

Joint Federal/State Task Force on Federal Aid Policy
Meeting Report of March 11 and 12, 2003

The Joint Federal/State Task Force on Federal Aid Policy met in Atlanta, Georgia on March 11 and 12, 2003. This report summarizes the outcomes and action items resulting from that meeting. The following participants attended:

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

State Fish and Wildlife Agency representatives:

John Frampton Assistant Director, Development & National Affairs, South Carolina DNR
Bobbi Keeler Federal Aid Coordinator, Montana Department of Fish, Wildlife and Parks
Tom Niebauer Federal Policy Advisor, Wisconsin DNR
David Waller Director, Georgia Wildlife Resources Division

U.S. Fish and Wildlife Service representatives:

Don Friberg Chief, Division of Federal Aid, Region 1
Dale Hall Regional Director, USFWS Region 2
Kris LaMontange Chief, Division of Federal Aid, Washington Office
Mitch King Deputy Regional Director, Region 4
Mary 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
Facilitator: Chris McKay, Division of Federal Aid, Washington Office, USFWS
Recorder: Mike Piccirilli, Division of Federal Aid, Atlanta, USFWS

Joint Task Force participants unable to attend:

Gerald Barnhard Director, New York Division of Fish, Wildlife and Marine Resources
Kelly Hepler Director, Sport Fish Division, Alaska Department of Fish and Game

This report summarizes discussions of the March 11-12, 2003 meeting in the following manner:

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

The "Operations and Processes" of the Joint Task Force were summarized in report of the Nov.

5-14, 2002 meeting, and continue to describe the steps intended in order to address Federal Aid policy issues. (Please contact any member of the Joint Task Force to obtain a copy of that report.)

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

Following its meeting on January 21-22, 2003, the Joint Task Force requested comments from State fish and wildlife agencies and from FWS offices concerning two draft recommendations: (1) Budget Changes, and (2) Allowable Recreational Activities and Related Facilities on Federal Aid Lands.

Budget Changes

Comments were received from 19 grantee agencies, and from seven FWS offices. No commenter indicated disagreement with the recommendation as a whole. However, eleven commenters suggested changes to the recommendation as provided to them in draft form. The Joint Task Force reviewed all comments received, and made a number of editorial revisions to the recommendation. The general substance of the recommendation was not substantially affected. The Joint Task Force finalized this recommendation, and submitted it to the Director of the FWS and to the President of the IAFWA on March 24, 2003.

Allowable Recreational Activities and Related Facilities on Federal Aid Lands

Comments were received from 20 grantee agencies, and from seven FWS offices. Four commenters indicated disagreement with the draft recommendation, or the need for the recommendation. An additional six commenters indicated they had substantial questions about the draft recommendation in the form provided to them for comment. Eleven commenters indicated clear agreement with the draft recommendation, although some of these commenters suggested editorial changes. The Joint Task Force reviewed all comments received, and made a number of revisions to the recommendation. Although the Joint Task Force does not believe it changed the underlying intent of the recommendation, it made a number of relatively substantive changes in response to the most critical comments received. A number of additional changes were more strictly editorial. The Joint Task Force finalized this recommendation, and submitted it to the Director of the FWS and to the President of the IAFWA on March 24, 2003.

After the Director of the FWS and the President of the IAFWA have reviewed these two recommendations, the Joint Task Force anticipates that the recommendations will be made available, along with the Director's intentions concerning how and whether the recommendations will be implemented.

II. Continued Development of Draft Recommendations

During the meeting, the Joint Task Force also substantively discussed an initial draft recommendation on **Program Income**. Among other issues, the Joint Task Force tentatively agreed that this policy clarification process is the most appropriate format to address the apparent conflict between 50 CFR 80.14(c) and 43 CFR 12.65(a), which encourages program income to defray program costs, so that amendment to the regulation would be unnecessary. These discussions were generally consistent with the summary points provided in the Report of the January 21-22, 2003 meeting concerning Program Income. Nonetheless, sufficient changes to the initial draft were suggested that the Joint Task Force will review it again at its next meeting before submitting it to all State fish and wildlife agencies and FWS offices for comment. (Mitch King remains the lead Joint Task Force member of the issue.)

Due to time constraints, the Joint Task Force did not substantively discuss the proposed draft recommendation concerning **Cost Accounting and Reporting**. It will be discussed at the next meeting, with the intention of approving it as a draft recommendation for submission to State fish and wildlife agencies and FWS offices for comment. (David Waller and Kris LaMontagne remain the lead Joint Task Force members on the issue.)

III. Workgroup Assignments and Other Issues for Discussion

The following issues continue to be identified as the next priorities appropriate for discussion and possible conceptual development of a Draft Recommendation at the next meeting, and therefore are assigned to a workgroup to develop a "white paper." (The Joint Task Force member assigned to lead the workgroup is in parenthesis.)

1. ESA Section 7 Consultation on Federal Aid Grants (Don Friberg) [NOTE: Due to previous discussions by the Joint Task Force, it may be possible to provide a draft recommendation to State fish and wildlife agencies and FWS offices for comment before the next meeting.]
2. Allowable Commercial Activities (Gary Reinitz)
3. Use of Property Acquired or Produced with License Fees (Bobbi Keeler)
4. Use of Sport Fish Restoration Funds for Boating Access (Gary Reinitz)

In addition, the following potential issues were identified as appropriate for discussion by the Joint Task Force. Based on discussions, it may be appropriate to develop draft recommendations concerning these issues.

5. Use and meaning of the term "project" in Federal Aid language and documents (Tom Niebauer)
6. CMIA (Cash Management Improvement Act) policy and guidance (Kris LaMontagne)
7. Homeland Security, and the potential need for guidance concerning appropriate use of fish and wildlife resources to support Homeland Security (Kris LaMontagne)
8. Use and meaning of the term "useful life" in Federal Aid language and documents (Gary Reinitz/Dale Hall)
- Eligibility of Land Banking (Tom Niebauer, John Frampton)

Next Meetings

The next meetings for the Joint Task Force will be as follows:

May 13 and 14, 2003 (8 a.m. – 5 p.m.) and May 15, 2003 (8 a.m.– noon)
National Conservation Training Center, Shepherdstown, West Virginia
Hosted by Clint Riley, Washington Office, USFWS

Agenda:

- Prepare two draft recommendations to submit for comments (see section II, above)
- Begin development of four draft recommendations (see section III, above)
- Begin discussions of four additional issues (see section III, above)

August 5 and 6, 2003 (8 a.m. – 5 p.m.) and August 7, 2003 (8 a.m. – noon)
Montana – location to be determined
Hosted by Bobbi Keeler, Montana Department of Fish, Wildlife, and Parks

October 22 and 23, 2003 (8 a.m. – 5 p.m.) and October 24, 2003 (8 a.m. – noon)
St. Louis, MO – location to be determined
Hosted by Tom Niebauer, Wisconsin Department of Natural Resources

Respectfully Submitted

Clint Riley, USFWS
Terry Crawford, NV Division of Wildlife