



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Washington, D.C. 20240



In Reply Refer To:
FWS/AWSR/052199

JUL 31 2012

To: State Fish and Wildlife Agencies
Secretary, Department of Natural Resources of the Commonwealth of Puerto Rico
Governor of Guam
Governor of the U. S. Virgin Islands
Governor of American Samoa
Governor of the Commonwealth of the Northern Mariana Islands
Mayor of the District of Columbia

The U.S. Fish and Wildlife Service (Service) requests your annual hunting and fishing license certifications so that you may continue to take part in the Wildlife and Sport Fish Restoration Programs (WSFR) under the Dingell-Johnson Sport Fish Restoration Act and the Pittman-Robertson Wildlife Restoration Act. To take part in WSFR, fish and wildlife agencies must annually certify the number of paid hunting license holders and paid fishing license holders. We use this information to calculate final apportionments for all participants in WSFR for Fiscal Year 2013.

Please certify the number of paid license holders in your State no later than August 31, 2012, by using the electronic submission process described in **Electronic Submission Process** or by completing and sending in the enclosed Form 3-154a (Part I - Certification). Your license certification year may be either your fiscal year or your license year, but it must end between October 1, 2010 and September 30, 2011. You can get additional information on certifying the number of paid license holders from Title 50 of the Code of Federal Regulations, Part 80, Subpart D, as published in the Federal Register on August 1, 2011 (copy enclosed).

We also collect information on paid and nonpaid licenses issued and costs of these to hunters and anglers. We post this information on our Web site and use it in news releases and to answer requests from Congressional offices, State agencies, conservation organizations, outdoor writers, and others. You may use the electronic submission process or complete and send in the enclosed Form 3-154b (Part II - Summary of Hunting and Sport Fishing Licenses Issued) to provide this information. Please note, when completing the Form 3-154b you must report all paid and nonpaid hunting and sport fishing licenses, tags, stamps, and permits, as well as costs to the purchaser. Because Form 3-154b includes all licenses sold, the information on this form may not match the number of license holders shown on Form 3-154a.

Electronic Submission Process:

You may electronically certify your license information through the Federal Assistance Information Management System (iFAIMS) Web site (<http://faims.fws.gov>). To use this system you must have an iFAIMS Internet login account. Your Federal Assistance Coordinator(s) should have already established an account. If you do not have an account or if you have questions about the iFAIMS Web site, please contact your Regional WSFR office. With a valid login, you can access license certification by selecting the License Certification tab, and clicking on the link to enter the application. We prefer that you submit your license certification information electronically to provide greater efficiencies and effectiveness in the apportionment process.

Manual Process:

If you are unable to access or choose not to use the electronic certification process, you can send two hard copies of each completed form (3-154a and 3-154b). One copy of each form must be sent to the Chief, Division of Administration and Information Management, 4401 N. Fairfax Drive, FA, Mail Stop: WSFR 4020, Arlington, Virginia 22203. One copy of each form must be sent to your U.S. Fish and Wildlife Service Regional Office to the attention of the Chief, Division of Wildlife and Sport Fish Restoration. All reports, electronic and paper, are due by August 31, 2012.

Special Instructions:

On August 1, 2011 the Service published new regulations to modify and clarify license certification requirements. We have included with this letter a copy of Title 50 of the Code of Federal Regulations, Part 80, Subpart D—Certification of License Holders; and we have included a guidance for implementing the new requirements. Please review them both closely.

We appreciate your attention to this matter. If you have any questions or concerns, please contact, Mr. Hannibal Bolton, Assistant Director, Wildlife and Sport Fish Restoration, at (202) 208-7337, or contact Mr. Steve Barton, Chief, Division of Administration and Information Management, at (703)358-2156.

Sincerely,



DIRECTOR

Enclosures

U.S. Fish and Wildlife Service

Guidance for Implementing the New Requirements of

50 CFR Subpart D—Certification of License Holders

On August 1, 2011, the U.S. Fish and Wildlife Service published a revision of 50 CFR Part 80. The revision made significant changes to the regulation. This included changes to the license certification process. This guidance will help you understand and apply the new rules.

The location of the license certification rules have changed from 50 CFR § 80.10. The rules are now located in 50 CFR 80 Subpart D—Certification of License Holders. The new location as well as the new question and answer with tables were meant to make the rules easier to read and understand.

Section 80.30 begins with an explanation of why an agency must certify the number of paid license holders. Section 80.31 explains how an agency certifies the number of paid license holders. New wording says that the State *certifies the number of paid license holders by responding to the Director's annual request*. This section also goes on to clarify that if a State uses statistical sampling to eliminate duplicate license holders, then the statistical sample must be done:

- every 5 years; or
- after any change in the licensing system that could affect the license count.

It also requires the State to provide documentation to support the accuracy of this information at the Director's request.

Section 80.32 defines the certification period. This definition had no significant changes.

Section 80.33 details whom to count as paid license holders in the annual certification. We have added a table to this section to help you determine which license holders to count. A license holder may only be counted in one certification year if the license is good for less than two years. You count that license holder either as a hunting license holder or as a fishing license holder as appropriate. A combination license holder may be counted as both a hunting license holder and a fishing license holder. This section also defines both single year and multiyear licenses. A single year license is one that is good for less than two years and a multiyear license is good for two years or more. Additionally, a hunting license or fishing license must each make at least \$1.00 of net revenue each year you will count them. Combination licenses must make at least \$2.00 of net revenue each year you will count them. You can count single year licenses only in the year that they become valid. You can count multiyear licenses every year they are valid. All licenses must be issued to an individual for you to be allowed to count them. We have included with the new rules guidance on calculating net revenue in § 80.34.

There are new rules that apply additional requirements to multiyear licenses. These rules are outlined in § 80.35. This section says that each multiyear license must earn net revenue that is in close approximation to the net revenue received for a single-year license providing similar privileges in addition to the minimum net revenue requirement § 80.33 . This revenue must be calculated:

- Each year the license is valid, or
- When the license is sold as if it were a single-payment annuity.

A single-payment annuity is an investment of the license fee that results in you receiving at least net revenue that closely approximates net revenue received for a single-year license providing similar privileges for each year the license is valid. There are several free single-payment immediate annuity calculators available on the Internet. The following is one that you may use to help in your review of a multi-year license program: <http://www.freeannuityrates.com/annuities/calculators/immediate-annuity-calculator.php>. The rules define the valid period for a multiyear license as the stated length of time that the license is good for a license with a specified ending date, or the period in which the license holder is alive for life time licenses. The rule also says that you must get the Director's approval the way you decide how many multiyear-license holders remain alive. Some examples are statistical sampling, life-expectancy tables, and mortality tables.

So, to recap the requirements in § 80.35, if you want to count a multiyear license holder in your certification it must meet these criteria. For a license good for a specific number of years:

1. The license must earn at least an amount that is in close approximation to the net revenue received for a single-year license providing similar privileges for each year that the license is valid (stated number of years); and
2. The license must earn at least the applicable minimum net revenue for each year that the license is valid (stated number of years); and
3. Net revenue must be calculated either annually or at the time of sale as single-payment annuity.

For a lifetime license:

1. The license must earn at least an amount that is in **close approximation** to the net revenue received for a single-year license providing similar privileges for each year that the license is valid (license holder is still alive); and
2. The license must earn at least the applicable minimum net revenue for each year that the license is valid (license holder is still alive); and
3. Net revenue must be calculated either annually or at the time of sale as single-payment annuity.

Another new rule is that you can now count license holders in the annual certification if the licenses were provided free of charge to an individual (§ 80.36). You can only count these license holders if you receive funds from the State to cover their license fees. These funds must meet these criteria.

1. They must come from a source other than hunting and fishing license revenue.
2. You must identify the funds to cover license fees separately from other funds provided to the agency.
3. You must receive at least the average amount of State-provided discretionary funds that you received for the past five fiscal years.
4. The funds must be at least equal to the fees charged for the single-year license providing similar privileges or have Director's approve for the fee paid.

5. These funds are license revenue and must be accounted for as such.

Additionally, for you to be allowed to count these licenses, must issue each license to an individual and be able to trace the license to that individual. All other requirements of Subpart D also apply to these licenses

The final three sections deal with correcting errors and adjusting apportionments. These sections outline the requirements for what you must do if you discover an error in your certified license data (§ 80.37); when the Service might recalculate an apportionment (§ 80.38); and what the Service does when we discover an error (§ 80.39).



UNITED STATES
DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service
Wildlife and Sport Fish Restoration Program



PART I - CERTIFICATION

A. Hunting License Holders

I certify that _____ had
(enter name of State, territory, or District of Columbia)
_____ paid hunting license holders during the license year ending
(enter total number)
_____. I certify this information as per the Federal Aid in Wildlife
(mm/dd/yyyy)
Restoration Act, as amended (50 Stat. 917; 16 U.S.C. Sec. 669 et seq.), and the
regulations of the Secretary of the Interior.

B. Sport Fishing License Holders

I certify that _____ had
(enter name of State, territory, or District of Columbia)
_____ paid fishing license holders during the license year ending
(enter total number)
_____. I certify this information as per the Federal Aid in Sport
(mm/dd/yyyy)
Fish Restoration Act, as amended (50 Stat. 917; 16 U.S.C. Sec. 777 et seq.
except 777e-1), and the regulations of the Secretary of the Interior.

(Signature)

(Date)

(Title)

We are disclosing the following according to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501) and the Privacy Act of 1974 (U.S.C. 552):

The Federal Aid In Wildlife Restoration Act (16 U.S.C. 669 et seq.) and Federal Aid In Sport Fish Restoration Act (16 U.S.C. 777 et seq. except 777e-1) authorize us to collect this information. We use this information to apportion funds using the formula in the each Act. You must complete this form to obtain benefits. See Title 50 CFR 80.10 for additional guidance. Once submitted, this form becomes public information and is not protected under the Privacy Act.

We estimate that the public reporting burden for this form averages 12 hours per response. Our estimate includes time for gathering information, and for completing, reviewing and signing the form. You may send your comments about this form to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS 222-ARLSQ, 1849 C Street, NW, Washington, DC 20240.

Federal agencies may not conduct or sponsor and you are not required to respond to an information collection unless it displays a currently valid OMB control number. The Office of Management and Budget has reviewed this information collection and assigned OMB Control No. 1018-0007.



UNITED STATES
 DEPARTMENT OF THE INTERIOR
 Fish and Wildlife Service
 Wildlife and Sport Fish Restoration Program



**PART II - SUMMARY OF HUNTING AND SPORT FISHING
 LICENSES ISSUED**

Name of State, Territory, or District of Columbia: _____
 License Year Ending (mm/dd/yyyy): _____

NOTE: Include all paid and nonpaid licenses, tags, stamps, and permits issued for hunting, both firearm and bow, and for sport or recreation fishing.

TYPE ¹	HUNTING		FISHING	
	Number ²	Cost ³	Number ²	Cost ³
Resident				
Nonresident				
Total				

1. Estimate the distribution between these two categories when a type of license is issued to both residents and nonresidents.
2. Include the number of licenses that allow a license holder to both hunt and fish in the total number in the hunting column and again in the total number in the of fishing column.
3. Enter the total cost of all licenses. Prorate the cost of combination licenses between hunting and fishing based on the respective cost of each type of license.

We are disclosing the following according to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501) and the Privacy Act of 1974 (U.S.C. 552):

The Federal Aid in Wildlife Restoration Act (16 U.S.C. 669 et seq.) and Federal Aid in Sport Fish Restoration Act (16 U.S.C. 777 et seq. except 777e-1) authorize us to collect this information. We use this information to verify the numbers that you certified for license holders. You must complete this form to obtain benefits. Once submitted, this form becomes public information and is not protected under the Privacy Act.

We estimate that the public reporting burden for this form averages 20 hours per response. Our estimate includes time for gathering information, and for completing and reviewing the form. You may send your comments about this form to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS 222-ARLSQ, 1849 C Street, NW, Washington, DC 20240.

Federal agencies may not conduct or sponsor and you are not required to respond to an information collection unless it displays a currently valid OMB control number. The Office of Management and Budget has reviewed this information collection and assigned OMB Control No. 1018-0007.

§ 80.21

(c) Income from the sale, lease, or rental of, granting rights to, or a fee for access to real or personal property acquired or constructed with license revenue.

(d) Income from the sale, lease, or rental of, granting rights to, or a fee for access to a recreational opportunity, product, or commodity derived from real or personal property acquired, managed, maintained, or produced by using license revenue.

(e) Interest, dividends, or other income earned on license revenue.

(f) Reimbursements for expenditures originally paid with license revenue.

(g) Payments received for services funded by license revenue.

§ 80.21 What if a State diverts license revenue from the control of its fish and wildlife agency?

The Director may declare a State to be in diversion if it violates the requirements of § 80.10 by diverting license revenue from the control of its fish and wildlife agency to purposes other than the agency's administration. The State is then ineligible to receive benefits under the relevant Act from the date the Director signs the declaration until the State resolves the diversion. Only the Director may declare a State to be in diversion, and only the Director may rescind the declaration.

§ 80.22 What must a State do to resolve a declaration of diversion?

The State must complete the actions in paragraphs (a) through (e) of this section to resolve a declaration of diversion. The State must use a source of funds other than license revenue to fund the replacement of license revenue.

(a) If necessary, the State must enact adequate legislative prohibitions to prevent diversions of license revenue.

(b) The State fish and wildlife agency must replace all diverted cash derived from license revenue and the interest lost up to the date of repayment. It must enter into State records the receipt of this cash and interest.

(c) The agency must receive either the revenue earned from diverted property during the period of diversion or the current market rental rate of any

50 CFR Ch. I (10-1-11 Edition)

diverted property, whichever is greater.

(d) The agency must take one of the following actions to resolve a diversion of real, personal, or intellectual property:

(1) Regain management control of the property, which must be in about the same condition as before diversion;

(2) Receive replacement property that meets the criteria in paragraph (e) of this section; or

(3) Receive a cash amount at least equal to the current market value of the diverted property only if the Director agrees that the actions described in paragraphs (d)(1) and (d)(2) of this section are impractical.

(e) To be acceptable under paragraph (d)(2) of this section:

(1) Replacement property must have both:

(i) Market value that at least equals the current market value of the diverted property; and

(ii) Fish or wildlife benefits that at least equal those of the property diverted.

(2) The Director must agree that the replacement property meets the requirements of paragraph (e)(1) of this section.

§ 80.23 Does a declaration of diversion affect a previous Federal obligation of funds?

No. Federal funds obligated before the date that the Director declares a diversion remain available for expenditure without regard to the intervening period of the State's ineligibility. See § 80.91 for when a Federal obligation occurs.

Subpart D—Certification of License Holders

§ 80.30 Why must an agency certify the number of paid license holders?

A State fish and wildlife agency must certify the number of people having paid licenses to hunt and paid licenses to fish because the Service uses these data in statutory formulas to apportion funds in the Wildlife Restoration and Sport Fish Restoration programs among the States.

§ 80.31 How does an agency certify the number of paid license holders?

(a) A State fish and wildlife agency certifies the number of paid license holders by responding to the Director's annual request for the following information:

(1) The number of people who have paid licenses to hunt in the State during the State-specified certification period (certification period); and

(2) The number of people who have paid licenses to fish in the State during the certification period.

(b) The agency director or his or her designee:

(1) Must certify the information at paragraph (a) of this section in the format that the Director specifies;

(2) Must provide documentation to support the accuracy of this information at the Director's request;

(3) Is responsible for eliminating multiple counting of the same individuals in the information that he or she certifies; and

(4) May use statistical sampling, automated record consolidation, or other techniques approved by the Director for this purpose.

(c) If an agency director uses statistical sampling to eliminate multiple counting of the same individuals, he or she must ensure that the sampling is complete by the earlier of the following:

(1) Five years after the last statistical sample; or

(2) Before completing the first certification following any change in the licensing system that could affect the number of license holders.

§ 80.32 What is the certification period?

A certification period must:

(a) Be 12 consecutive months;

(b) Correspond to the State's fiscal year or license year;

(c) Be consistent from year to year unless the Director approves a change; and

(d) End at least 1 year and no more than 2 years before the beginning of the Federal fiscal year in which the apportioned funds first become available for expenditure.

§ 80.33 How does an agency decide who to count as paid license holders in the annual certification?

(a) A State fish and wildlife agency must count only those people who have a license issued:

(1) In the license holder's name; or

(2) With a unique identifier that is traceable to the license holder, who must be verifiable in State records.

(b) An agency must follow the rules in this table in deciding how to count license holders in the annual certification:

Type of license holder	How to count each license holder
(1) A person who has either a paid hunting license or a paid sportfishing license even if the person is not required to have a paid license or is unable to hunt or fish.	Once.
(2) A person who has more than one paid hunting license because the person either voluntarily obtained them or was required to have more than one license.	Once.
(3) A person who has more than one paid sportfishing license because the person either voluntarily obtained them or was required to have more than one license.	Once.
(4) A person who has a paid single-year hunting license or a paid single-year sportfishing license for which the agency receives at least \$1 of net revenue. (Single-year licenses are valid for any length of time less than 2 years.)	Once in the certification period in which the license first becomes valid.
(5) A person who has a paid multiyear hunting license or a paid multiyear sportfishing license for which the agency receives at least \$1 of net revenue for each year in which the license is valid. (Multiyear licenses must also meet the requirements at § 80.35.)	Once in each certification period in which the license is valid.
(6) A person holding a paid single-year combination license permitting both hunting and sportfishing for which the agency receives at least \$2 of net revenue.	Twice in the first certification period in which the license is valid: once as a person who has a paid hunting license, and once as a person who has a paid sportfishing license.
(7) A person holding a paid multiyear combination license permitting both hunting and sportfishing for which the agency receives at least \$2 of net revenue for each year in which the license is valid. (Multiyear licenses must also meet the requirements in § 80.35.)	Twice in each certification period in which the license is valid: once as a person who has a paid hunting license, and once as a person who has a paid sportfishing license.

Type of license holder	How to count each license holder
(B) A person who has a license that allows the license holder only to trap animals or only to engage in commercial fishing or other commercial activities.	Cannot be counted.

§ 80.34 How does an agency calculate net revenue from a license?

The State fish and wildlife agency must calculate net revenue from a license by subtracting the per-license costs of issuing the license from the revenue generated by the license. Examples of costs of issuing licenses are vendors' fees, automated license-system costs, licensing-unit personnel costs, and the costs of printing and distribution.

§ 80.35 What additional requirements apply to multiyear licenses?

The following additional requirements apply to multiyear licenses:

- (a) A multiyear license may be valid for either a specific or indeterminate number of years, but it must be valid for at least 2 years.
- (b) The agency must receive net revenue from a multiyear license that is in close approximation to the net revenue received for a single-year license providing similar privileges:
 - (1) Each year during the license period; or
 - (2) At the time of sale as if it were a single-payment annuity, which is an investment of the license fee that results in the agency receiving at least the minimum required net revenue for each year of the license period.
- (c) An agency may spend a multiyear license fee as soon as the agency receives it as long as the fee provides the minimum required net revenue for the license period.
- (d) The agency must count only the licenses that meet the minimum required net revenue for the license period based on:
 - (1) The duration of the license in the case of a multiyear license with a specified ending date; or
 - (2) Whether the license holder remains alive.
- (e) The agency must obtain the Director's approval of its proposed technique to decide how many multiyear-license holders remain alive in the cer-

tification period. Some examples of techniques are statistical sampling, life-expectancy tables, and mortality tables.

§ 80.36 May an agency count license holders in the annual certification if the agency receives funds from the State to cover their license fees?

If a State fish and wildlife agency receives funds from the State to cover fees for some license holders, the agency may count those license holders in the annual certification only under the following conditions:

- (a) The State funds to cover license fees must come from a source other than hunting- and fishing-license revenue.
- (b) The State must identify funds to cover license fees separately from other funds provided to the agency.
- (c) The agency must receive at least the average amount of State-provided discretionary funds that it received for the administration of the State's fish and wildlife agency during the State's five previous fiscal years.
 - (1) State-provided discretionary funds are those from the State's general fund that the State may increase or decrease if it chooses to do so.
 - (2) Some State-provided funds are from special taxes, trust funds, gifts, bequests, or other sources specifically dedicated to the support of the State fish and wildlife agency. These funds typically fluctuate annually due to interest rates, sales, or other factors. They are not discretionary funds for purposes of this part as long as the State does not take any action to reduce the amount available to its fish and wildlife agency.
- (d) The agency must receive State funds that are at least equal to the fees charged for the single-year license providing similar privileges. If the State does not have a single-year license providing similar privileges, the Director must approve the fee paid by the State for those license holders.

(e) The agency must receive and account for the State funds as license revenue.

(f) The agency must issue licenses in the license holder's name or by using a unique identifier that is traceable to the license holder, who must be verifiable in State records.

(g) The license fees must meet all other requirements of 50 CFR 80.

§ 80.37 What must an agency do if it becomes aware of errors in its certified license data?

A State fish and wildlife agency must submit revised certified data on paid license holders within 90 days after it becomes aware of errors in its certified data. The State may become ineligible to participate in the benefits of the relevant Act if it becomes aware of errors in its certified data and does not resubmit accurate certified data within 90 days.

§ 80.38 May the Service recalculate an apportionment if an agency submits revised data?

The Service may recalculate an apportionment of funds based on revised certified license data under the following conditions:

(a) If the Service receives revised certified data for a pending apportionment before the Director approves the final apportionment, the Service may recalculate the pending apportionment.

(b) If the Service receives revised certified data for an apportionment after the Director has approved the final version of that apportionment, the Service may recalculate the final apportionment only if it would not reduce funds to other State fish and wildlife agencies.

§ 80.39 May the Director correct a Service error in apportioning funds?

Yes. The Director may correct any error that the Service makes in apportioning funds.

Subpart E—Eligible Activities

§ 80.50 What activities are eligible for funding under the Pittman-Robertson Wildlife Restoration Act?

The following activities are eligible for funding under the Pittman-Robertson Wildlife Restoration Act:

(a) *Wildlife Restoration program.*

(1) Restore and manage wildlife for the benefit of the public.

(2) Conduct research on the problems of managing wildlife and its habitat if necessary to administer wildlife resources efficiently.

(3) Obtain data to guide and direct the regulation of hunting.

(4) Acquire real property suitable or capable of being made suitable for:

(i) Wildlife habitat; or

(ii) Public access for hunting or other wildlife-oriented recreation.

(5) Restore, rehabilitate, improve, or manage areas of lands or waters as wildlife habitat.

(6) Build structures or acquire equipment, goods, and services to:

(i) Restore, rehabilitate, or improve lands or waters as wildlife habitat; or

(ii) Provide public access for hunting or other wildlife-oriented recreation.

(7) Operate or maintain:

(i) Projects that the State fish and wildlife agency completed under the Pittman-Robertson Wildlife Restoration Act; or

(ii) Facilities that the agency acquired or constructed with funds other than those authorized under the Pittman-Robertson Wildlife Restoration Act if these facilities are necessary to carry out activities authorized by the Pittman-Robertson Wildlife Restoration Act.

(8) Coordinate grants in the Wildlife Restoration program and related programs and subprograms.

(b) *Wildlife Restoration—Basic Hunter Education and Safety subprogram.*

(1) Teach the skills, knowledge, and attitudes necessary to be a responsible hunter.

(2) Construct, operate, or maintain firearm and archery ranges for public use.

(c) *Enhanced Hunter Education and Safety program.*