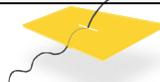


## Meeting Minutes

<p><b>Meeting:</b> Joint Federal/State Policy Task Force</p> <p><b>Date:</b> September 8<sup>th</sup> &amp; 9<sup>th</sup>, 2010</p> <p><b>Location:</b> The Embassy Suites, Portland, Oregon</p>	<p><b>Co-Chairs:</b> Hannibal Bolton Kelly Hepler</p>
<p><b>Members Present:</b> Hannibal Bolton, Kelly Hepler, Tom Barnes, Keith Sexson, Lisa Evans, Steve Guertin, Glen Salmon, Dave Schad, Steve Barton, Joyce Johnson, Mike Piccirilli, Carol Bambery, John Frampton, Larry Mellinger, Jon Gasset, John Organ, Steve Barton, Wayne McCallum</p>	<p><b>Facilitator:</b> Joyce Johnson</p>
<p><b>Members Absent:</b></p>	<p><b>Scribe:</b> Chad Klinkenborg</p>
<p><b>Guests:</b> Robyn Thorson, Chris McKay</p>	<p><b>Next meeting date:</b></p>
<p style="text-align: center;"><b>Key Discussion Items:</b></p> <p><b>Day 1 – Wednesday September 8<sup>th</sup>, 2010</b></p> <p><b>1) Adjustment to Agenda</b></p> <ul style="list-style-type: none"> <li>➤ Addition of discussion item regarding the protection of revenue from Boater Registration Fees through the Reauthorization of Wallop Breaux. This item will be formally added to Agenda Item #5 (Reauthorization of Wallop Breaux)</li> </ul> <p><b>2) Status of JTF Action Items from April 2010 Meeting (Denver, CO) – Barnes</b></p> <ul style="list-style-type: none"> <li>➤ Of the 7 action items defined at the previous JTF meeting in Denver, 6 were completed. The only action item that was not completed is as follows:</li> </ul> <p><i>[AFWA's Trust Funds Committee will collaborate with the USFWS to write an informative, proactive memorandum on angler registry and license certification before the next certification deadline (May 2011). AFWA will publish this memo in the Directors Line to engage and inform State Directors in this discussion.]</i></p> <ul style="list-style-type: none"> <li>○ JTF will wait until the formal rule is published and AFWA will initiate communication with Directors prior to the next certification.</li> </ul> <p><b>3) Emerging State and WSFR Issues for JTF – Bolton/Hepler</b></p> <ul style="list-style-type: none"> <li>➤ It was noted in recent correspondence from WAFWA that some states have been using WSFR and State funds for purchase of non-lead ammunition and angling products for voluntary exchange programs for hunters and shooters as a method</li> </ul>	



of reducing lead in the environment. At the moment it isn't clear whether or not this is an appropriate use of WSFR funds. There needs to be consistent guidance to regions.

- ✚ **Working Group 1** will identify the conditions for this expenditure to be eligible under the WSFR program and provide written guidance for regional grant coordinators to use when making eligibility determinations.

#### 4) License/Excise Taxes and losses from closed fishing in Gulf of Mexico -**Barton**

- Explanation was given regarding the difficulty of defining gulf-spill effects on fishing license sales (in affected states) until the states license-sale-year has concluded. Justifying the negative effect of the oil spill could also be very difficult when there are some many other variants which could also have an effect (e.g. down economy).
- It will also be extremely difficult to figure out the effect of the spill on excise tax revenue because of the lag between the spill and tax collection.
  - There was discussion about the potential to quantify such a loss and seek reimbursement from BP or NRDA. Some gulf states have recently sent letters requesting an apportionment consideration for SFR.
    - Is there a way to assess the reduction of Trust Fund revenue due to a decline in fishing participation because of the Gulf Oil Spill? If so, how can you put a number on this and how can this be recovered from BP?

- ✚ AFWA's Trust Funds Committee needs to discuss the potential of quantifying a loss in revenue and draft formal a request to AFWA's Legal Committee related to potential action to regain this loss and methods of doing so. **See Action Item.**

#### 5) Reauthorization of Wallop-Breaux Amendments – **Bolton/Barton**

- An overview of the Administration's Proposal (which is currently in the House) affecting the reauthorization of Wallop-Breaux was provided. This legislation (as it relates to the USFWS) would reassess administrative funding (from the previous cap on FTE's and funds set by the Improvement Act of 2000) for the WSFR Program. The USFWS would like to raise the cap on administrative funding and FTE's; FWS is claiming that Admin costs exceed their current level of funding.
  - The question was raised: Is there a greater admin percentage being allocated from the PR/DJ than other Federal Grant Programs like section 6 and SWG?
- AFWA and several JTF members have several concerns for the USFWS related to the need to increase admin funding through Wallop Breaux because essentially this would take money away from the states through the SFR Trust Fund. The USFWS will answer these questions and submit a formal response at the Trust Funds Committee Meeting at AFWA's Annual Meeting in Grand Rapids, Michigan.

- ✚ There will be House Sub-Committee hearing on **October 5<sup>th</sup>** addressing the

Administration's proposal.

## 6) Boater Registration Fees

- Due to budget deficits in many states, legislatures/governors are starting to go after Fish & Game Agency dollars to fill budget gaps. Boater Registration Fees are one of the pots of money that are not protected (such as hunt/fish license fees). Is there an opportunity to seek federal Legislative protection (through Wallop Breaux) of such funds?
  - How are these dollars being spent by states?
  - What can states do in the process of the Wallop Breaux Reauthorization to statutorily protect Boater Registration Fees much like has been done with Hunting and Fishing License Fees?
  - Is this a Coast Guard Issue because they are the Federal Agency regulating boat registration?
  - Is this an amendment that can be added to the Wallop Breaux Reauthorization?

✚ It was concluded by the group that most Governors will not want the federal government to mandate this issue because it is essentially telling them how to spend money that was generated in their own state. If this issue is raised it will also bring to light that there are un-protected funds available for states to divert to other budget areas. **No action needed at this time.**

## 7) HE – Sections 4 & 10 – analysis of state obligations – **Schad/Johnson/Bambery**

- There was discussion of the obligation and expenditure of Hunter Education Funds and how these are spent by state (and what success stories are out there?) What is the differentiation?
- The trade organizations are concerned that the excise tax dollars generated through Archery Equipment sales aren't going into the right arenas. (Where is our money going and are we getting what we're paying for?) It is important for states to distinguish how they are spending section 4c and 10.

✚ The 4 major trade associations will convene (via conference call) and agree on what questions their members (archery industry folks) would like to be answered. JTF will not charge a specific committee to obtain these answers until Industry has verbalized their concerns. AFWA will then request this specific information from the states through Committee Action. **See Decisions.**

## 8) Council to Advance Hunting and the Shooting Sports – **Frampton/Bambery/Salmon**

- There was a brief update on the Council to Advance Hunting and the Shooting Sports.

The Council's Board (28 members) will be comprised of the following representatives:



- 8 Conservation NGOs:

Congressional Sportsmen Foundation; Ducks Unlimited; National Wild Turkey Federation; Rocky Mountain Elk Foundation; Pheasants Forever; Boone & Crockett Club; Izaak Walton League of America; Wildlife Management Institute; Safari Club International (Unconfirmed); National Rifle Association *has not confirmed their official Board membership capacity but has indicated they will support the effort.*

- 8 Hunting/Shooting Trade Groups:

Archery Trade Association (+3 Designees TBA); National Shooting Sports Foundation (+ 3 Designees TBA)

- 8 State Fish and Wildlife Agency Representatives:

Michigan, Becky Humphries; Arizona, Larry Voyles; Virginia, Bob Duncan; Massachusetts, Wayne McCallum; Wyoming, Steve Ferrell; Kentucky, Jon Gasset; Kansas, Keith Sexson; South Carolina, John Frampton

- 4 Federal Agencies Members (Non-Voting):

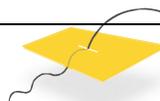
US Fish & Wildlife Service (+ 3 Designees TBA)

- The Council currently has firm pledges of \$1.7 Million at the moment and is optimistic about reaching \$2 Million.
- The Council will hold their Inaugural meeting on September 30, 2010 following AFWA's Annual Meeting.
- Based on discussion at the Inaugural meeting The Council hopes to have an Executive Director in place by January 1<sup>st</sup>, 2011.
  - There was discussion of the need for states to submit their grant applications prior to September 1<sup>st</sup>, 2010; if they did not meet this date their effective date will be September 1, 2011.

- ✚ JTF would like 4 State representatives named to a Technical Advisory Working Group for the Council to work with 4 FWS members to handle grant related issues as they arise. Before the JTF meets again this group needs to be named – **See Action Item**

**9) 75<sup>th</sup> Anniversary of PR/North American Model – Celebration 2012 – Salmon**

- There was discussion regarding the formulation of a planning committee that will be in charge of deciding on a means of celebrating the 75<sup>th</sup> Anniversary of Pittman-Robertson. The hope is that this celebration will serve as a tool to move Fish and Wildlife Conservation into the next 75 years of successful conservation.
  - It was noted that the Council to Advance Hunting & the Shooting Sports should be closely engaged in this effort to ensure the Recruitment and Retention of future hunters and shooters is a priority message.
- This committee will be housed under AFWA's Trust Funds Committee in order to abide by FACA requirements. Invitations to sit on this Committee have been sent out to prominent members of the Conservation community and an update membership will be provided at the Trust Funds Committee meeting at AFWA's Annual Meeting.



**10) Status of JTF Charter – Bambery/Salmon**

- Carol Bambery reviewed two new amendments that will be made to the Federal/State Task Force's formal charter. They are as follows:
    - a) AFWA's name change
    - b) The Composition of JTF Membership
      - There was discussion regarding the strategic placement of personnel on the JTF. Several members believe that the charter should provide more explicit composition guidance due to the need for the right mix of leadership and on-the-ground professionals at the state and federal level.
- ✚ It was ultimately decided that the language was okay as amended; AFWA and USFWS should have discretion when selecting JTF members in the future. The broad language existing allows for selection of members with successful working relationships in previous endeavors. **See Decisions**

**11) Summary/Discussion of Proposed Draft Rule 50 CFR 80 & Public Comments – Barnes**

- A review of the major issues from public comment period on proposed changes to 50 CFR 80 was provided. The proposed updates to 50 CFR 80 were made to reflect changes in law, regulation, policy, technology, and practice in the past 25 years. These proposed changes have recently gone through a 60 day public comment period; such comments must be specifically addressed prior to the final publishing of the amended 50 CFR 80. The following issues were identified by JTF members for small group considerations:
  - a) What criteria should USFWS use to decide if a State can use of program income as match?
  - b) Should we allow recreational access fees to be claimed as program income including when these activities are not related to hunting and fishing?
  - c) Should recruitment of hunters be eligible for funding under Enhanced Hunter Education
    - Lisa Evans and Glen Salmon volunteered to draft a white paper in response to the comment related to Recruitment and Retention of hunters and anglers (a) prior to the next meeting of the JTF. **See Action Item**
    - **Working Group 2** will address the comments related to program income (b,c) and come back to the JTF with a suggestions

**12) Revenue from Extraction of Oil and Gas – Organ**

- An explanation of the need for a decision on how to treat revenues generated from the extraction of oil and gas was provided; this has become an increasingly growing concern as OGM reserves are being readily developed.
- The extraction (and selling) of oil and gas purchased with PR/DJ dollars should be defined as personal property and therefore license revenue rather than disposal of real property.



- ✚ JTF needs to provide guidance to 50 CFR 80 regarding what revenues (resulting from the extraction of oil and gas on property purchased with PR/DJ funds) can be designated as. It was proposed that the USFWS adopt the following definition of “real property disposal” into 50 CFR 80 to give guidance to the states when dealing with this issue:  
*["Real Property Disposal means the sale or divestiture of interest in real property. When removed from the earth, a product of mining, drilling, forestry, or agriculture is personal property."]* **Working Group 2** will review this language and report back to members of the JTF.

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## Day 2 – Thursday, September 9<sup>th</sup>, 2010

### 13) Small Groups report on individual assignments

- See “**Summary of Small Group Meetings**” below

### 14) FBMS – Effects of State Grants – **Barton**

- There was discussion regarding the replacement of FAIMS (which is currently in a “no improvement stage”) with FBMS. FBMS will allow States to complete grant reporting online and FWS has detailed fulltime personnel to work out financial assistance issues during the transition.
- FBMS will be implemented in November of 2011 – there will be a 6 week conversion process (somewhere between the end of September and December ‘11) in which financial assistance documents will not be processed.
  - Questions were raised regarding the communication going out to the fed aid coordinators notifying of this transition and the schedule of the conversion process and “dead period” in which funds will not be available for draw down?
    - The FWS realizes the difficulty of this process and will do their best to give states as much information as possible throughout the process.

### 15) Lands Training Development Update

- The pilot program of the Lands Training Development Program will take place in May 11, 12th of 2011; the first complete training program will take place at NCTC in September 6-9, 2011.

### 16) Demo of TRACS for State Wildlife Grants – **Bolton**

- FWS has been tasked by Congress to develop a geo-spatial program reporting system that will enhance the tracking of grant projects and display progress in SWG projects related to “species of greatest needs” (a prototype of this system should be available for state testing by Spring 2011) – This system is solely for program reporting and will not replace the financial aspects of FAIMS.

- This system will allow WSFR to:
  - Track projects funded by its programs
  - Spatially locate and group its projects
  - Report outcomes to Congress
  - Report on implementation of State Wildlife Action Plans
  - Strategically implement grant programs in coop with States
- Each state will have their own portal (controlled by the individual states) where they could track projects and display progress
  - This system will allow the States to:
    - Enhance reporting and tracking capabilities
    - Foster continued development and adaptation of SWAPs
    - Facilitate strategic decision making within State Agencies
    - Promote conservation networking across state lines
    - Help States identify key issues

**17) Sport Fishing & Boating Partnership Council: Boating Access Evaluation – Johnson**

- Boating Access Evaluation Recommendations: An overview of the Boating Access Evaluation Report was given and the following Recommendations (as provided in the report) need to be formally reviewed. Issue papers on each of the following Recommendations should be prepared prior to the next meeting of the JTF in Kentucky. (JTF co-chairs will reach out to Gary Armstrong to assist in this effort)
  - Recommendation 1 – The USFWS guidance on program implementation is generally adequate but needs to: a) be more consistent in the guidance provided to individual states, and b) ensure that changes in program rules, regulations and guidance are communicated effectively from the Service's Washington office to its regional program administrators.
  - Recommendation 2 – The USFWS should convene a working group of State agencies to investigate the desirability and feasibility of calculating the five-year regional average expenditure on a rolling basis as opposed to the current fixed period basis.
  - Recommendation 5- Recognizing the strength and integrity of the Sport Fish Restoration Program is anchored in the user pay/user benefit concept, the Assessment Subcommittee recommends:
    - a) That the Service's Washington Office of the WSFR Program clarify the eligibility of the use of SFR 15% boating access funding for projects benefitting primarily electric-powered boats, and communicate that clearly to the regions and states. Such clarification must include whether the guidance pertains to electric outboard motors, electric inboard motors, or both
    - b) That the definition of "power boats" in the Service's administrative manual chapter for this program be clarified to include electric powered boats so that projects on lakes or reservoirs with "electric-motor-only" restrictions can be eligible for funding.
    - c) That manufacturers of boats powered by electric in board motors as well as manufacturers of non-motorized canoes, kayaks, drift boats, and other paddle craft consider means to

contribute to the SFR Program in order to develop access facilities that are specially designed and built to serve users of those products.

**Action Item:** JTF co-chairs will work with Gary Armstrong (Indiana) to develop issue papers on each of the above recommendations.

**18) Status of State Wildlife Action Plans and 2007 NAAT guidance – Johnson**

- A regional review team was comprised to review the effectiveness of State Wildlife Action Plans and will draft voluntary guidance (built off the 2007 guidance)

**19) JTF will reconvene February 16<sup>th</sup> and 17<sup>th</sup> in Lexington, KY unless State Directors decide otherwise.**

**Summary of Small Working Group Meetings:**

**Working Group 1 (Lisa E., Jon G., Wayne M., John F., Dave S., Steve G., John O.)**

*Issue*

The use of Wildlife and Sport Fish Restoration and State Wildlife Grant funds for hunter and angler equipment exchange programs.

*Background*

Fish and wildlife management decisions are best made by state fish and wildlife agencies relying on sound science. Individual fish and wildlife agencies are charged with managing their state’s fish and wildlife resources in the public trust. Agencies are also bound by legal and societal constraints that are unique to the individual state.

While consistent messaging about topics that have known or potential impacts to some fish or wildlife species should help reduce public confusion about those topics, individual states need flexibility to develop their own policies regarding such issues. The challenge of balancing the known and potential impacts to wildlife from lead in spent ammunition and sport fishing tackle is one such issue, as is the survivability rate of fish caught with j-hooks versus circle hooks.

Depending on the issue, some states may opt to take a regulatory approach while others may rely on voluntary measures. Voluntary measures may include incentives to switch to non-lead ammunition and fishing tackle, or exchange j-hooks for circle hooks. Successful programs have allowed hunters and anglers to exchange lead ammunition and fishing tackle for non-lead alternatives although identifying funding for these voluntary programs can be difficult.

Initial guidance from the USFWS to some states has been that PR/DJ funds cannot be used to fund a volunteer program that includes equipment exchanges.

*Question*

Can a state use Wildlife Restoration, Sport Fish Restoration or State Wildlife Grant funds to purchase



equipment and/or supplies for the purpose of providing those supplies to or exchanging them with hunters and/or anglers?

*Response*

Each grant should be reviewed to ensure it meets the eligibility requirements for Wildlife Restoration, Sport Fish Restoration or State Wildlife Grant programs per 50 CFR 80.5 and USFWS Manual Chapters 521 FW 1, 521 FW 2 and 517 FW 10, respectively, which also require that the project is substantial in character and design.

If it is determined that a project is eligible and substantial in character and design, then a state can use Wildlife Restoration, Sport Fish Restoration or State Wildlife Grant funds to purchase equipment and/or supplies for the purpose of providing those supplies to or exchanging them with hunters and/or anglers

*Examples:*

Possible examples for eligible grant projects include, but are not exclusive to:

1. Providing supplies and equipment (ammunition, fishing tackle, etc.) for the purposes of assessing hunter or angler acceptance for using said equipment through follow-up surveys and monitoring. (*Example: Providing non-toxic or alternative ammunition for deer hunters to assess hunter satisfaction and acceptability of use.*)
2. Providing supplies and equipment (ammunition, fishing tackle, etc.) for the purposes of achieving a specific fish or wildlife conservation goal. (*Example: Exchanging J-hooks for circle hooks with anglers based on demonstrated conservation benefit to increased survivability of a sport fish species.*)
3. Providing supplies and equipment (ammunition, fishing tackle, etc.) for the purpose of implementing voluntary exchange programs to reduce the use of supplies and equipment containing lead when there is a demonstrable benefit to a fish or wildlife population as a result. (*Example: Initiation of a volunteer program that would include the purchase of non-lead ammunition for hunters to use in Condor areas.*)

**Working Group 2** (*Joyce J., Glen S., Keith S., Mike P., Larry M., Tom B.*)

***Issue 1:***

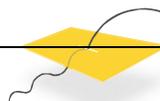
Define the allowance of recreational access fees on federal lands being claimed as program income (including when these activities are not related to hunting and fishing).

***Discussion***

Group 2 discussed the Program Income issue related to the categorical exclusion of all license revenues as program income. The goal of the broad definition of license revenues is to protect as many sources of agency revenues as possible. However, possibly an unintended consequence of the proposed rule, is that it does not make an exception for those revenues that are a direct result of the federal grant, such as access fees to properties acquired, operated and/or maintained with federal funds.

***Conclusion***

Advice of the small group is to exclude the license revenues from those exempted under Program Income section (Section 80.120(c))



~~[Program income does not include any of the following: (1) license revenue collected by the agency for hunting or fishing, including fees for special-area access or recreation]~~

**Issue 2:**

Expand on the definition of “real property disposal” to include water rights as related to the extraction of oil and gas on lands purchased with PR/DJ funds.

*Discussion*

Adding the definition as proposed was considered, but it was determined that the definition should be incorporated within the text. After discussing a number of scenarios, it was to be incorporated in 80.120. The group spent considerable time discussing the issue of selling water and came to no final conclusion due to the complexity of the issue and the thorough consideration needed.

*Conclusion*

The small group advises the following changes in the revised version of 50 CFR 80:

- ✓ Revise 80.120(b)6 to read:

*[Sale of personal property which has been removed or separated from the earth through mining, pumping, drilling, timber harvesting, agriculture or other means on real property acquired or directly managed with grant funds.]*

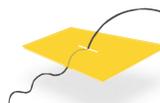
- ✓ Add to the definition of “Real Property” (80.2) to include:

*[Resources removed from the earth through mining, drilling, timber harvesting, agriculture, or other means on real property acquired or directly managed with grant funds are not real property for disposition purposes.]*

**Decisions Made:**

- 1) AFWA will facilitate a conference call amongst the 4 major trade groups to discuss what information they would like the states to provide regarding the expenditure of WSFR dollars on archery ranges and the Recruitment and Retention of Shooters and Hunters. The task of gathering such information (as a result of this call) will then be charged to an individual AFWA Committee at the North American Conference in the Spring of 2011.
- 2) The Federal/State Joint Task Force will accept the proposed charter amendments with the exception of a few minor edits; Carol Bambery will make the necessary changes and formalize the amendments.

<b>Action Items:</b>	<b>Who:</b>	<b>By when:</b>
1) The Trust Funds Committee will discuss the potential loss to WSFR income due to the Gulf Oil Spill and the potential to quantify this dollar amount and seek reimbursement. The TFC will charge AFWA’s legal committee to define ways in which claims could be filed and action could be taken.	AFWA’s Trust Funds Committee	AFWA’ s Annual Meeting in Grand Rapids, MI
2) Name 4 State Representatives to the “Council Technical Advisory Working Group”	AFWA	Prior to the next meeting of the Joint Task Force



3) Draft a white paper in response to the following comment on the proposed draft of 50 CFR 80: <i>(Should recruitment of hunters be eligible for funding under Enhanced Hunter Education because it is not explicitly authorized in the Pittman-Robertson Wildlife Restoration Act?)</i>	Lisa Evans and Glen Salmon	Prior to the next meeting of the Joint Task Force
4) Review of the Boating Access Provisions of the Sport Fish Restoration Program	The JTF co-chairs will assemble a team (in coordination with Gary Armstrong) to lead this action item	Prior to the next meeting of the Joint Task Force
5) JTF will review and assess the need to revisit appropriate chapters within the lands and administrative policy chapters relative to program income	JTF Members	Prior to the next meeting of the Joint Task Force
6) The JTF has agreed to reconvene in Lexington, Kentucky	JTF Members	February 16 <sup>th</sup> and 17 <sup>th</sup> , 2011

**The Joint Task Force reviewed and approved the listed Action Items.**

**The next meeting of the JTF will take place February 16<sup>th</sup> and 17<sup>th</sup>, 2011 in Lexington, Kentucky.**

**Adjourn**

