpful to collect all of the letters related to diversions. This could be a “lessons learned” document that every state fish and wildlife director could use as a tool. There could be four categories of letters: lands diversions (land use change), legislative loss of control of funds, loss of control of assets, and examples of declared diversions. When the call for these letters is distributed, a request for additional “lessons learned” during the process could also be requested. The land chapters of the federal manual can also provide guidance. Glen suggested that Carol and Larry work on a definition of “diversion.” A small group including Carol, Larry, Ken, John Organ and Steve will look into the legalities of this issue and how non-compliance should be addressed.

- **Clarification of ‘Outreach’ activities – Glen Salmon and Hannibal Bolton**

Glen explained that the Improvement Act of 2000 limited outreach activities. However, the importance of outreach is growing as the user groups that pay the excise taxes are getting smaller, along with the current pressures due to the economy. Ken suggested that it is necessary to develop strategies, expertise and materials to help all states improve their outreach activities. Lisa emphasized that it is important to do this on a national level. Although states have some flexibility to conduct outreach, it is not being done on the national/AFWA level. Kelly agreed that states have funds that could be contributed to outreach efforts.

Joyce explained that the legislative language does not allow USFWS to perform outreach or education activities. John Organ suggested that there has been inconsistent messaging: the Service is told that cannot engage in outreach but then is requested to provide information. He said that a statement from the JTF clearly identifying outreach as part of administration of the WSFR program and then putting sideboards on it is needed. The role of the Service needs to be clarified. John Frampton suggested that because outreach is an integral component of maintaining the program it is a part of all twelve of the approved activities. Ken suggested this be discussed in the small group meeting about the administration of the programs, as outreach could be identified as a state need.

Glen explained that there is a group working on a national outreach initiative as part of the Industry Summit Steering Committee efforts. More funding is necessary to take this initiative to the next level. Lisa suggested this topic be added to the committee agendas for Fish & Wildlife trust funds, Hunting and Shooting Sports, Angler and Boating Participation and Education/Outreach/Diversity. Then a business plan could be drafted to generate ideas for funding it. Glen suggested Lisa draft language that would be sent to Mitch and the committee chairs.

- **Next JTF Meeting Dates** – Glen Salmon and Hannibal Bolton

The week of August 10th in Maine

5:00 PM (or later) - Meeting adjourned for the day

Thursday

8:00 am

- **Continue Topic Discussions** (if necessary)
- **Assign small working groups** – Hannibal Bolton and Glen Salmon

There are two small working groups:

- A) WSFR Administrative Review - Hannibal, John Organ, Lisa, Ken, Mike, Gary, Joyce
 B) 50 CFR 80 - Glen, Carol, Kelly, Tom, Robyn, Keith, Steve, Larry

- **Small working groups** - Time for small working groups to meet (as necessary)
- **Large group** - Interim reports of small groups to large group and continued work by the small groups; review small group recommendations; make changes; finalize products.

WSFR Administrative Review

(Hannibal, John Organ, Lisa, Ken, Mike, Gary, Joyce)

Purpose of Discussion: Provide a summary of the functions and activities of the USFWS-Wildlife and Sport Fish Restoration Program (WSFR) that are needed for effective and efficient administrative oversight of the program. According to WSFR, administrative functions have increased since 2000. This discussion is to assist WSFR and JTF in making an informed decision regarding any proposed increases to designated administrative funds deriving from those programs from necessary federal administrative functions and level of service needed by states.

Issue: The Federal Aid Improvement Act of 2000 capped USFWS administrative funds and allowed for an annual adjustment based on the Consumer Price Index (CPI). Since 2003, CPI has increased an average of 3.2% while the WSFR personnel costs have increased at an annual average of 4.2%. After a review in 2000, Congress approved about 120 Full Time Equivalent (FTE) positions for WSFR to administer the program. However, since that time the WSFR has been able to fund only 104.5 FTEs with the amount available to them. With the continued increase in personnel costs, further FTE reductions could occur.

The WSFR proposed to change the method of calculating administrative funds to a percent of total receipt revenue which would be: Sport Fish Restoration at 2% and Wildlife Restoration at 4% during the reauthorization process of each respective Act. This met with some resistance and the JTF determined that more information was needed to make an informed decision and reach a consensus position.

Expectations of WSFR based on program administration charge:

- Highly qualified and competent professional staff that has biological and fiscal training/staff development opportunities.
- Provide technical assistance in a facilitative (rather than regulatory) manner to efficiently and effectively develop and administer grants that are biologically and fiscally substantial and eligible.
- Timely grant approval.
- Proactive and informal compliance reviews (indirect cost proposals, license certification process, safety margins, project site visits, asset control, etc.). Desired outcome is that there are no surprises during audits and other monitoring exercises.
- Regional delivery of training pertinent to grant development and implementation as requested by state partners.
- Timely performance data collection and compilation that will result in consistent communication tools and program status reports for stakeholders (industry, license buyers, legislators, Congress, etc.).

How the program has changed since FA Improvement Act: In 2000, the Federal Aid Division (aka WSFR) contracted the Center for Organizational Excellence to evaluate the Division's structure, capabilities, and performance of the workforce to address its major work processes (i.e., five core functions). In 2008, a WSFR team reviewed and assessed those functions in context with current conditions and work load, and determined that due to increasing demands on the division there are now ten core functions conducted by WSFR. They are:

1. Grant Administration – WSFR is responsible for the administration of two major formula grant programs, Wildlife Restoration and Sport Fish Restoration, as well as several smaller formula and competitive grant programs, including State Wildlife Grants, Boating Infrastructure, Clean Vessel Act, Coastal Wetlands Conservation, and Multistate Conservation Grants. General activities include: 1) guidance to States for developing grant proposals; 2) review of grant proposals for eligibility, substantiality in character and design; 3) approval of grants and obligation of funds; 4) monitoring grant progress and compliance with applicable laws and regulations; 5) ensuring that expenditures are consistent with federal laws and regulations; and 6) entering accomplishment data into Federal Assistance Information Management System (FAIMS.)

2. Audit Support and Resolution - In 1992, the Department of the Interior's Office of the Inspector General's audit of WSFR found that under the Single Audit Act of 1984, WSFR was not receiving substantial audit coverage due to the program's small dollar amount. In 1996, the Defense Contract Audit Agency was contracted to audit State programs once every five years but was later replaced by the Office of Inspector General. Activities of this function include: 1) developing audit scope; 2) oversight of the audit process; and 3) approving audit resolutions.

3. Policy Development and Deployment – WSFR administers grant programs through eight regional offices and a central national office. While grant administration is primarily conducted by the regional offices, policies are developed and approved through coordination by the national office of WSFR with the regions, other federal offices, both inside and outside the Service, and stakeholders.

4. State Capacity Development – In an effort to sustain an effective national program, WSFR provides support to maintain and improve the ability of States to: 1) develop grant proposals; 2) conduct grant activities in compliance with federal laws and regulations; and 3) administer grant programs. WSFR developed a grants training program to supplement a mentoring process of developing State capacity for conducting grantee responsibilities. This program ensures a consistent delivery of training to State participants in grants and grant program administration. WSFR also provides a consultative role to State administrators in order to resolve issues related to administration of grant programs.

5. Grant Administration Infrastructure – Processes that support the ability of WSFR to administer its grant programs include: 1) general administration; 2) investment management; 3) budget development and implementation; 4) formulation and distribution of apportionments; 5) FAIMS development and support; 6) national survey of fishing, hunting, and wildlife associated recreation.

6. Fish and Wildlife Service (FWS) Capacity Development and Functional Support – WSFR provides expertise to improve the financial assistance capacity of the FWS, as a whole. Activities include participating in FACT and assisting grant administrators in other Service divisions.

7. Communications with Stakeholders and Citizens – WSFR provides information to stakeholders and citizens to address various issues related to the grant programs. Activities include responding to requests from industry for information, addressing use of lands purchased with grant funds for other purposes that result with loss of control such as for field trials and prisons, participation on the Joint Task Force in developing policies related to the grant programs and reviewing draft policies, providing information about grant programs that affect public and private support, and responding to data calls from congressional staff and administration.

8. Program Development, Performance Measurement and Workforce Planning – WSFR participates in management tasks that are broader than can be identified through Activity Based Costs (ABC) coding. These efforts include developing goals for Government Performance Results Act (GPRA), responding to Program Assessment Rating Tool (PART) reviews, and conducting workforce planning. In addition, WSFR responds to and develops corrective measures to findings in audits of the federal program in regional and national offices.

9. Monitor Program Eligibility – During recent years, a number of changes have caused WSFR to increase monitoring of State programs to ensure they remain eligible for participation in the grant programs. Those changes include: 1) number and complexity of grant programs; 2) increased complexity of compliance issues such as section 7, Endangered Species Act (ESA), National Environmental Policy Act (NEPA), National Historic Preservation Act (NHPA), Animal Welfare Act; 3) increased complexity of policy issues related to lands and other issues; 4) increased scrutiny of WSFR by Congress and Department of Interior administration; and 5) weaknesses discovered during program audits of States' use and administration of WSFR grant funds. Specific areas which have required increased monitoring include status of assent legislation, license certification, use of lands purchased with grant funds, and issues related to potential diversion of license monies.

10. Litigation-related Requests – In April 2000, the WSFR Program lost a lawsuit regarding lack of compliance with the Endangered Species Act (ESA) when WSFR approved grants. Since that time, Regional WSFRP staff has worked to improve grant compliance. As a consequence, WSFR is under increased scrutiny to ensure grant activities do not have adverse impacts on listed species. This also means increased public inquiries on the activities we fund and inquiries about compliance, as well as Freedom of Information Act (FOIA) requests. WSFR is also indirectly involved in lawsuit issues related to eligible activities we fund. For example, in California there was a lawsuit against the Environmental Protection Agency (EPA) and their failure to consider listed species in their labeling and registration of pesticides. The court issued an injunction against use of these pesticides, which our State partners can and must use to manage their Wildlife Areas, without consultation with the Service. Use of these pesticides are eligible and necessary activities under our grant programs, so we must work to comply with the ESA when the State requests funding for these eligible activities. In addition, our State partners are also being engaged in lawsuits related to their grant funded activities, which requires additional work on WSFR staff. For example, the California Department of Fish and Game recently lost a lawsuit regarding the effects their statewide fish hatchery and stocking operations have on rare species; these activities are funded by SFR grants.

Specific factors contributing to the increased workload include:

- Administration of new, more complex and/or increased grant programs (SWG—Competitive and apportioned, Boating Infrastructure Grants (BIG), Clean Vessel Act (CVA), Coastal Wetlands) without adequate administrative funding.

- Increased workload and significant cost relative audit coordination.
- New federal administrative and operational requirements—GPRA, IT Security measures
- Personnel costs have outpaced the original formula in the FA Improvement Act and there is not enough money to sufficiently fund the WSFR personnel program at its recommended level of 120 FTEs.

Recommendation to JTF:

The small group concurs with the need for the WSFR program to provide the expanded 10 core administrative functions listed above. The following areas are of particular concern to state grantees:

- 1) Expanded coordination and discussion with grantees prior to submission of grant documents. There is a need for grant managers to be conversant with individual state-specific situations and to provide guidance and advice prior to submission of the states' application for federal assistance.
- 2) Regular opportunities for field reviews and site monitoring.
- 3) Timely response to inquiries related to diversion, license certification and other state issues.
- 4) Updated and consistent policies and regulations. Sufficient coordination of regulations and policies (Manual Chapters) with affected grantees.
- 5) Relevant topics and types of training opportunities for federal and state staffs.
- 6) Program and accomplishment information suitable for distribution to interested publics from a national program standpoint.

50 CFR 80

(Glen, Carol, Kelly, Tom, Robyn, Keith, Steve, Larry)

The JTF discussed the following sections of 50 CFR 80. The page numbers correspond to the numbers in the meeting packet.

- p.28 80.4 (2) – OK as is.
- p.28 (f) (1) – This addresses an area that was silent before. How do we establish market value? Two contexts: remedies and deterrence. Additional information will be provided in a preamble and explain the intent.
- p.29 (2) (iii) – striking “fair” before market value. This addresses loss of control. It must be approved by regional director and there must be a state-wide search for replacement land. OK as is, but it will require some additional language in the preamble.
- p.30 80.5 (b) (4) – OK as is but edit first sentence and correct typographical error.
- p.30 80.5 (b) (5) – OK as is.
- p.30 80.5 (b) (6) (i) – OK as is.
- p.30 80.5 (b) (6) (iii) –This is here to generate comments.
- p.31 80.5 (c) –OK as is.
- p.33 80.8 (b) (2) (i) – some additions to current regulations. Must include the word “fuel”.
- p.36 80.12 (b) – OK as is.
- p.38 80.14 (b) – The treatment of DC is legally correct. OK as is.
- p.38 80.14 (c) – This section will be deleted.
- p.41 80.21 (b) - DJ requires title vesting and PR does not. It makes for a simpler program if it is applied to both programs. What about holding a non-possessory interest jointly? DJ does not apply to a non-possessory interest. Change “cannot hold” to “may”.

- p.43 80.26 (a) (1) – also in DJ and will be extended to PR. Current regulations in DJ do not allow payment of interest, but the Federal Cost Principles do in some cases. We will allow it but highlight the conditions in which they will be applied.
- p.46 80.31 – This section will be deleted

The proposed revisions to 50 CFR 80 are a Service-led effort that will include soliciting regional office, state agency and public comments. JTF members will have additional opportunities to review 50 CFR 80, including at the August JTF meeting.

- **Finalize unfinished business**

Glen thanked Joyce for selecting an excellent location and organizing a productive meeting.

Noon - Meeting adjourned

Action Items:

Christina:

- Add SWG audit/management review to TFC agenda in March
- Add diversions to the TFC agenda in March
- Add Mitch and the Industry Summit Steering Committee outreach initiative to the TFC agenda in March.
- Add 2011 NS discussion to NGC agenda in March
- Add discussion of 50 CFR 80 at TFC Meeting in September

Gary:

- Add discussion of 50 CFR 80 at the Federal Aid Coordinators Working Group Meeting

John Organ:

- Will discuss the 10% limit on educational activities with SWG with the federal chiefs during a conference call.
- Will discuss the situations where federal funds can be used as match with the federal chiefs during a conference call.

Joyce and Hannibal:

- Will discuss the non-federal match issue and the SWH situation with Kansas with Region 6.

Joyce:

- Will provide diversion letters to the JTF Co-chairs for a “lessons learned” document for state fish and wildlife directors.
- Send letters/plaques of appreciation to Rowan, Tom and Gerry.

Lisa:

- Will draft language regarding outreach activities to be sent to Glen and then distributed to Mitch King and committee chairs. Kelly, Ken and Joyce will assist.

Small Group: Carol, Larry, Robyn, Keith

- Will examine when federal funds can be used as a match.
- Carol and Larry will also develop a definition of “diversion”.

Small Group: Carol, Larry, Ken, John Organ and Steve

- Will look into the legality issues of diversions and how non-compliance should be addressed.