

MEETING NOTES
Joint Federal/State Task Force on Federal Assistance
Policy (JTF) Meeting Date: November 16 - 17, 2015
Location: Edgefield, SC (NWTF)

JTF Co-chairs: Kelly Hepler (absent) (ADFG) and Hannibal Bolton (USFWS)
JTF Members: Steve Barton, Tom Busiahn, Tom Barnes, Mike Piccirilli, Clint Riley, Benjamin Tuggle (absent), Lisa Evans (absent), Glenn Normandeau, Jim Douglas, Dan Forster (absent), Ed Carter and Larry Voyles
Legal Counsel: Carol Bambery and Larry Mellinger
Guests: John Frampton, Jon Gasset, Parks Gilbert, Pete Barlow
AFWA Contact: Ashley Salo, AFWA, MSCGP Manger
USFWS Contact: Joyce Johnson, Special Assistant for Program Development and Analysis

ACTION ITEM: AFWA staff will work with Paula Nicholas to update and distribute the contact list for the Federal Aid Coordinators Working Group to JTF members.

ACTION ITEM: AFWA staff will distribute the FA Wiki / Uniform Guidance address out to JTF members.

ACTION ITEM: A small working group comprised of Steve Barton, Clint Riley, Larry Voyles, and Dan Forster will draft a memorandum of understanding (MOU) to clarify the JTF's position regarding outputs vs outcomes data inputs into TRACS. A draft version will be available for JTF review by spring 2016 meeting.

ACTION ITEM: Tom Busihan will distribute to JTF members the first preliminary draft of the WSFR five year reporting grant template when available. Timeframe TBD.

ACTION ITEM: Steve Barton will report on audit finding resolutions, as they become available, to JTF members.

ACTION ITEM: The draft white paper on the recommended regulatory amendment to set a specific price that would establish any license as eligible for certification as a "paid license holder" minimum will be discussed at the AFWA Executive Committee meeting in December 13- 15, 2015. The Executive Committee, if the recommendation is to move forward, will distribute the white paper to all state Directors for comments and will be clear on the role of the states in furthering this recommendation.

Additionally, the AFWA ExCom will request the white paper be distributed through the FA Wiki for review and comments. WSFR staff will compile comments received prior to NA conference in March 2016. After reviews, the white paper will be distributed to the AFWA Trust Fund Committee and Executive Committee during the NA conference.

ACTION ITEM: FWS Policy Branch prioritized and clarified list of 85 needed revisions to 50 CFR 80 and will distribute this information, through FA wiki link, to JTF members for comment and feedback by January 30, 2016. All comments submitted by JTF will be forwarded to Kelly Hepler and Hannibal Bolton.

ACTION ITEM: JTF will implement a standing agenda item to review FWS three year projection (calendar) of any anticipated upcoming policy revisions/rule making. The calendar will be distributed by FWS staff prior to each JTF bi-annual meeting.

ACTION ITEM: FWS will distribute to JTF members the list of required federal statutes the Service must adhere to while administering federal assistance.

ACTION ITEM: All JTF and WSFR Chief's meeting agendas will be shared with both groups prior to their bi-annual meetings.

Monday, November 16th

Welcome and Introductory Remarks – Bolton/Ed Carter

Status of previous action items – Joyce Johnson

WSFR Update – Administration and Information Management Division – Steve Barton

- Steve Barton stated that the Service is still awaiting the final audit document from the Inspector General. The Service has been addressing many of the items raised in the audit – as it relates to additional guidance to Service staff. (Ex: Making sure have proper side documents for reimbursements). As soon as the document is finalized, it will be distributed to the JTF members.
- Final receipt numbers are in. for SFR and it's estimated to be around 635M which is up approximately 1.5% from this time last year.
- Still waiting for last quarter receipts for archery excise taxes. Those are expected to be around 10-13M. Barton stated that they anticipated WR receipts will be around 696M (As a reference this time last year WR was approximately 825M).
- In August, all bureaus in the Interior have compiled a policy group to review the Interior's financial assistance policies. This group will meet six times a year, every other month. Their primary objective will be developing policies for financial assistance. It's hopeful that this will create more uniformity across the federal agencies.
 - Q: How will the JTF receive the information that the workgroup develops?
 - A: When Interior puts together what those policies are they will be distributed to all the Bureaus. The Bureaus will be involved with implementing these policies and it will be able to disseminate the information from there.
 - Q: Will the special aspect of this program get lost in the consistency that was mentioned? Steve Barton stated that he did not believe that it would.
 - Tom Barnes noted that unless this group developed corresponding regulation to the policies they wouldn't supersede 50 CFR 80.
- A fiscal team has been assembled. They will be working on internal FWS budget issues.
 - Q: How will the JTF handle tackling items identified as audit findings since they have not been published yet? Are there items that should be on the table right now but aren't?

- A: There are portions that the Service is already working on, mainly housekeeping related items. Hannibal reiterated that the audit findings from IG will be shared with JTF. He also stated the he would be more than willing to share all corrective action plans.

ACTION ITEM: Steve Barton will report on audit finding resolutions, as they become available, to JTF members.

Policy and Programs Division – Tom Busiahn

- The Coastal Impact Assistance Program (CIAP) is a \$1B dollar grant program administered by FWS. Administrative funds from CIAP have been used to help develop TRACS. When CIAP program ends, there will need to be an adjustment made to funding TRACS.
- The National Survey branch has three staff. Half of their salaries are funded through the multistate conservation grant program. The other half is funded through SWG. The National Survey team is wrapping up 2016 survey. The National Survey team has been working with AFWA’s Funding Task Force (objective to identify additional sources of funding for the National Survey). Sylvia Cabrera and Tom Busiahn will both attend the National Survey Summit (hosted by the Funding Task Force) at the North American Conference in 2016.
- The multistate conservation grant program coordinator is John Stremple. He works with Ashley Salo (AFWA) to administer the grant program.
- The programs branch currently has five biologist and/or admin on staff that is responsible for the competitive grants.
- The report on measuring effectiveness of state wildlife grants used result a results based framework which models it into outcomes. FWS will be using this same framework for all WSFR programs. TRACS will be using this input in early 2016 and will eventually culminate in TRACS version 2 later next year. Intended to measure outcomes for WSFR program in general as well as WSFR funded projects in TRACS.
 - Larry Voyles stated that states should be the ones to determine the effectiveness measures. The states have already expressed caution with transferring SWG effectiveness measures to the WSFR program. It is a bottom line issue that needs to be resolved.
 - Jim Douglas reiterated that Larry Voyles’s point resonates with all directors. This is a serious concern.
 - It’s one thing to report on accomplishments. If a goal standard for what the achievement needs to be is being set, that should be determined by the states.
 - Steve Barton noted that from the technical side, it’s challenging to display what has been accomplished with the grant funds from a conservation standpoint. Every state will have different goals in what they’re trying to accomplish. That’s the challenge. How can you display what’s being done when there isn’t one entity setting any goals? The effectiveness measures will display the accomplishments over a long time period without establishing what those goals are. The TRACS working group was supposed to do this.
 - Larry Voyles asked if it would be possible for the Service to summarize their position. The states need more than a PowerPoint for this information.
 - Larry Mellinger stated that OMB sees FWS as a billion dollar appropriation that needs to have substantive results. It’s possible to set the goals the broadest sense possible. It’s understandable that OMB would have this perception. The states still need to be able to see how any goals are being determined before their implemented.

- The types of projects and programs that are implemented with these funds would make it very difficult to set national standards / goals / benchmarks. Each state is different.
- Another concern from the states – 99% of what is accomplished happens in a time horizon that is politically intolerant. The day to day gains are slow.
- Q: Is the Service proposing a reporting system or a measure of effectiveness? A: The Service has no interest in operating on the micro-level. This analysis would be at a much higher level. This would be a reporting system. The states would be inputting the data so the states would be setting the goals.
- The states need to see what the Service is measuring against so the confusion can be cleared up.
- The federal aid coordinators are proposing a national meeting for fall 2017. The Wildlife Management Institute has agreed to facilitate the meeting. The federal aid coordinators working group will be seeking funding for this meeting (through MSCGP).

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Real Property Chapters – Tom Barnes

- Currently working on replacing a chapter from 1992.
- Land acquisition in the federal government is governed by title 49.
- Condemnation method of acquisition involves appraisal, appraisal review, compensation for damages, etc. There needs to be an offer of just compensation. Additionally, need to offer them the appraised value. Relocation benefits, obligation to tenants, etc. Moving towards buying under simpler rules where rules of condemnation would not be applied. (Simplified method).
- The Service started the revision process a long time ago. August 2014 three draft chapters were made available for states to comment. There were also two webinars hosted.
- Tom Barnes attended a meeting in Boston with DNR representatives from Maine, Massachusetts, and New York to discuss the chapter revisions.
- Received approximately 54 comments that were general in nature.
- Chapter with the most issues was the 2nd chapter (Chapter 7). Received 527 comments. Tom Barnes is approximately 65% through the comments. He will be responding to each unique comment.
- A number of comments from several states asked for FWS to specify if they could use their own funds to pay more than the appraisal. States cannot use match and/or grant money to pay more than the appraisal.

TRACS – Steve Barton

- Further development of TRACS has been temporarily suspended, as bug fixes are ongoing.
- There are nearly 4,000 projects already entered into TRACS.
- The TRACS working group completed an assessment of the readiness of states to begin implementing TRACS in July. Only 10 were deemed less likely to be ready.
- TRACS user training is still available.

- The Service has received concerns over the fact that users are being trained on TRACS version 1.0 even though TRACS version 2.0 will be out. TRACS is continuing to evolve and improve data quality. It's moving towards less free form.
- Outcomes framework: Outputs/outcomes for WSFR funded projects: Methodology developed by AFWA for state wildlife grants. Currently in testing for application to all WSFR-funded projects.
- Outcomes process: Establish the purpose for each WSFR grant program and identify desired long-term results; Identify the most common generic actions funded by each grant program; Updated AFWA/SWG generic results chain to fit all applicable WSFR grant programs; identify measures to assess, via results chain, how actions lead to desired impacts
- Discussion:
 - The identification of the common strategies should have come back to the JTF for review. WSFR part has not been vetted through AFWA or JTF.
 - AFWA/SWG effectiveness measures are not implementable. Granularity was so fine in so many instances it would have created a huge burden on everyone.
 - How much on the SWG effectiveness has been implemented?
 - It's problematic that the JTF hasn't had eyes on what is trying to be achieved. Especially if SWG effectiveness measures are not implementable.
 - Tom Busiahn noted that these are strategies not outcomes. These are common strategies that apply to different WSFR programs.
 - Larry Mellinger suggested that the list could be as big as the States want. It's not something that is a requirement on states to complete on this list. It comes up with all areas that projects might become involved in.
 - This list is not the outcomes themselves. This is for programmers in TRACS. It represents the kinds of activities that would be reported in TRACS.
 - Glenn Normandeau stated that there was nothing the matter with this list, as long as there isn't some outcome that comes out of this that was preconceived that states will be measured against.
 - For the SWG effectiveness measures – were the items states are trying to report weren't implementable? If they weren't implementable then they shouldn't be carried across to TRACS.
 - That's down to the granularity level.
 - How much of this information is available to the public?
 - A: The items contained in the blue boxes in TRACS are subject to FOIA. Only data that is FOIA is what's tied to the grant in the application and in the final report. What folks are seeing is the conceptual layout of the whole process. (Blue boxes)
 - So much of this discussion keeps coming back to semantics. Discussion from last time was that TRACS would be identifying measurable outcomes that grants need to reach. But that's not what is being discussed now. It's that TRACS will be doing outputs.
 - At this point in time, this is what FWS is working on right now. As close as FWS can get to show the accomplishments
 - Is it pre-populated?
 - It's consolidated. Reduced the need for free form.
 - Might be helpful to have abbreviated version of the training given to this group. So the JTF has an idea of whether TRACS is actually hitting the blue boxes.
 - How does the JTF move forward?
 - It was suggested that an MOU to outline what was discussed and what the plan/vision of the future is would be beneficial to all.

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Legal parameters / license certification – Larry Mellinger / Carol Bambery

- The white paper on legal parameters for license certification was drafted and discussed during the annual AFWA meeting in Tucson, AZ. Larry Mellinger discussed that the basic legal parameters are tied to the specific definitions outlined in the PR/DJ statutes. It will be difficult for the FWS to develop a new license system that conforms to the current statute/
- Carol Bambery noted specifically that “paid” and “license” have both been defined in statute. However, “holder” may have room for interpretation. Additionally, the white paper has not yet reached a conclusion for the JTF. Additional work needs to be done.
- Jim Douglas noted that questions raised at the last JTF meeting, in regards to license certification, had multiple different (possible) scenarios. One was participation and the relationship to lifetime license, etc. However, can't see how participation survey comports with paid license holder.
- Larry Mellinger stated that a participation model survey would not be within the Secretary's discretion.
- Carol Bambery replied that if all 50 states had a system that they wanted they could do that. The Director's role is merely secretarial. Follow the guidance of the states.

Multiyear License Certification – Pete Barlow

- Proposed regulatory approach:
 - Require a dollar value for minimum annual net revenue on multiyear licenses. Benefits include – clearer standard requirements, based on national prices, measureable and auditable, avoids the need to compare license types to identify similar privileges.
 - Proposed language for 80.35 – How does an agency calculate minimum annual net revenue from multiyear license? 7.00 dollar - memorialize licenses that were set at 7.00 rate (assuming they change after being re-evaluated every five years).
- In Nebraska, lifetime licenses are on a sliding scale for how much they cost. (Age range). They are based on actuarial work. They meet the 80% rule. Where would Nebraska measure the \$7 dollars? Do they measure to 76 backwards? Pete Barlow: Yes.
- Proposal would say for example: If there was a multiyear license sold for \$140: $140/7 = 20$ years. Therefore can now say you have a paid license holder for 20 years.
- What is the federal interest in caring what the amount is as long as it's a paid license? Pete Barlow: If you consider the fact that each license for apportionment generates certain amount of financial kick-back. FWS is trying to get somewhere in the middle.
- The 80% rule was put forward by FWS, and was rejected by states. So is this an answer to the 80% rule? If FWS is not taking into account states with age ranges, states will most likely not like what it will cost on the younger end (ages) to do this. This needs to have more state reaction before anything can be put forward or implemented.
- Joyce Johnson stated that this would apply to not just lifetime licenses, but also multiyear and senior licenses.
- Tom Barnes suggested that FWS go forward with a publication of a draft rule and see if there is a positive reception.
- Larry Voyles asked what would the change be and then how does FWS achieve that change? This proposal will take some serious thought and consideration. For most states, moving forward with this would require statutory changes within their own legislation.
- What is FWS aiming towards? FWS is trying to define what close approximation is.

- It was proposed that a dollar amount that provides the optimal revenue to states for the optimal period of time be identified.
- Comparing states is almost impossible. Establishing a minimum price for a license will be difficult. This doesn't even consider free licenses, etc.
- Set that level low enough that FWS can pull all the states in. There hasn't been that consensus yet.
 - That was FWS reasoning for moving forward with the proposed rule.
 - Might want to consider two-tier price.
 - Set minimum for all licenses. Not just combo.
- What would FWS do with all the licenses that were certified in the past? There needs to be some kind of grandfathering rule.
 - If regulations can't be applied retroactively then FWS can include language to indicate this.
- We will need to meet a minimum amount. Effectively what this means is that the FWS will tell all the states when you sell a license, for it to count as a license, it has to go for X amount.
- The JTF needs to take a step back and realize there are only four directors around the table out of 50. This absolutely needs to be discussed this with the other states.
 - Putting this into proposed rule would be bypassing a lot of the vetting processes.
- This is the JTF position, not a state position, not a Federal position. However, the JTF can work to find common ground and then move forward for further discussions.
- Any sense that this group should set a price beyond income?
- Right now we're discussing defaulting to our previous process but setting a new minimum to it

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Tuesday, November 17:

Working with WSFR, States and Industry – Jon Gassett

- Industry/Agency coalition meets once a year to enhance relationships and further common goals.
- Excise tax fairness issue is a key item being discussed among the coalition members. Also looking into developing a marketing plan to educate the public on PR/DJ program.
- Another key item is the modernization of PR. This would include adjusting the match requirement for states, increasing the multistate spot, and allowing marketing/outreach with PR funds.
- The next I/A summit will be held in April-May of 2016.

Council for the Advancement of Hunting and the Shooting Sports (CAHSS) – John Frampton

- The Council is a non-profit, charitable, educational organization (501 (c) 3), incorporated in the District of Columbia.

- The concept of the Council was an outgrowth of AFWA which matured after 4 years of meetings and relationship building amongst the key stake- holders of the North American Model of Wildlife Conservation.
- Council Successes include:
 - The National Plan for Recruitment, Retention, and Reactivation of Hunting and Shooting Sports Participants. This Plan was developed in partnership with the Wildlife Management Institute and was supported by all fifty states.
 - IHEA-Hunter Education Project
 - FOIA/Privacy Laws on License Data o Shooting Range Laws Review
 - Digital Evaluations:
 - three students viewed state agency websites valuated customer experience provided detail, written summary of findings
- The Council submits annual performance report to the JTF's TAG, which is managed by Joyce Johnson.
- The JTF made a motion to reaffirms its support for the use of wildlife and sportfish restoration funds to help fund operations of the Council beyond the initial five year period. Motion was made with full consent from members.

Oil, Gas, and Mineral (OGM) Extraction on WSFR Lands – Larry Mellinger

- White paper was distributed prior to JTF meeting. In cases where the subsurface OGM rights are held by the State fish and wildlife agency, the revenues derived must be handled according to federal regulations under 50 CFR Part 80, or in some instances, 43 CFR Part 12. How these revenues are handled ultimately involves a determination as to whether the OGM sale represents a sale of personal property or a disposal of real property.
- AFWA's legal committee reviewed the white paper and Larry Mellinger presented on this topic at the AFWA annual meeting. There was only one state that raised concerns.
- The paper will be added and implemented through 50 CFR 76.

Priorities for 50 CFR 80 – Pete Barlow

- Pete Barlow presented on a list of 95 issues at the last JTF meeting.
- It was a hard list to prioritize but the list has been narrowed down to 85.
- Pete Barlow and FWS hosted 12 webinars on these topics from June through September.
- Pete has incorporated the discussion points from the webinars into the prioritization of the issues. Draft revision of list was sent to regional chiefs and JTF members. The list will be out with the regional chiefs until January 2016.
- Pete will provide JTF members with link to wiki.
- What process do you envision for this JTF to get eyes on and look through the policy level on what proposed revisions?
- Pete Barlow will send draft revisions to the JTF.
- Next time could FWS send it out to the JTF along with the chiefs prior to the JTF meeting?
- The JTF needs to make sure Kelly and Hannibal receive comments from the JTF.
- Would be nice to have calendar for 3 years of pending rule makings and when so JTF will know what's coming down the pipe.

ACTION ITEM: FWS Policy Branch prioritized and clarified list of 85 needed revisions to 50 CFR 80 and will distribute this information, through FA wiki link, to JTF members for comment and feedback by

January 30, 2016. All comments submitted by JTF will be forwarded to Kelly Hepler and Hannibal Bolton.

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Wrap up –

- Proposed meeting times for next JTF include:
 - JTF should meet in conjunction with the Chiefs again.
 - April 11-12-13-14 or 15. The Chiefs meet on Tuesday – although perhaps could be moved.
 - California and Atlanta were proposed as meeting locations.