



Memorandum

To: Thomas Bennett, President, International Association of Fish and Wildlife Agencies
Steven Williams, Director, Fish and Wildlife Service

From: Terry Crawford, Co-chair, Joint State/Federal Task Force on Federal Assistance Policy
Clint Riley, Co-chair, Joint State/Federal Task Force on Federal Assistance Policy

Subject: Recommendation of the Joint State/Federal Task Force on Federal Assistance Policy

The Joint Federal/State Task Force on Federal Assistance Policy (JTF) met in Albuquerque, New Mexico, on March 31-April 2, 2004. During the meeting, three issues initially identified by State and Service staff as issues of concern were reviewed. Those issues are:

- Pest/Weed Control on Federal Assistance Lands.
- In-Kind Match for Paid Hunter Education Instructors.
- Excess Allowable Costs (formerly identified as "Overmatch").

After reviewing these three issues, the questions that had been raised about these topics and the existing policy guidance related to these issues, the JTF did not believe additional policy is necessary at this time. The JTF's understanding of the existing policy affecting each of these topics is summarized below.

For pest/weed control, the issue was whether additional guidance was needed to address situations where a State fish and wildlife agency is required to either conduct or fund pest or weed control on lands acquired with Federal Assistance funds. After discussing the cited example and reviewing the existing regulations in 50 CFR and guidance in Section 522 of the Service Manual relative to control and use of real property, the JTF concluded that adequate guidance currently exists to permit addressing such issues on a case by case basis as they arise.



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For in-kind match for paid hunter education instructors, the issue was whether the cost of paying hunter education instructors may be used as in-kind match for Federal Assistance grants when the volunteer status of the instructor may be questionable. In considering this issue, the JTF wants to emphasize the importance of the Hunter Education Program and the roles that volunteers play in delivering the program to the American people. Regarding this specific issue, the calculation of match contributed by an instructor does not change, whether the instructor is paid (from non-federal sources; for example, fees paid by participants and the services donated) or not, (for example, a "special assessment" paid for incidental instruction costs). Match must be from non-federal sources and must be documented. The JTF recommends the Service ensures auditors are aware of this position and are auditing States accordingly. The JTF also recommends that States be aware of this position and write their grants accordingly.

The third issue was brought to the JTF because of questions that arose in audits regarding the use of excess non-federal funds to offset questioned costs in the specific grant being audited. For excess allowable costs, States occasionally include non-federal funds in excess of the amount needed to match the federal share in Sport Fish and Wildlife Restoration grants. Some auditors and Regions were allowing excess non-federal funds to be used to offset questioned costs and some were not. The Sport Fish and Wildlife Restoration Program Audit Guide published by the Service in January 2003 allowed for the use of excess non-federal funds to offset questioned costs. The JTF discussed the use of excess allowable costs to offset questioned costs in subsequent audits and endorsed continuation of this policy based on a belief that the following criteria apply:

- The costs were incurred during the grant period that corresponds to the questioned cost.
- The costs were reported on the Financial Status Report (Form 269).
- The costs were audited to insure allowability.
- The costs comply with the standards for Financial Management Systems as described in 43 CFR Part 12.60.

The JTF does not believe additional policy guidance is necessary for these three issues. We do recommend that the Service take appropriate steps to ensure existing policy concerning these issues is consistently applied.

The recommendation presented to you at this time reflects the JTF's consensus opinion after substantive discussions of these issues. If you have any questions about this recommendation, or the process used by the JTF to arrive at this recommendation, please contact either of us, or any member of the JTF.

Members of the Joint State/Federal Task Force on Federal Assistance Policy (in alphabetical order):

Gerald Barnhart, Director, New York Division of Fish, Wildlife and Marine Resources
Lisa Evans, Federal Funds Manager, New Mexico Department of Game and Fish
John Frampton, Director, South Carolina Department of Natural Resources
Don Friberg, Chief, Division of Federal Assistance, FWS Region 1
Dale Hall, Regional Director, FWS Region 2
Kelly Hepler, Director, Sport Fish Division, Alaska Department of Fish and Game
Mitch King, Deputy Regional Director, FWS Region 4
Kris LaMontagne, Chief, Division of Federal Assistance, FWS Washington Office
Tom Niebauer, Federal Policy Advisor, Wisconsin Department of Natural Resources
Gary Reinitz, Branch Chief, Grant Operations and Policy, FWS Washington Office
Glen Salmon, Director, Division of Fish and Wildlife, Indiana DNR
Paul Schmidt, Assistant Director, Migratory Birds and State Programs, FWS