

MINUTES

Joint Federal-State Task Force on Federal Assistance Policy
TownePlace Suites, 2009 S. National Ave., Springfield, MO, 65804
November 14-15, 2017

JTF Co-Chairs Kelly Hepler (SDFG), Paul Rauch (USFWS)

JTF Members Lisa Van Alstyne, Jack Buckley, Ed Carter, Bob Curry, Jim Douglas, Lisa Evans, Scott Knight, Glenn Normandeau, Mike Piccirilli, Clint Riley, Mike Sawyers, Colleen Sculley, Greg Siekaniec, Christy Vigfusson, Martha Williams

Counsel Larry Mellinger (DOI), Carol Frampton (AFWA)

Guest/Host Bob Ziehmer

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DAY ONE (Nov. 14)

1. Welcome, Introductory Remarks, Review Agenda Hepler / Rauch

- New members:
 - Martha Williams (Montana Fish, Wildlife & Parks)
 - Greg Siekaniec (FWS Alaska Regional Director)
 - Colleen Sculley (WSFR Chief, NE Region)
- Bob Ziehmer (Bass Pro Shops, sitting in):
 - Discussed John Morris's priorities for outdoors participation and conservation, as well as sportsmen's concerns, and the need for open dialogue as well as accountability/metrics.
 - Wonders of Wildlife opened (largest venue of its kind), is run through a 501(c)(3).
 - Programs on hunting/angling, incl. traveling programs for schools, weekend outings, etc.
- Clint Riley, starting Oct. 1, has been on detail for HR/IT in the Denver region, evaluating those functions for nationwide purposes; he queried whether it's still appropriate to stay on JTF based on his experience (not as part of chain of command in the WSFR program). All agreed he should remain on the JTF through the 1-year detail, to be reassessed in the future.
- Kelly Hepler: JTF has a good mix of people. It thinks nationally, and it's a productive group.
- Paul Rauch: We were more proactive on agenda/materials development for this meeting.

2. Update on Action Items from April JTF Meeting Curry

- Lane distributed the minutes from the April 24-25 Custer, South Dakota meeting

- All action items were accomplished except for the general list of findings from recent State audits. Some revisions to an excel spreadsheet were completed in July, but the revisions haven't yet gone out.

ACTION ITEM: Bob will send out.

- TRACS MOU conference call was held on August 1.

3. AFWA Update - Hepler

- AFWA has been working on the Blue Ribbon Panel legislation, and on Pittman-Robertson modernization bill (a top priority, including for R3).
 - An R3 bill has been referred to Senate Committee on Environment and Public Works, and it may go to the floor soon.
- Glenn Normandeau and Carol Frampton circulated a National R3 Symposium notice.
- Kelly Hepler has been working a lot on WAFWA matters, including a dues increase.
 - NEAFWA had a dues increase last spring.
- AFWA's Executive Committee will meet with the acting/deputy FWS Director, and is also trying to meet with the USFS Chief.

4. WSFR Update - Rauch

- The process to publish the 50 C.F.R. 80 license certification regulation started in January but got caught up in transition issues.
 - Paul has done a number of briefings and the regulation may be about ready to be cleared; no remaining hurdles or substantial issues raised over the process.
 - The WSFR Office is trying to carry forward the will of the states.
- Real Property Service Manual chapters should be published by the end of 2017; meetings with the states are planned to address any remaining concerns, but there's been a lot of coordination.
- A National Programmatic Agreement for NHPA compliance (a historically challenging area) is being developed (more to come).
- WSFR Program review started last March; progress is ongoing.
 - This summer, the review refocused efforts on HQ operations, and will see if there is any need for additional funding and look for inefficiencies (or things the program may not need to do).

ACTION ITEM: AFWA will schedule time on the AFWA Executive Committee meeting in December for Paul to provide an update. FWS will share results with States at the North American Meeting in March 2018. A special session at the conference will likely focus on State Directors and Federal Assistance Coordinators in attendance.

- Strategic communication planning:
 - Tim Smith, Colleen Sculley, and Christy Vigfusson are in this group, working with DJ Case. The group will engage with states in the next month. WSFR Office has no intent to control this process but simply to figure out how to support the states.

- Lisa Evans asked whether External Affairs is duplicating state communications efforts; Colleen Sculley and Mike Piccirilli said this is not just WSFR, but broader (better integrating WSFR messaging into FWS messaging).
 - Glenn Normandeau thought this was communication w/ the states, while it's communication w/ the public; Mike says it's the latter.
 - Bob Ziehmer: If industry can have a role, industry would like to hear from WSFR/states and highlight messages on social media and radio.
 - Paul Rauch: TRACS' public viewer function will feed into this.
- WSFR is working w/ GAO to address questions from Rep. Chaffetz (R-UT) regarding the processes that WSFR uses to award grants and oversee implementation of grants awarded under the WSFR Programs.
 - Nothing problematic is expected from the review; likely to hear back in December.
 - Competitive aspects of grants are the focus, rather than the formula.
 - The IG who does revolving state audits will now be splitting the work among 3 regions.
 - This is concerning for coordination and relationship reasons, and WSFR will have to make sure the new auditors understand how to do the work.
 - WSFR drafted a letter for Acting Director Sheehan to submit to the IG conveying these concerns.
 - Martha Williams: Legislators in Montana are skeptical of the Montana Department of Fish and Wildlife(MDFW), so an inflammatory finding would be problematic.
 - Scott Knight: 12-13 states to be audited.
- Bob Curry: The freshwater/saltwater split is coming together; data should be available for WSFR chiefs to share with the states by Thanksgiving; will follow up.

ACTION ITEM: Bob will forward freshwater/saltwater split information to Regional WSFR Chiefs by the end of November.

5. Blue Ribbon Panel Update - AFWA

- The Recovering America's Wildlife Act (RAWA) was to have Rep. Young (R-AK)'s sponsorship, along w/ Rep. Dingell (D-MI)'s, but priorities in Rep. Young's office have stymied that effort.
 - It is on the verge of being introduced by Rep. Fortenberry (R-NE).
 - Alliance for America's Fish and Wildlife (AAFW) is ready to go.
- Paul Rauch: Is there support coming out of DOI leadership?
 - Kelly Hepler: We made efforts early to reach out, but right now it's a bit diffuse (no one's fault); Deputy Secretary Bernhardt is supportive (not sure about Secretary Zinke).
- Carol Frampton: We've done a lot of work on making existing regulations apply correctly to new sources of funding.
- Ed Carter: There is some interest in the Senate.
- Current tax reform legislation presents a challenge since everyone's looking for an offset.

6. Modernizing Pittman-Robertson Act Update AFWA

- The bill will allow states to use 25% of PR section 4(b) money to build shooting ranges, and increase the MSCG to \$5 million/year with archery excise taxes to support R3 efforts.

- There is a “competing” bill in the Senate (S. 788) which also allows PR dollars to be used for shooting ranges, but lowers the match that states need to 10%.
- Industry likes this bill, and there is a lot more discussion going on than in prior years.
- Martha Williams: MDFW has difficulty getting enough applicants to build shooting ranges.
 - Kelly Hepler: BLM et al., municipalities, cities, counties, can build them.
 - Ed Carter: Subrecipient grants have become a worry.
 - Lisa Evans: Under the OMB Circular, if a subrecipient backs out and a state is left w/ an obligation, it’s not worth it.
 - Bob Ziehmer: Most of MO’s ranges are run by the Missouri Dep’t of Conservation.

7. TRACS Matrix - Discussion, and Decision

Smith

- Introduction to the Communications Procedure:
 - Meant to keep WSFR Chiefs, FACs, WSFR staff, development team, et al., in sync.
 - Issues needing input from a broader group go to the WSFR Chiefs, then to state directors and FACs, then back to TRACS WG, then to JTF, then to WSFR Chiefs, then to SDs + FACs for fatal flaw review (4-week window) (just finished for the Matrix).
 - Paul Rauch: Developers are ready to move on this.
 - We’ve gone through a couple of cycles to ensure adequate review time.
 - At the Custer, SD meeting, JTF requested we go back through w/ the FACs to incorporate substantial changes made after the first round (April – June 2016).
- TRACS Working Group has done outstanding work over the past 18 months.
- For the Fatal Flaw Review, the final draft matrix went to WSFR Chiefs on Oct. 5, then to state directors and FACs with a deadline for response on Nov. 3. A number of comments came in (handout provided). Seven states commented, with no fatal flaws.
- In Nov. 2016, JTF approved a list of 15 strategies, and the TRACS WG merged “Species Reintroduction” into “Direct Habitat and Species Management” (DSHM) as an objective (14 strategies now).
- In the Matrix, Column E (Target Species/Habitat Type) would apply to some strategies; in Dec. 2016, JTF made this apply to DHSM and Stocking.
 - Lisa Evans: Would states be required to report these?
 - Tim Smith: Yes; don’t know how many states requested, but a couple did.
 - Kelly Hepler: Where did this change come from?
 - Tim Smith: These were in what went out for the Fatal Flaw Review.
 - Carol Frampton: “Conservation” is broad; there’s a definition in PR but not in the follow-up AFWA/FWS MOU; under “Incentives” it means private landowners hosting species.
 - Glenn Normandeau: In NH, 90% of land is privately owned and there is a landowner relations program (400,000 acres); it would be easy for them to show the numbers.
 - Tim Smith: This would be covered (helpful to know what species it aids).
 - Ed Carter: For habitat mgmt. or land acquisition, you can report habitat or species?
 - Smith: Yes, whichever makes sense.
 - Martha Williams: Worried about a shift toward species focus rather than habitat, but not as worried about this change b/c species would already be focused on anyway.

- Lisa Evans: Should be “Habitat and/or Species” rather than “Habitat + Species” for “Habitat data acquisition and analysis.”
- Remaining big issue: SOBA Board is considering reducing their “Tag 2” items; we don’t know their final decision.
 - Scott Knight: This was a point of contention between JTF and SOBA; SOBA doesn’t know what it wants to do yet; any SOBA requirements will have to go back to JTF for review at the Spring Meeting (Paul Rauch: or we could convene JTF on the phone sooner).
 - Kelly Hepler: Can we approve the Matrix except for this one issue?
 - Lisa Evans: How did SOBA get a seat on the TRACS WG?
 - Smith: SOBA is a state organization (AFWA, SOBA, AREA have reps).
- Remaining small TRACS-related issues (not Matrix):
 - CMS state grant reporting, multi-recipient grants, lands module group is working on a system of record for transaction data, standardized performance reporting.

DECISION POINT: JTF endorsed the Final Matrix for development in the TRACS Enhancement, w/ SOBA issues to be revisited before finalization: change matrix descriptors from “Habitat and Species” to “Habitat and/or species” data acquisition and analysis:

- JTF DECISION: **YES**

8. TRACS MOU - Discussion and Decision - Smith

- Paul Rauch: In Sept. 2016, TRACS WG was moving in a less-than-collaborative manner and WMI facilitated a review of the history/processes of TRACS; an MOU came forth.
- Jon Gassett worked w/ Tom Busiahn on the MOU, comments came to WSFR, then to JTF, then out to states, and there have been 5 versions (4 comment periods).
 - We’ve finished the Fatal Flaw Review period.
- Kansas comment: Does not believe the MOU is appropriate, AFWA cannot bind the states, and Kansas cannot permit any other entities to act on its behalf.
 - Carol Frampton: Spoke w/ Keith Sexton. Paragraph H gave both some hesitation.
 - Handoff with a 2/3 majority vote is problematic (as are subrecipients entering data into TRACS).
 - Scott Knight/Christy Vigfusson: The intent was to not box TRACS in with respect to, say, WAFWA, or MSCG recipients.
 - Tim Smith: States can delegate roles to FACs; FACs could designate subrecipients to enter data into TRACS.
 - Colleen Sculley: Does the recipient assume responsibility?
 - Lisa Evans: Yes
 - Glenn Normandeau: The agreement also binds FWS, which is a big deal.
 - Paul Rauch: State handoff is a desired outcome but not a requirement, and also will likely happen organically over time; no “hammer” needed.
 - Kelly Hepler: 1) Kansas question; 2) subrecipient question
 - Martha Williams: Paragraph H was intended to address both questions; worried about taking out the subrecipient language, which is helpful at the moment.
 - Greg Siekaniec: Should we have all the states sign it?

- Glenn Normandeau: That’s hard to do in practice.
 - Bob Curry: It could go to Ex Comm (December) and then the Directors (March).
 - Carol Frampton: We just need to clarify “non-Federal recipients” so it doesn’t extend beyond the state family of associations (including regional associations).
- AMENDMENTS:
 - No substantive / enforceable rights under 6(c), changing States to “Parties”:
 - Yes
 - Final language on “recipient/subrecipient” language in Paragraph H:
 - Adjusted later in small group
- **DECISION POINT:** Endorsement of amended TRACS MOU for signing by the parties):
 - DECISION: **YES**

ACTION ITEM: AFWA will add a signing “ceremony” for the TRACS MOU to the agenda for the Dec. 2017 Ex Com Meeting

9. 5-Year Report Indicators - Discussion and Decision Smith

- This slipped onto the back burner while TRACS was progressing. Tom Busiahn set forth the indicators in Custer, and asked for endorsement of them. On the Aug. 1 conference call, the JTF members agreed to bring it back here.
- Program accomplishments, project effectiveness, and project/grant reporting all together became too complex to manage, and so were split into the 5-year report, the TRACS Enhancement, TRACS Target Species and Habitats.
 - The 5-year report became a Program Accomplishment vehicle.
- Public Viewer will allow us to provide access to the different pieces
- Survey: 62 agencies & 210 people responded on 44 indicators (specific to the 5-Year report and in *some* cases extractable from TRACS (not the main data source)), w/ 755 comments.
- Clint Riley: 41 indicators is still a lot to work with, possibly more than we can do. Should we cut it down a lot more? Do we all expect that, in 2018, we will want to put 5-6 things in the Report?
 - Tim Smith: That’s the purpose of the Spring 2018 JTF meeting.
 - Clint Riley: If we say 5-6 will go in the Report, that’ll change what we do between now and spring.
 - Jack Buckley: We should take these topics and test them w/ our targets to see who’s interested in what; we’re a biased audience.
- Mike Piccirilli: Is the 5-year report a snapshot? Should we collect data from TRACS rather than try and find it from another system? When’s the tentative release date?
 - Smith: It’s supposed to connect back to the Communications Plan. For TRACS, WSFR grants might only be a small part of what’s done by the states re: these indicators.
- Martha Williams: Who’s the audience?
 - Smith: States, industry, WSFR, Congress, hunters/anglers.
- Kelly Hepler: There’s not a clear focus. This is trying to account for a broad swath of conservation. Is telling that story the FWS’s job? No, that’s AFWA’s job.
 - Smith: Wanted to put FWS/WSFR contribution in some context
 - Paul Rauch: This feels like an outgrowth of the 75th Anniversary report. WSFR needs to discuss this internally to solve the lack of clarity; we’re not ready to charge ahead.

- Jack Buckley: Congressmen need this, and so do other audiences like finance; this doesn't feel like a good strategy to sell the program.
- Lisa Evans: We've been doing this a long time, and maybe it's not as relevant now as it was previously thought. We should start w/ a communications strategy and then do a report.
- Ed Carter: The states asked for this, but didn't know what they were asking for.
- Glenn Normandeau: Is the 5-year report mandated somewhere?
 - Smith: There was sentiment that the 75th Anniversary report was anecdotal and that TRACS compelled a more data-driven report.
- Paul Rauch: Let's pause, have WSFR deliberate internally, and come back in the Spring.
- Buckley: The platform is critical
- Requests:
 - *****DROP Indicators 42, 43, and 44***:**
 - 42: Can't figure out what a "high human impact area" is
 - 43: Number of game species is not that relevant
 - 44: Proposing just not to do it
 - *****ENDORSEMENT OF JTF TO LOOK AT AVAILABILITY***:**
 - *****RETURN W/ UPDATED LIST OF INDICATORS IN SPRING 2018***:**

DECISION POINT: FWS will put the 5-Year Report on hold pending a finalized WSFR strategic communication plan.

10. Broadening TRACS Communication Procedure to Support JTF Issue Identification and Decision-Making – Discussion - Rauch

- With regard to modifying agenda items and going through the decision-making process, we looked at the JTF Charter and Amendments, and looked for a process from issue identification to JTF recommendation, and how the TRACS comms protocol developed, with an eye toward formalizing the process. It would be similar to what we did for this meeting, w/ development of white papers and then folding of recommendations into the Comms Procedure (out to FACs and State Directors for comment and Fatal Flaw Review).
 - Kelly Hepler: A similar process was in place at the beginning of JTF; what final form does the action take? Director's Order? Rulemaking? Notice to state directors? It depends on the issue. Otherwise this is similar to what was used in the past.
- Lisa Evans: We didn't typically put a call out before each meeting; it was an annual process, but the issues were different back then; this process would work.
 - Glenn Normandeau: Maybe it should be a yearly process.
- Mike Piccirilli: There's no clear ask of the Federal Aid Coordinators Working Group (FACWG); it would be good to reach out to them. Also, no clear way to prioritize issues.
- Clint Riley: Finding the issues is one question; getting state input and deciding scope of issue is more of an annual question; prioritizing issues, representing viewpoints, and doing advance legwork is important, and JTF has gotten better at that. Now we just need to standardize.
 - We don't need to reinvent the comms procedure when we have one now.
- Colleen Sculley: We should emphasize what topics are appropriate for the group.
- ****Rauch: This could be a small group topic****
- Possible route: Finalize and codify as attachment to charter document

ACTION ITEM: Amend JTF charter and develop templates for issue submission and white papers include updated meeting process for discussion at spring JTF meeting. Reflect new JTF members by Dec. 1, 2017 - AFWA

11. State Needs – Discussion - Buckley

- In 2016, the Trust Fund Committee asked FACs to update a state needs priority document. Because it deals with allocating conservation money, it went out to State Directors for comments; at the AFWA Meeting the document was approved.
- Ron Regan suggested sending it out to State Directors as a final document.
- Paul Rauch: This doc helps inform the WSFR Office when making priorities and describes needs well.
- Mike Piccirilli: It's a great document. But Paragraph 1 ("potential diversion of WSFR Program funds") should refer to license revenue, and ("a state which finds itself at risk of diversion of WSFR Program funds") needs the same technical change.

12. MA Proposal to Fund Pheasant Stocking – Discussion Buckley

- Kelly Hepler: Is this applicable across multiple states/regions? It's needed in the NE, but as far as process goes, is it one for JTF or should it be worked out amongst State Directors and Colleen (as WSFR Region 5 Chief)? Kelly stated that it isn't a priority in the western states.
 - Buckley: MA submitted a grant b/c it felt it had identified an option within the program, Colleen said she couldn't reach a decision because the activities fell in a gray area, and that gray area is why the issue is here.
 - This is R3 aimed at hunting access, and NE directors see it as a critical program.
 - There are appeal options, and this is an interim step.
- Ed Carter: When we voted on this at a prior JTF meeting, it was as part of hunter education. Is that the scope of this project?
 - Kelly Hepler: This is broader (use of PR dollars).
 - Buckley: MA is investing lots of money in upland game habitat, but this is not a biological grant, but rather critical for R3. Jack said there is a research component in this.
 - Glenn Normandeau: NH has done surveys showing that, if NH didn't stock pheasants, it would lose ~10% of its licenses sold per year.
 - Buckley: Pheasant hunters are paying the applicable taxes but not getting the use.
 - Ed Carter: Is part of this discussion because we're talking about pheasants that make a difference, because they're not native?
 - Buckley: We're not talking about wildlife, just R3.
- Kelly Hepler: On the DJ side, we spend millions on fish stocking, but don't put it under R3; is there a difference on the PR side?
 - Carol Frampton: Yes. DJ allows states to use their money for the equivalent of R3 but PR does not allow that; hence the R3 bill.
 - Kelly Hepler: What in PR stops "put and take"?
 - Bob Curry: DJ specifically authorizes stocking fish for take; PR doesn't do the same for wildlife

- Buckley: If we can use PR section 4(c) to fund this, that's fine. I need an answer on the pending application, though (20% of AFWA members have an interest in this).
- Clint Riley: *Chevron* deference would be stronger with consensus amongst states.
- Buckley: If the grant is approved, can I charge back all the activities under the grant since the day of submission? Millions of dollars are at stake.
 - Lisa Evans: If not that, then finalize the guidance for using 4(c) funds and expedite the review process.
 - Paul Rauch: We got to a good place last meeting.
 - Colleen Sculley: We have to determine eligibility first, then how it's eligible, and then compliance.

ACTION ITEMS: (1) The broader issue of the use of traditional PR and education funds to pay for R3/general PR programs will be discussed on a policy level with the AFWA executive committee in December 2017. The results of that discussion will be shared with the JTF by January 1, 2018. (2) JTF recommends that FWS take expeditious action on the grant proposal submitted in June, 2017.

13. Additional Concerns + Final Thoughts on Morning Topics Hepler

- N/A

14. Reversions – Discussion - Hepler

- This has long been an issue for states; \$14,000,000 has been reverted since 2006. How do we limit diversions? Mitch King, under contract with WMI, brought this to the attention of State Directors, wants transparency, and has offered some ideas.
- Paul Rauch: This is a state issue, and the WSFR Office can provide information but it won't weigh in very strongly; on the DJ side it goes back into the program so it might not be bad for the program (if still for the state), but on the PR side reverted funds goes into migratory bird conservation. Anecdotally, there may be an issue amongst states that getting ahead of match requirements requires them to pay ahead a year (using current year appropriations to pay ahead a year's match requirements).
- Scott Knight: Next year the IG might say that funds must be obligated and spent in the same FY, but right now there's no action.
 - Glenn Normandeau: That wouldn't work for states w/ multi-year budgeting processes; other legislative complications can also push spending into another year; a state w/ 90% private land offers a lot of opportunities for land acquisition.
 - Scott: We're okay w/ that as a tool to prevent reversion, but we can't allow obligating two grants for the same activity.
 - Pete Barlow: One source of flexibility could be in the cost-sharing method for program income.
 - Scott Knight: Any income generated as a result of a grant can be used as match; it's allowed in regulation but there could be concerns about grant-funded activities intentionally producing income. At the TRACS WG meeting, it was suggested JTF take it back up.

- Hepler: Mitch’s recommendations make sense. FWS’s list of reversions by state is useful to see.
- Paul Rauch: We’ve had requests to share this info with outside parties so partnerships can be facilitated; is JTF / are states comfortable w/ this?
 - Jack Buckley / Lisa Evans: That would be a disaster, and put a lot of money in jeopardy.
 - Scott Knight: Needs clarity on sharing information, as his office produces these numbers.
- Hepler: Many State Directors might not realize they’re reverting b/c their coordinators might not get that info to them.
 - Lisa Evans: That happened in AK for \$2,000,000 in reversions, some due to personnel changes and the accounting system.
- ****Suggestion: Go back to Mitch’s letter and make edits, consider sharing reversion trends****
 - Colleen Sculley: It’s hard for Regions to predict when reversions will happen, but when they do, her office could query State Directors and FACs to ask whether they want to know when the reversions will happen (one-to-one).
 - Hepler: It’s the Director’s decision, ultimately.

ACTION ITEM: This reversion will be discussed at the December AFWA executive committee meeting. AFWA feedback to FWS is due January 1, 2018. FWS will revise the final apportionment letter to include National total reversion amounts: expected release of Final Apportionment letter is February 2018.

15. Wildlife Damage Management (WDM) and Population Reduction - Discussion Van Alstyne

- This topic has come up on several occasions; Service Manual chapters have been written on it.
 - Those chapters are being interpreted differently within WSFR and in other places.
 - A team was formed w/ WSFR HQ and regional staff.
 - The team shared the draft policy with WSFR Chiefs and some responses indicated that “predator control” has a negative connotation so we changed to “population reduction” which includes various types of population manipulation. The policy distinguishes between public needs and personal/private property.
 - Under this interpretation, WDM would not be eligible for WSFR funds when it’s used to reduce wildlife populations for purposes of preserving livestock or crops, but there haven’t been such shifts—mostly just clarifying and making for a more consistent process.
- Full disclosure: Conversation one week ago with the WSFR chiefs, one of whom has concerns re: WDM that involves wolf recovery (a high priority in part of one state).
 - For example, it’s unclear whether WSFR funds can be used for range riders who monitor livestock and move them out of dangerous situations.
- Next steps: Share through FACWG to see what kinds of issues exist.
- Jack Buckley: How do you manage internal disagreements and keep opinions and preferences from affecting grants?
 - Paul Rauch: Internal discussions are designed to understand/channel state positions; Virgil Moore, AFWA President, said not to make this about wolves.
 - Glenn Normandeau: How does this deal with hogs wiping out cornfields and plants?

- Clint Riley: How do we control for people w/ different definitions? We need to have something come out of this to get us closer to agreement outside of the room.
- Lisa Evans: We need to determine whether this is a state issue.
 - Colleen Sculley: Has heard directors ask for more tools but not necessarily flexibility.
 - Martha Williams: Materials are needed to help explain this to constituencies.
 - Mike Piccirilli: This document takes WSFR's ability to do that away; we need to focus on purpose.
- **DECISION POINT:** Delete Statement 4 on state license dollars.
- **ACTION ITEM:** Formed a group comprised of Lisa V., Martha W., and Mike P. to put together the next iteration for JTF review by March 2018.

16. Proposed Public Access Revision - Discussion

Van Alstyne

- In the final stage of developing the last 50 C.F.R. Part 80, CA's governor was going to keep people from piloting their motorboats in front of his property, so WSFR included language in the regulation on the DJ side to address that. There is not yet comparable language for PR.
 - Objective: Governor can't close public property unless the state agency says so.
- Colleen Sculley: Reading 80.50, on public access, would adding this clause make it say that if one of the purposes of the land is to provide public access for hunting, etc., then the state can't close it for that access unless based on a fish and wildlife management purpose?
 - Van Alstyne: Correct—not a mandate for public access, just a restriction who determines closures (must be State fish and wildlife agency).
 - Jack Buckley: Property bought for hunters/anglers should be open, and this is a good thing to be able to say we do in the Five-Year Report.
 - Pete Barlow: Omission of that language where other things are mirrored in PR and DJ might raise legal questions.
 - Scott Knight: It still rides on the purpose for which the land was acquired, right?
 - Pete Barlow: Yes
 - Martha: MDFW generally only acquires land w/ public access, but some landowners won't give them that.
- Clint Riley: Two issues—1) mirroring raises questions, and 2) is public access something that should be left up to the state director or best formulated as a general policy?
 - Suggestion: Let's do small group / white paper, if yes to 2)
- Hepler: Wants to mirror DJ's language
- Piccirilli: That's good language (can be interpreted many ways but that's fine)

ACTION ITEM: Mirror language from 50 C.F.R. 80.51/50 on closures to hunting access in Phase 2 of the 50 C.F.R. 80 revision in 2018.

17. Small Group Topics - Rauch / Hepler

- **REPORTS BACK:**
- **1) Issue-ID and write-up procedure**
 - Clint Riley: Worked from Paul Rauch's original draft and tried to capture the general concepts.

- Issue Identification:
 - Annual call to all states, AFWA, and FWS regions for “JTF issues”.
 - Comm Plan as pathway for input.
 - Request for description of JTF issue and purpose of addressing it.
 - All issues will be reviewed/summarized by FACWG working w/ WSFR chiefs to recommend to JTF chairs which merit JTF involvement.
 - If a submitted topic is rejected for JTF involvement, a response and explanation will be provided to the submitting entity.
- JTF Decision-Making:
 - 3 months before a meeting, chairs will set agenda identifying topics or ongoing issues.
 - Chairs will assign small work groups to work on white papers which get legal counsel review.
 - 1 month out, the white papers will be shared w/ JTF.
 - A proposed recommendation should come w/ the form of decision.
 - JTF can assign further work to the work group or ask for more input from states and WSFR staff.
 - Tentative JTF decision will go to states and WSFR staff under the Comm Plan before a final decision.
 - JTF will seek consensus.
- Lisa Evans: This helps bring FACWG and WSFR chiefs together in advance.
- Paul Rauch: We’ll try to get on this annual schedule as soon as we can.
- Lisa Evans: We should develop templates for issue submission and white papers.
- Paul Rauch: Work group to finalize this?
 - ****Can go out to the full group as a working draft for comment****
- Kelly Hepler: Is it possible we could make this an Appendix to the Charter?
 - Carol Frampton: Yes. [see Action Item under Discussion Item 10)
- **2) Recalibrating TRACS MOU language:**
 - A) Revise Paragraph H-A to strike “State or other non-Federal recipients”
 - B) Revise Paragraph H-A to strike “United States” and replace it with “Parties”, and replace “its” with “their”
 - Carol Frampton: Handoff (2/3 majority vote) is problematic b/c we agree by consensus.
 - C) Revise Paragraph H-A to read “The handoff date will be agreed upon by the States” (i.e., striking “by at least a two-thirds majority vote.”)
 - It would be done at the Business Meeting, so that AFWA can act w/ sufficient agreement of the states.
 - Will be on the agenda for Dec. 2017 Ex Com meeting [see Action Item under Discussion Item 8.)
- **3) Pen-raised birds**
 - Hepler: The broad question is whether we need a Solicitor’s Opinion.
 - Larry Mellinger: When Colleen explained Jack’s interpretation of 50 C.F.R. 80.50(a) eligible activities, “goods”, and public access, Larry said that was a possible reading. But

the policy and statute by his own reading look less gray because it talks about restoring wildlife that can exist on its own in the wild—not pen-raised birds. And the statute provides a narrow definition of projects—a gray area re: definition of “wildlife project” in that we’ve exceeded the bounds of habitat acquisition by doing management.

- Depending on the administration, there’s been more emphasis on hunting and other wildlife-dependent recreations; R3 became a standard.
- Right now, Larry the gray area is in regulations, but not in statute or policy (Manual); legislative history would say that it’s acquisition, preservation, and conservation of habitat, but from 1937 on it has been amended to provide for management (grant-fundable).
- The Solicitor must balance the needs of the program w/ the risks of litigation.
- Jack Buckley: If we’ve gone beyond the statute before, isn’t FWS being arbitrary by then saying no to the most recent example? Is the answer instead to get back to statutory meaning? Can’t have it both ways.
- Glenn Normandeau: What about biologists managing wildlife rather than land?
 - Mellinger: It’s “wildlife purposes” which includes wildlife, not just land.
- Larry Mellinger: Hunter education is a possible way to do this.
 - Jack Buckley: If we can do it that way, fine.
 - Colleen Sculley: The problem is that there is only a hunting purpose here, not also a management purpose.
 - Jack Buckley: The lands are actively managed as wildlife habitat, and they might not be if the birds weren’t available.
- Kelly Hepler: Maybe has a Western bias, but doesn’t see this going to court.
- Colleen Sculley: We have high hunter-education apportionments in the NE region, and states are often not spending that money; 2 add’l states want to use it for pheasant-stocking. Doesn’t think these proposals will teach “skills, knowledge, and attitudes” b/c there’s no mentoring/teaching components as is required by regulation.
 - Jack Buckley: Fix the regulation and do it under hunter-ed, or otherwise make it an eligible activity.
- Paul Rauch: We went down one path at the last JTF. This grant did something different, so Colleen didn’t feel comfortable approving it, and we’re bringing it back here to see if it’s okay (after FWS deliberated over it).
 - Larry Mellinger: JTF’s role isn’t to take up a grant request, so the purpose of doing this is to make a policy recommendation, which would go to the Director, who will ask the Solicitor.

18. Wrap-Up, Review of Action Items, Agenda Adjustment

Hepler / Rauch

- N/A

DAY TWO (Nov. 15)

1. Close-Out of Pen-Raised Bird Discussion

Buckley

- Larry Mellinger: Understood that at Custer the JTF did not want to use traditional funds for put-and-take activities, but now with this specific grant, JTF isn't in a position to make a decision. FWS needs to work with the state on an application and either deny it, change it, or approve it, and based on what happens there, decide whether it has an issue it needs to address.
- Lisa Evans: The fact that this didn't come up through an appeals process doesn't mean it's not relevant to JTF. This will come back again b/c it's an issue through the NE.
- Buckley: Regrets this issue had to be here, but there's the issue of speedy responses to grant applications; we're pushing the envelope here, but this is a real world reversion/R3 concern. There's enough discretion to do this, and FWS needs to consider the people buying the products that fund the programs.
- Ed Carter: The more front-end input, the fewer problems down the road; we should have a decision before Ex Com.
- Paul Rauch: The feeling was that approving this might let the genie out of the bottle.
- Carol Frampton: The discussion we've had here will be helpful for Ex Com, and there is adequate support in Hunter Ed—for discretion; but we need to be fair to Colleen and making a decision based on law.
- Greg Siekaniec: We've been talking about social change and R3, but we still struggle w/ how to address it successfully and what to do differently. This is different, and is eligible under the hunter educational aspect.
 - Colleen Sculley: That's not what MA is proposing.
- Lisa Evans: We are evolving, and R3 is being used to engage new audiences. DJ funding is different (15% for aquatic education), but we weren't intending to test these kinds of program with education dollars; education is different from R3.
 - Buckley: Many people have been informally told 'no' to pheasant-stocking so it's just inertia that would lead to a formal 'no' now.
 - Colleen Sculley: There's a Service Manual chapter that speaks to this.
- Martha Williams: Legally, sometimes it's easier to say it's gray when it may not be. Uncomfortable asking FWS to make a decision contrary to existing policy.
 - Lisa Evans: Policy doesn't hold the weight of law; regulation governs.
 - Lisa Van Alstyne: Before this, no one interpreted it otherwise.
 - Larry Mellinger: An activity may be eligible for funding if the state agency justifies in the project statement how it will carry out PR-DJ purposes.
- Paul Rauch: We should clarify in policy what "goods" means; pheasants could be covered but are there any limits on what's covered?
- Larry Mellinger: To the biologists, are pen-raised birds wildlife?
 - Buckley: Not a relevant question.
 - Ed Carter: Not as a matter of law in TN.
 - Glenn Normandeau: Yes, for purposes of regulation in NH.
- Mike Piccirilli: We're at a crossroads and we need to help these states if possible. The policy should be updated to be consistent w/ regulations, and Jack is owed a decision. There should be a decision on a trial basis, run up to Regional Directors.

- Kelly Hepler: How do people in the room feel about the proposal to approve this grant on a trial basis, run it up to Regional Director, and then also come back and look at the policy?
 - Paul Rauch: That's helpful but the policy won't be done in time for this grant.
 - Kelly Hepler: We don't want this to be perceived by Interior as dysfunctional since it's not dysfunctional; letting this issue get there might allow that to happen.
 - Martha Williams: Comfortable discussing policy, but not comfortable discussing a specific grant w/o more specific information.
 - Paul Rauch: Nothing out of Ex Com will influence Region 5 / Colleen; we should give our sense now.

DECISION POINT: The broader issue of the use of traditional PR and hunter education funds to pay for R3/general PR programs will be discussed on a policy level with the AFWA Executive Committee at their December meeting. JTF recommends that FWS take expeditious action on MA's grant proposal submitted in June 2017.

2. Review Agenda - Hepler / Rauch

- N/A

3. Summary of Current Issues for AFWA / JTF - Update Hepler

- N/A

4. National WSFR / FAC Meeting Update Curry

- Based on the Matrix approval (w/ exception of SOBA issues), we'll be able to move forward with development of TRACS Enhancement, to be ready around Fall 2019.
 - It will be fully operational, and people will have experience using it, and FACWG will be the lead along w/ assistance from FWS in planning for a Fall 2019 meeting.
 - Mike Sawyers: Attendees would include FACs from all the states, plus agencies personnel, plus FWS personnel
 - Kelly Hepler: What will be the role of JTF?
 - Mike Sawyers: Hasn't been discussed yet.
 - Kelly Hepler: JTF should have a bit of agenda time to answer questions.
- Mike Sawyers: Needs a copy of WMI's grant for the meeting to determine whether the grant needs to be extended.

5. 50 C.F.R. 80 Phased Review – Update - Van Alstyne

- There was some consensus of the issues that needed to be moved to regulation; webinars, talks, coordination w/ states were held, with the main takeaway being that it was a lot to do at once.
 - In April 2016 it was proposed that there be a phased approach.
 - Over April-August 2016, a team developed a schedule for a 4-phase approach.
 - Phase 1: Looked good, thought license certification could be included

- JTF made tweaks, w/ AFWA endorsement, and moved forward but w/ the change in administration in Jan. 2017, publication was stalled.
 - The states' support letter is appreciated.
 - Sometime in the next week we may get clearance to publish.
 - The cost of publishing in Fed. Reg. 4 times (x 2—proposed and final) is high.
 - One full update (+ a smaller update) could save a lot of money.
 - Phase 2 could combine a lot of the updates, including to 2 C.F.R. 200.
- Lisa Evans: Will JTF have a process to review regulations?
 - Van Alstyne: We don't typically take regs to the JTF; Pete did a pre-look-at in 2015.
 - Lisa Evans: When we did 43 C.F.R., we did a JTF review.
 - Van Alstyne: We don't govern 43 C.F.R.
 - Lisa Evans: Future changes should go to FACWG and go to JTF before publication since it's been a long time.
 - Van Alstyne: We'll create a document that shows all changes and why they were made.
- Mike Sawyers: The 50 C.F.R. 80 WG defined the schedule but not the content, right?
 - Van Alstyne: Correct, the content was discussed during Pete's 2015 work w/ the states.
- Pete Barlow: When comments to the proposed reg come in, the policy branch will deal w/ that.
- Van Alstyne: Planning on third phase for clean-up and bringing big issues back to this group.
- Larry Mellinger: The preamble spells out the phased approach w/ comments on the proposed rule and issues to be addressed in successive rulemakings.
- Van Alstyne: License certification is the only big issue out there now.
 - Mike Sawyers: If and when it's published, since we have multiple big issues, how will it affect the FA programs in the states? Please stagger these reviews.
 - Van Alstyne: Definitely; we'll also sit w/ Larry and discuss other needed changes.

DECISION POINT: Service/JTF will revisit phase 2 update for 50 C.F.R. 80 and provide a plan for transparent review. An internal group to convene in early Feb. 2018.

6. WSFR Projects in Canada – Update - C. Frampton / Mellinger

- Frampton: AFWA's Canada liaison has gotten requests (mostly from Ducks Unlimited, through NY) for a determination whether we can use PR dollars in Canada, which has a lot of policy questions even w/ current guidance.
 - Ex Com and 50 directors will need to discuss.
 - Main issue: Is it legal to use PR dollars in Canada for habitat restoration?
- Mellinger: This should just go through the regular grant process; the devil is in the details, though, especially if buying land.
 - Red flag as a legal advisor for NAWCA is coming up w/ U.S. match for Canada projects.
 - Federal dollars being used as match for NAWCA programs raises issues beyond WSFR.
 - There's no policy decision that PR dollars can't be used in Canada, but 50 C.F.R. / 2 C.F.R. 200 regs need to be applied correctly.
 - NEPA analysis: There's a general exemption for projects outside the U.S., but the result of the project has to be that it affects habitat and wildlife resources in the state spending the money.
- Pete Barlow: There could be an NHPA issue, right?

- Lisa Van Alstyne: That's discussed in the white paper.
- Lisa Van Alstyne: We can do this, we just don't know all the hurdles, and we don't know if it's a good idea to spend PR dollars outside of the U.S. (optically).
 - Mellinger: NAWCA by statute funds many of its projects in Canada.
 - Pete Barlow: If we set the precedent of supporting projects in Canada, why not southern flyways or other locations?
 - Scott Knight: We may do some of this w/ species in Mexico.
 - Colleen Sculley: The optics concern was to go back to AFWA for input. Do we have that? Management feels comfortable with it, but AFWA should weigh in before FWS issues final guidance.
- Lisa Evans: Under treaty obligations, could imagine Canada asking for PR-DJ funds for salmon.
 - Lisa Van Alstyne: Another place where PR / DJ differ; PR mentions Canada; DJ doesn't.
 - Martha Williams: Would support a sister state if this is what it says it needs.
 - Frampton: It's also an industry issue (on top of reversion, the optics are troubling).
 - Colleen Sculley: Benefits have to go back to the wildlife in that state.

ACTION ITEM: This issue will be discussed at the December AFWA Executive Committee Meeting in December 2017. AFWA feedback to FWS is due January 1, 2018.

7. Can NRA Hunter Ed. Be Used as Match? – Discussion Frampton / Mellinger

- Frampton: NRA developed an online course piloted in FL, and picked up by TX. The issue is whether states that want to use NRA's free online course can use the value of that course as match for WSFR purposes. 2 C.F.R. 200.296, 200.306 seem to say that's possible depending on how the grant is written.
- Mellinger: If NRA is donating, then it would have value; if it's otherwise free, then no value.
- Ed Carter: Volunteer instructors lose work if the programs go online, so this is a big issue.
- Lisa Evans: NRA should assign a value to the program.
- Scott Knight: Is NRA a contractor, or a subrecipient providing match? Under the cost principles, the value of match cannot exceed actual cost. We could get there, but it depends on how much NRA wants to partner on it and how much documentation it wants to submit.
 - Frampton: NRA is making the program state-specific to comply w/ requirements.
- Glenn Normandeau: Who has data control? If NRA has the registrations, and is using them to make money on the back end, the states should know that.
 - Frampton: Fair question; the state retains all the data (NRA doesn't collect); NRA started hunter education to begin with in the 1940s and established standards. NRA has hunting heritage in its bylaws, and believes that it's in its interest to cultivate young hunters.
 - Scott Knight: In a third-party agreement, responsibility would fall to the state, and documentation would have to be available to OIG, and administratively this can be done but it'll be legwork.
- Ed Carter: In most states the volunteers fill out timesheets and that's how we determine match; it's fine if there's no equivalent for online courses, but if we take NRA out of it and leave the minimum hours, there's value there without having to do third party agreements.

- Scott Knight: Cost principles prescribe valuation, and we need to figure that out and put it into grants (NRA looks like a subrecipient even though it's not being funded).
- Lisa Evans: If a vendor gets \$50K for hunter ed and NRA does it for free, isn't the value \$50K?
 - Mellinger: Would have to make sure the same value is being delivered.
 - Jack Buckley: This will lower the amount of available match significantly.
- Kelly Hepler: This looks like an issue where we should define the parameters better.
 - Lisa Evans: Right now FWS doesn't govern choosing the vendor.
- **NEW ITEM:** NSSF has asked IHEA to put suicide prevention messages in its hunter education courses; initially IHEA said it didn't fit; are there any reasons why it could?
 - Jack Buckley: Under MA law, they have to do it (safe handling and storage).
 - Kelly Hepler: That's a broader social issue; is that JTF's role?

ACTION ITEM: FWS will develop a white paper on NRA match issue for the April 2018 JTF meeting. Scott, Lisa V. and Lisa E will collaborate on this effort

8. Real Property Manual Chapters - Update

Van Alstyne

- These chapters have in development for several years; 520 FW 6, and 520 FW 7 are the result so far. Items in 520 FW 8 that could be pulled into 520 FW 7 have been. They'll replace chapters from 1992. The process has included multiple versions for review and comment. Tom Barnes was presented with the Meritorious Service Award, in part for his work on this. On Monday the process leading to Director's review / approval of the chapters began and they could be published by the end of 2017. It is hoped that the states will apply the guidance on trial basis. (Information will go out using the FACWG / communications procedure).
 - WSFR will solicit discussion with the states in spring 2018, and plan visits for spring and summer, and the opportunity for webinars and conference calls.
- General appraiser training and grant administrator training is in development through agreement w/ NCTC; online course should be available by end of 2018 or early 2019.
- Scott Knight: OIG says WSFR isn't properly monitoring real property acquired by grants; they took a cursory look and made judgment calls, and WSFR has had to explain that although there's no central database there are strategies and training.
 - A briefing was held on Friday with Deputy Asst. Secretary Skipwith to demonstrate the TRACS lands module (objective was to talk her out of a centralized database which wouldn't work for the program).
 - Larry Mellinger: Interior said it doesn't have to track lands if not owned by the Federal government. What happened to that?
 - Scott Knight: That was the wrong response, and it was communicated to OIG that that was an error.
- Mike Sawyers: Is this going right to publishing?
 - Van Alstyne: Yes, as a Manual chapter; this was in the final stages by the time the communications procedure was finalized.

9. JTF Information / Wiki Access, Meeting Planning, Logistics - Update

Barlow

- All documents from the last 15 years are on the Wiki, and everyone has access.
- Will work up requirements for conference room size (it was too small this time).
- Suggestions for next meeting venue / dates?
 - Sometime in April 2018. Some suggested Denver, some suggested D.C.
 - Colleen Sculley: Chiefs and FACs should meet before JTF.
- ***April 25-26, Springfield, MO***
 - Denver, CO as a fallback.

10. Catch-Up, Wrap-Up, Review of Action Items, Scheduling of Fall JTF Meeting Hepler / Rauch

- Changes to action items:
 - Scott Knight: On the Matrix item, can the WG play around w/ the “and/or” wording?
 - Lisa Evans: It should be consistent w/ the others.
 - Tim Smith: There wouldn’t be a problem w/ “and/or”
 - Clint Riley: The sideboard is that “and/or” is fine but the problem of requiring both was not what we wanted; tinkering should not end up with requiring both.
 - The TRACS MOU will be distributed at the North American Meeting.
 - Five-Year Report:
 - Set aside; not drop indicators 42, 43, 44, but come back in Spring 2018.
 - Put it on hold until WSFR completes strategic communications plan.
 - WDM and population management:
 - Group of 2-3 should include state person, federal person, WSFR policy person.
 - Lisa Van Alstyne, Mike Piccirilli, Martha Williams.
 - Don’t put it into communications protocol but just for JTF review.
 - March 24, 2018 distribution.
 - Public Access revision:
 - Lisa Van Alstyne: Next phase of 50 C.F.R. 80 phased review (Phase 2)
- Lisa Evans: Would like to document 1) the new plan for consolidated 50 C.F.R. 80 phased review, 2) JTF issue ID and decision-making procedure, as action items
 - #2 just needs to be finalized/distributed as appendix to the Charter
- Jack Buckley: We spent so much time talking about pheasants but there are no action items.
 - Recommendations: Seek Ex Com sense (due Jan. 1, 2018) + FWS decision on the grant.
- NRA course: FWS will develop an issue paper that outlines the options.
 - Group: Scott Knight, Lisa Van Alstyne, Lisa Evans.
- WSFR projects in Canada:
 - Waiting for Ex Com update (due Jan. 1, 2018) to go to FWS.
- Reversions:
 - FWS will revise final apportionment letter to include a total amount by Feb. 2018.
 - Scott Knight: State reversion info should remain separate.
 - Martha Williams: AFWA has to discuss the programs that experience reversions.

Meeting adjourned at 12:00 pm.