

Joint Federal/State Task Force on Federal Aid Policy
Meeting Report of January 13-15, 2004

The Joint Federal/State Task Force on Federal Assistance Policy (JTF) met in Las Vegas, Nevada, on January 13-15, 2004. This report summarizes the accomplishments and action items resulting from that meeting. The following JTF members attended:

Clint Riley Co-Chair, Special Assistant, Office of the Director, USFWS
Terry Crawford Co-Chair, Administrator, Nevada Division of Wildlife

State Fish and Wildlife Agency representatives:

Gerald Barnhart Director, New York Division of Fish, Wildlife and Marine Resources
John Frampton Assistant Director, Development & National Affairs, South Carolina DNR
Kelly Hepler Director, Sport Fish Division, Alaska Department of Fish and Game
Tom Niebauer Federal Policy Advisor, Wisconsin DNR
Glen Saluon Director, Division of Fish and Wildlife, Indiana DNR

U.S. Fish and Wildlife Service representatives:

Don Friberg Chief, Division of Federal Aid, Region 1
Dale Hall Regional Director, Region 2
Kris LaMontagne Chief, Division of Federal Aid, Washington Office
Rich King Deputy Regional Director, Region 4
Gary Reinitz Branch Chief, Grant Operations and Policy, Washington Office
Paul Schmidt Assistant Director, Migratory Birds and State Programs

Additional Attendees:

Larry Mellinger Office of the Solicitor, Department of the Interior
Jimmy Christenson Chief, General Counsel Section, Wisconsin DNR
Jennifer Mock JTF Recorder, IAFWA

This JTF report summarizes discussions of the January 13-15 meeting held in Las Vegas, Nevada, in the following manner:

- I. Review of Comments Received on Draft Recommendations, and Finalization of Recommendations
- II. Submission of Draft Recommendations for Comment
- III. Other Issues for Discussion
- IV. Workgroup Assignments
- V. Next Meetings

The "Operations and Processes" of the JTF were summarized in the report for the Nov. 13-14, 2002 meeting of the JTF. (Please contact any member of the JTF to obtain a copy of that report.)

Review of Comments Received on Draft Recommendations, and Finalization of Recommendations

Following its meeting on October 22-24, 2003, the JTF requested comments from State fish and wildlife agencies and from Service offices on draft recommendations concerning "Cost Accounting and Financial Reporting" and "Establishment of and Use of Land Value as Match."

Regarding "Cost Accounting and Financial Reporting," comments were received from twenty-one grantee agencies and from seven Service offices. Some of the major comments included the following:

- One comment recommended that a "definition" be added, because many of the terms used were potentially confusing. The JTF did replace a number of terms, and defined other within the context of the draft Director's Order, but did not create a separate section for definitions.
- Some commenters said that, based on the draft Order, it was still unclear what level a State must account to. A suggestion was made that information from 43 CFR 12.60(a) was missing. The JTF added explicit reference to that regulation, and revised the language of this section. However, it did not attempt to discuss specific examples of types of accounting systems.
- Some commenters expressed concern that, if accounting is at the grant agreement level, it would be impossible to determine verify that program finds are spent on their eligible categories of work. The JTF reviewed this comment with legal counsel to ensure that the recommended Order would be consistent with requirements specified by statute.
- Some commenters noted that cost information in performance reports should not be auditable, and should be used only for the purpose of evaluating activity accomplishments. The JTF agreed that this was intent of the provision, and revised the language to make it more clear.

Regarding "Establishment of and Use of Land Value as Match," comments were received from eighteen grantee agencies and from seven Service offices. Some of the major comments including the following:

- One comment believed the proposed Order is not in compliance with OMB Circular A-87, because it would create the opportunity for "double dipping" by authorizing a cost to be charged to multiple grants. The JTF disagreed, but added language to clarify that remaining value is only available for match if it has not been used for any other Federal grants.
- One comment stated that the Order should specify that the remaining value must be used for the same program (i.e. Sport Fish or Wildlife Restoration) and the original grant objective. The JTF added language in a new section to specify that the purpose of the subsequent grant must not conflict with the scope and purpose of the original grant proposal.
- Several commenters disliked the proposed 10-year deadline to use remaining value of

parcels. After further review, the JTF agreed that this restriction was unnecessary and removed it from the proposed Order.

- One comment noted that a former contract auditor had opined that controlling regulations do not allow in-kind match used in satisfying the match requirements on one project to be used to satisfy the matching requirements on another project, and therefore using excess land value as match for a future project is only allowed for purchases of contiguous parcels of land. After review with legal counsel, the JTF determined that there is no basis in law or regulation for the "contiguous" requirement, and that there are not prohibitions against using excess value as described in the proposed Order.

In addition to these major comments, several other comments and suggested edits were provided for both draft documents. The JTF reviewed all comments received, and made a number of revisions to both draft recommendations. The JTF has finalized both draft Orders, and will submit them as recommendations to the Director of the Service and to the President of the IAFWA.

II. Submission of Draft Recommendations for Comment

During the meeting, the JTF substantively discussed the issue of "Effective Dates for Federal Assistance Grants" for the purpose of developing a draft recommendation to submit to grantee agencies and to Service offices for comment through Group Systems. The draft recommendation was written to address the issue that grants often cannot be approved by the Service until after the grant start date requested by the grantee. Nationwide guidance for determining effective dates (start dates) for such grants has not been drafted. As a result, the Regional Federal Assistance offices have used different methods to determine the effective dates for grants. This draft guidance will be developed for the purpose of establishing a uniform approach to clearly define and document when costs incurred to accomplish grant objectives are eligible for Federal reimbursement.

The JTF approved the draft recommendation in the form of a Director's Order for submission to State fish and wildlife agencies and Service offices for comment before the next JTF meeting in March 2004.

III. Other Issues for Discussion

The JTF substantively discussed two additional policy issues to determine if there was a need to develop draft recommendations specific to these issues. A summary of the discussion of these issues is as follows.

Boating Access:

The JTF decided not to recommend development of a new Director's Order on the topic of providing increased recreational boating access. Instead, the JTF is recommending that the Service provide guidance in the form of a memorandum to the Regions that includes a list of

workgroup to develop a "white paper." (The JTF member assigned to lead the workgroup is in parenthesis.)

- Land Disposal (Kelly Hepler)
- Project Overmatch (Gerald Barnhart)
- In-Kind Match Paid for Hunter-Ed Instructors (Kelly Hepler)
- Pest/Weed Control on Federal Assistance Lands (Donald Friberg)
- Consolidation of Fed Assistance Vehicles into Centralized Motor Pool (Gary Reinitz)
- Law Enforcement Charges (Tom Niebauer)
- Three Percent Central Services (Glen Salmon)

V. Next Meetings

The next meetings for the JTF will be as follows:

- March 31-April 2, 2004, Albuquerque, NM. Hosted by Dale Hall, FWS Region 2.
- June 22-24, 2004, tentatively scheduled at either Anchorage or Juneau, AK. Hosted by Kelly Hepler, Alaska Department of Fish and Game.

Respectfully Submitted

Clint Riley, USFWS

Terry Crawford, NV Division of Wildlife