

FINAL MEETING NOTES
Joint Federal/State Task Force on Federal Assistance Policy (JTF)
Meeting Date: November 5-6, 2013
Location: New Orleans, LA

JTF Co-chairs: Kelly Hepler (ADFG) and Hannibal Bolton (USFWS)
AFWA Contact: Ashley Salo, AFWA, Multistate Conservation Grants Coordinator
USFWS Contact: Joyce Johnson, Special Assistant for Program Development and Analysis
JTF Members: Gary Armstrong, Lisa Evans, Wayne MacCallum, John Organ, Mike Piccarilli, Steve Barton, Dan Forster, Thomas Barnes, Larry Voyles, and Curtis Taylor
Legal Counsel: Carol Bambery and Larry Mellinger
Guests: John Frampton, Jon Gasset

Tuesday, November 05

1. Welcome and Introductory Remarks (8:00am) – Bolton/Hepler

- Dan Forster was welcomed on the Joint Task Force. Dan has replaced Jon Gasset, former Director of Kentucky.

2. Status of Previous Action Items – Joyce Johnson

- **Action Item 1:** Joyce Johnson, Lisa Evans, and Kelly Hepler will create a document detailing the process on how to bring forward and process issues through the JTF for distribution to state Directors, Federal Aid Coordinators, and Regional Chiefs by June 30, 2013.
 - **Status:** JTF process document has been created. It would be beneficial if this could be distributed to state directors through AFWA's regional associations (New Action item).
- **Action Item 2:** Chairman Curtis Taylor will work with Ron Regan (AFWA) to determine if an existing work group that was appointed by President Jeff Vonk would be the appropriate body to assist the JTF with concerns of the National Survey (current strengths, weaknesses, and potential long-term funding solutions).
 - **Status:** John Arway, Chair of AFWA's National Survey Technical Workgroup, provided an updated on their progress to date at AFWA's annual meeting in September 2013. Conversations between the working group and the Service are ongoing.
- **Action Item 3:** Steve Barton, Tom Barnes, and Hannibal Bolton will add the portion of the JTF minutes to the guidance document on TRACS summarizing the agreement between the Service and the JTF on state wildlife agencies authority to manage the information added and displayed in public TRACS by next JTF meeting.

- **Status:** Copies of guidance materials have all been distributed to the JTF.
- **Action Item 4:** Lisa Evans, Joyce Johnson, John Organ, and Gary Armstrong will draft a memo from the JTF Co-Chairs based on the white paper findings regarding the eligible use of PR/DJ funds for recruitment and retention programs/projects for distribution by June 15, 2013
 - **Status:** Memo was drafted, reviewed by Co-Chairs and distributed to JTF members by John Organ.
- **Action Item 5:** Tom Barnes and Steve Barton will develop a document that presents options on how to count people who hold senior/multiyear licenses in the annual license certification. The document will explain the legal and historical background of the issue and the pros and cons of each option. The JTF Co-chairs will review the document and approve it for sending to the Federal Aid Coordinators Working Group to request review and comment. Tom Barnes and Steve Barton will consult with the Co-chairs as to whether any changes are needed based on the working group's comments. They will finalize the document for discussion by the JTF at the November 2013 meeting. The document will then be distributed to state Directors for review and comment.
 - **Status:** Related documents are in the JTF Background Materials and on the JTF agenda for discussion.
- **Action Item 6:** Hannibal Bolton/Paul VanRyzin will discuss FWS/State review of SWAP process at Chiefs meeting in October 2013.
 - **Status:** SWAP revision and review process and was discussed with the Regional WSFR Chiefs in October 2013.
- **Action Item 7:** Hannibal Bolton will discuss SHPO coordination with Chiefs by June 15, 2013.
 - **Status:** Item has been discussed with the Regional WSFR and process is under review by regional and national WSFR staffs. Resolutions to section 106 issues are still ongoing.
 - **Discussion:**
 - Communication between regional federal aid offices and the states are encouraged. Many states are not hearing the message that FWS has addressed, or is addressing, this issue. This is continuing to slow down the grant approval process.
 - The FWS regions are taking different approaches to resolve this issue.
 - There should be a national process for handling SHPO coordination. The JTF should begin looking into this option.

1) **ACTION ITEM:** JTF process guidance will be sent to Directors/Chiefs (Lisa Evans) November 30, 2013.

2) **ACTION ITEM:** Hannibal Bolton and Steve Barton will work to develop national guidance policies on SHPO to provide consistent management throughout the FWS Regional offices. This document will be reviewed and approved by JTF members prior to distribution.

3. Update on WSFR Policy Issues – Tom Barnes

-Status of Lands Chapters

- These were first written in 1992 and are being revised and have gone through many drafts. There are four lands chapters being revised. Three are close to finalization. Those three are working their way through the FWS internal process.
- A new step in the review process of the Lands Chapter now includes the Office of Valuation Services. Prior to 2001/2002 each Bureau in the Interior had its own realty division. Those have all moved to a central bureau in the Interior, which is the Office of Valuation Services. They have oversight over appraisal policy on realty.
 - The OVS will charge a fee for every review of quality control, but will not charge FWS for approving FWS policies.
 - Will this new step in the review process cause any delays in finalizing the chapters? Don't anticipate a significant delay. After the chapters are back from OVS they will go out national for review. All states will have the opportunity to offer comments and feedback.

-Status of 50 CFR 85 (Clean Vessel Act) and 50 CFR 86 (Boating Infrastructure Grants)

- Proposed rule for BIG has been sent out for national review. Received many strong comments and feedback. Have since developed a second proposed rule. Expect this will go forward to OMB by the end of December 2013.
- Currently developing a new proposed rule for CVA which will be distributed nationally for review by the end of the calendar year in 2014.

-Rescission of policy chapters and handbooks - Purpose and Content of WSFR Wiki Administrative Regulations – purpose and projected timeline

- Plan to move the 10 remaining policy chapters (originally developed from recommendations by the JTF) into 50 CFR 80. This was sent out to the regions for comment. Will bring draft of content being incorporated into 50 CFR 80 to the JTF for review when it is compiled.
- Started drafting 50 CFR 75. Should have a draft version for JTF review by April 2014 meeting.
- There are 41 chapters in the Service Manual. Many of these chapters are instructional and are simply a restatement of regulations. These are being moved to WSFR Wiki.
 - The Service (and States) should look at the components of the policy chapters and determine which portions absolutely need to be maintained in policy.
 - Discomfort with the use of the term “Wiki.” In a Wiki, anyone can edit the information there.
 - Wiki was meant to be a way to help address general questions, not house regulation. Content will not be able to be edited by outside parties.

- What will be the role of the States in the internal discussions regarding moving these Chapters to the Wiki?
 - One possible option – States can reach out to Federal Aid Coordinators to identify elements in the Service manual they feel is critical guidance that should be moved into regulation.
 - A small group could tease out that information.
- Whenever a Chapter is revised or rescinded, States are always involved. They have a comment period. Currently have 41 Chapters. Plan to delete most with 10 or so Chapters remaining.
 - Difficult to put States involvement in context. There should be a policy discussion up front with a frame work in place before the revision goes out for comments. This could be discussed in small groups.

4. WSFR policy on wildlife damage management and recommendations re: predator control and need for clarification through the JTF small group process - John Organ

- Question regarding WSFR policy on wildlife damage management was raised recently when Montana DNR was under pressure to pay for wildlife damage by the state legislation. Wildlife damage management has been through WSFR policy not regulation. Would this stand up if challenged in court or litigation?
 - Process to develop this policy was extensive. Should consider moving this to regulation if this would be helpful to States.
 - Who determines when a restriction has compromised the ability of the FWS to maintain its wildlife? This is a potential area of conflict of opinion.
 - The language in the WSFR policy was debated fiercely before it was adopted.
 - If this is vetted through the rule making process, many questions on the table now will be open for further discussion.
 - Relative to Montana, there is existing policy in place which supports their position. However, the question is whether they can enforce that policy or not. Does the Director of a state agency have the authority to determine whether or not to pay the damages?
 - If the option of moving the policy to regulation is to move forward, additional clarification from Montana is needed first.

3) ACTION ITEM: John Organ will work with the Federal Aid Coordinator from Montana regarding the next steps in wildlife damage management. John Organ will provide an update to Tom Barnes in drafting the 50 CFR 80 regulation and will report to the JTF at the April 2014 meeting.

5. Update on Working with Industry – Larry Voyles /John Frampton

- Jon Gassett has taken over the work on the WMI – Industry/Agency Multistate grant awarded in 2013.
- The main focus of this work will continue to be on the IRS and the Excise tax inequities in the system. (Loopholes, internet shells, etc.) A conference call with five different levels of IRS employees was held. The IRS is interested in helping solve the inequities and will be attending the Archery Trade Shows in early 2014.
- Industry-Agency summit will be held in April 28-30 2014 in Fort Lauderdale, Florida. The 2014 summit will be hosted by Perko, Inc.
- The 2013 summit had a strong attendance from state wildlife directors and industry personnel. The 2014 summit is expected to have as strong, or stronger, attendance.
- John Frampton has stepped into the role as CEO/President of the Council to Advance Hunting and the Shooting Sports
- The Council has thirty four states on board as members with a goal to have all 50 states.
- One of the next big steps for the Council will be facilitating the development of a national plan for recruitment, retention, and re-engagement of hunters and shooters. The Northeast Association has already supported this concept. The Council expects to have full support from all the regional associations in the near future.
- The Council is in the process of finalizing its annual performance plan due to the Service by the end of November.

6. WSFR Program Update – Steve Barton

- Received updated firearm estimates for the quarter ending in September. Currently at 800M in PR receipts. The last quarter is anticipated to be similar as last years, which was about 11M in PR. PR funds have continued to increase over the years, mostly in handgun receipts.
- The final numbers for last quarter's figures for DJ have not come in yet. It looks like it should be near the 620M range which is about what was brought in during FY11.
- The final amount being sequestered is still unknown. It's anticipated to go into effect in January anywhere between 7.2-11%. It's also unknown if all FY13 sequestered amounts will be returned. The law clearly states (for trust funds) that any amount sequestered for one year will be returned in the next.
 - What is the exact definition for the rolling funds? A rolling sequester would see one year's sequester coming in back on top of the non-sequestered funds.
 - Does the FWS Director have any discretion on how the funds are extracted from the subprograms?
 - No, there isn't any kind of discretion.
- Since 2008, in conjunction with the Coast Guard, the Service has been moving forward through legislative process for the Wallop Beaux reauthorization amendment with adjustments to the Service and Coast Guards administrative funds.
- It also proposes changing the amount which goes into the national boating safety survey from 5% to 7%
- The Service is requesting to adjust the administrative fees which would raise the current ask to 1.3M. There have been ongoing discussions between AFWA, ASA,

and others. A request has been sent to the Chiefs to develop metrics detailing the need for the additional administrative fees.

- From AFWA perspective – trying to wrap minds around the quantitative aspect of the ask (increase in admin fees). The Service has provided telling information on need and has detailed some of the pressures faced. Still need to learn more, on the driving force, so AFWA can properly advocate on behalf of a solution and on the increase. The principal target being the industry. This means opening the PR act which has some industry partners nervous. Questions being raised: Is this the right time? How much is enough? Good plan in place? Recent conversations have suggested that if it helped the states and that if it were in fact a more descriptive plan of what those additional funds would be used for would be helpful. How it will improve the program? Pending that dialogue and information, that will help AFWA get to a more comfortable place with admin increase.
- One pressure point is the responsiveness to state directors on potential diversions. A delayed response to these urgent issues is problematic.
- This is the second or third reauthorization where an increase in administrative funds for the service is addressed. The why has been answered but never qualified. There's no doubt of the pressures faced by the Service which would be easy to quantify. This would help garner additional support throughout the states.
- Agreed upon effectiveness measures and their targets would be a powerful resource to close the discussion on this topic. Example effectiveness measure could cover the empty positions at the Service and the reduced capacity that creates. This could be easily turned into quantifiable measures.
- The process needs to be clearly defined.
- This group could develop these effectiveness measures through small group discussions. FYI- AFWA will be discussing this topic at its Executive Committee retreat in November.

7. Updating the JTF Charter – Carol Bambery

- Do we need a formal amendment to reflect the change in JTF membership? Previous amendments included revisions to the committee's membership which was originally noted in the JTF charter.
- A third amendment could be drafted which would remove the names or an exhibit could be put together to track membership.

4) ACTION ITEM: Carol Bambery and Larry Mellinger will prepare an Attachment to the Charter to reflect current JTF membership and draft an Amendment which provides in the future the Co-Chairs of the JTF will publish an amended list each time a new member is appointed which will be housed on the WSFR website.

8. State survey re: hunting and fishing licenses – Tom Barnes

- Started to look into the intent of the PR act as an additional mechanism to evaluating the multi-year senior licenses.
- The start of the legal background began with what was the law itself. It talks about the number of *paid* license holders.
- Most important thing when talking about congressional intent is the legislative reports which accompany a bill.
- Why did they put *paid* license holders in there? We do not know the answer.
 - This was always meant to be a cooperative program (which is another approach to the intent)
 - How many states issued free license back in 1937?
 - Not known if all states even had licensing requirements in 1937.
 - The 1959 solicitor's opinion focuses on individuals holding licenses not on paid licenses. This was the first federal court case dealing with the intent of PR/DJ.
 - If you have a free license, but need a permit to hunt and you have to pay for that permit does that permit then become a paid license?
 - Need to first determine what a paid license is.
 - Are the states asking that the Service define what the amount of paid license holder is?
 - Last recommendation from this task force punted this decision to the states. (This is being discussed in AFWA's license certification workgroup.

9. Timeline for State License Certification for FY 2014 – Steve Barton

- The time frame for license certification is back to the normal process. Letter to the state Directors will go out asking for license certification numbers in late May to early June timeframe. By this time, TRACS will be up and functioning. License certification will be online and there will be no pdf type signature requirement.

10. Clarify/Identify Small Group Topics/Volunteers – Kelly Hepler/Hannibal Bolton

- Larry Voyles will Chair the small working group to identify effectiveness measures to assist in the Service's request for increase administrative fee.
- Joyce Johnson will Chair the small working group to discuss the Service manual Chapters.

Wednesday, November 06

11. Small Groups Report Out on Identified Topics w/Recommendation(s) for action

-Update on AFWA License Certification Workgroup:

- Bob Byrne has been hired to assist with surveying work. He's devoting a significant amount of time to 11 particular states. He will determine what kind of licenses they have available, how are the states collecting the information, and will provide a report to the

license certification workgroup in February 2014. The Workgroup will prepare final recommendations for AFWA's Executive Committee by the North American conference in March 2014. They will then be available for JTF by April 2014.

- Will this bring the discussion to the close approximation fees? What might happen to a license sold under previous guidance? How do we get there?
 - There are several divergent issues here. The AFWA working group was tasked by AFWA ExCom to look into unfair practices among the states. Are they gaming the system? It is entirely appropriate after the report is given to AFW that the JTF take up the close approximation issue.
- It would be helpful to look at exactly what the rule has been for the past forty years. The rule which first addressed the multiyear license was much more restrictive than the rule currently in place. The assumption that the new rule is tightening the belt is incorrect.
- State are getting creative, finding different type of licenses that could be defined as not being commensurate. The tension in the issue deals with who has the authority to determine what type of license states can or cannot issue.
- A letter, from Director Bob Duncan, was distributed to the JTF detailing the concerns over various interpretations of the rule and the impact it's having on the states.
- The working group will have a report from AFWA's Executive Committee for the April 2014 JTF meeting.
- The AFWA working group work should be combined with Tom Barnes's work on PR/DJ history and intent.
 - A subset of AFWA's working group, Service rep, and the two counsels on the JTF should start this conversation.

5) ACTION ITEM: AFWA License certification work group, with assistance from Larry Mellinger and Tom Barnes, will finalize their report prior to the North American Conference in March 2014. The report will be made available to the JTF in April 2014.

- WSFR Administrative Effectiveness Measures/Outputs Small Group (Larry Voyles)

- The small work group had a lively discussion on the effectiveness, performance, and work task measures and outputs for the Service. A list was developed (below) and has been sent out to the Regional HQ and Chiefs:
 - Grant approval time set goal and actual
 - Delays due to rework
 - Lag due to WSFR capacity
 - Response time and ability to respond on diversion issues
 - # of email to state
 - # memos to state

- Field/site visits and project reviews, state coordination with states
- Policy and regulation review – continuous review cycle
- Turn-around time on land acquisition projects
- Fiscal review of state obligations, safety margins – timeliness and accuracy of reports of pending reversions
- Note for future training--- OIG Auditor ---training on basic wildlife management operations
- Training needs – how to measure?
- Audit findings – number / risk high vs low risk (e.g. assent legislation vs minor issues)
- Audit corrective action plans resolved timely
- Cost of Compliance
 - NEAPA – Section 7
 - SHIPO – Section 106
 - Tribal consultation
- Overtime/Compensatory time?
Vacancy by Region/HQ

- Could this list also be distributed to the federal aid working group? (Yes)
- Steve Leggans, from FWS, is working to move the JTF information to WSFR website. This should be completed before the end of November.
- Would the Service be able to track all the measures listed?
 - That question was posed to the Chiefs when the list was distributed.
- AFWA Executive Committee will review the measures.
- Chiefs will discuss the measures during the upcoming conference call and input provided will be distributed to JTF.

6) ACTION ITEM: Steve Barton will send the proposed effectiveness measures to the JTF members and to the Federal Aid Coordinator working group for review. The effectiveness measures have been submitted to Chiefs. Comments are due from Chiefs by Friday, November 8th. A summary of comments will be sent to AFWA (Carol Bambery/Ashley Salo) by close of business Tuesday, November 12th.

7) ACTION ITEM: Add JTF to AFWA website by November 30, 2013.

-Service Manual Chapter Discussion (Joyce Johnson)

- The Manual Chapter needs revisions for both policy and process issues. It needs to be reviewed or revised for technical reasons. Information contained in the Chapters will not be lost, but will be available in a different format. The charge of this small group was to come up with mechanisms that retains the guidance in the current system and removes guidance that should not be kept forward.
- The proposal is the existing chapters will be copied, scrubbed to remove wrong or misleading information, and placed in a reference spot (i.e toolkit, etc) and made available to the public. The existing Manual Chapter still remains.

- Tom will look at the existing chapters to determine what needs to be moved to regulation. As the existing chapters are updated, anything removed will exist in an archived version.
- The reference spot where the information will be moved will not be called a wiki.

8) ACTION ITEM: Tom Barnes will make a short review of his opinion of the proper disposition for the existing manual chapters and handbooks (ex: discard, retain, and modify as a chapter or convert to regulation) Will have report by next Chiefs meeting in April 2014.

9) ACTION ITEM: Tom Barnes will make short review and estimate of the time it will take to scrub the existing chapters of inaccurate or wrong material. The original and scrubbed chapters will be moved to an archived location.

12. Meeting Wrap-up -- Kelly Hepler/Hannibal Bolton

Schedule for next JTF Meeting: April 21-25 2014 to coincide with annual Chief meeting;
Denver CO

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