

**Joint Federal/State Task Force on Federal Aid Policy**

*Meeting Report of October 22-24, 2003*

The Joint Federal/State Task Force on Federal Assistance Policy (JTF) met in Madison, Wisconsin on October 22-24, 2003. 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 Crawforth                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  
Bobbi Keeler                    Federal Aid Coordinator, Montana Department of Fish, Wildlife and Parks  
Tom Niebauer                    Federal Policy Advisor, Wisconsin DNR  
Glen Salmon                     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  
Patch 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 October 22-24 meeting held in Madison, WI, in the following manner:

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

The JTF used a new system to collect comments on draft recommendations for review at this meeting. The new process used a "Group Systems" website, allowing comments to be inserted directly on the website and collected without the delay of forwarding comments through various offices. The JTF received several suggestions and other useful feedback from persons who submitted comments, and during the meeting the JTF discussed how this process could be improved. Generally, however, response was positive, and with certain modifications to the instructions and other pieces, we will continue to use this format to collect comments on draft recommendations.

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

Following its meeting on August 5-7, 2003, the JTF requested comments from State fish and wildlife agencies and from Service offices concerning a draft recommendation concerning "Useful Life of Capital Improvements Funded by Federal Assistance Grants."

Comments were received from thirteen grantees of the Wildlife and Sport Fish Restoration Programs and from six Service offices. A number of comments requested a clearer definition of "capital improvement," and noted the obligations for control of real property. Several comments expressed concern that the methods for determining useful life were not clear, or that the recommendation could allow for an arbitrary definition by the grantee. A few closely related comments observed that the useful life may be shortened by a catastrophic event, in addition to being extended by renovation or major repair, and suggested that the recommendation as drafted was not clear on these points. One comment asserted that predetermining a useful life contradicts a finding in an OIG report interpreting relevant regulations. Several comments requested that some practical cutoff be established when calculation of the useful life would not be necessary. In addition to these major comments, several other comments and suggested edits were provided. The JTF reviewed all comments received, and made a number of revisions. These revisions included an improved definition of capital improvements, altered discussion of methods for calculating useful life, and recognition that some smaller capital improvements may not necessarily call for the same detailed calculation of the useful life. The JTF discussed the OIG interpretations of relevant regulations with appropriate legal counsel, but did not change the basic recommendation to require a statement of the useful life in the grant agreement. The JTF finalized the recommendation, and will submit it as a recommendation 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 two issues for the purpose of developing draft recommendations to submit to grantee agencies and to Service offices for comment.

The first issue concerned "Cost Accounting and Financial Reporting." The draft recommendation is written to provide guidance on requirements for cost accounting and financial reporting on Federal Assistance funds obtained through grants under the Wildlife and Sport Fish

restoration Programs. Specifically, the draft recommendation addresses the level of specificity required to account for expenditures, and the level of specificity required in reports to the Service. The draft recommendation is in the form of a Director's Order, and the JTF approved the draft recommendation for submission to State fish and wildlife agencies and Service offices for comment before the next JTF meeting in January 2004.

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The second issue discussed by the JTF was "Use of the Residual Value of Land as Match," to address questions relating to a practice frequently described as "landbanking." The JTF developed a draft recommendation in the form of a Director's Order, and approved the draft recommendation for submission to State fish and wildlife agencies and Service offices for comment before the next JTF meeting in January 2004.

### **III. Next Issues for Development as Draft Recommendations**

The Joint Task Force substantively discussed three additional policy issues in preparation for development as a draft recommendation. A summary of the status of the discussion for that issue follows. (The Joint Task Force member with the lead is in parenthesis.)

#### Boating Access (Kris LaMontagne/Gary Reinitz)

The JTF tentatively decided to develop a draft recommendation for continued discussion, based on previous discussions and input since the last meeting. The draft recommendation would clarify that the statutory language specifying 15% of each annual apportionment for boating access is controlling, despite existing regulatory language referring to a 10% requirement. It would also address the use of these funds for projects that increase recreational boating access, beyond projects specific to the boat dock itself. However, the JTF would not intend the draft recommendation to address the question of the use of these funds for motorboat, versus non-motorized boat, access, because this question requires broader policy discussion beyond the JTF. The JTF will review a draft recommendation at the next meeting before deciding whether to proceed and request comment from grantee agencies and Service offices.

#### Subgrantee versus Grantee Status (Tom Neibauer)

For purposes of discussion, the JTF agreed to develop a draft recommendation that would clarify the definition of a subgrantee, and a subgrantee's responsibilities related to the grant project. Specifically, the draft recommendation is expected to describe the limits of subgrantee status and responsibilities once the grant itself has closed.

#### Application of Effective Dates for Grant Approval (Don Friberg)

This issue involves the question of what costs incurred before a grant is officially approved may be covered by that grant. The JTF discussed the available ways to include pre-agreement costs, and some of the practical limits of that solution. For purposes of discussion, the JTF agreed to develop a draft recommendation that would specify that the effective date for a grant is the date

is received as a completed grant application, rather than the date the grant is formally approved by the Service. Any costs before this effective date could only be captured if they qualify as pre-agreement costs. The JTF noted that this obviously would mean costs incurred between the effective date (date received) and the approval date would not be covered if the grant itself does not eventually obtain approval.

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#### **IV. Workgroup Assignments and Other Issues for Discussion**

The following issues are 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.)

- Land Disposal (Kelly Hepler)
- Project Overmatch (Gerald Barnhart)

At its first full meeting in November 2002, the JTF developed an original priority list of issues to be addressed, based on input from grantee agencies and Service offices (see the JTF report of the November 13-14, 2002, meeting). The JTF reviewed that original list, and noted that several additional issues have been identified and addressed since that time. In addition, some issues have been consolidated, or addressed through forms other than formal recommendations.

Currently, the JTF believes it has addressed, or is in the process of addressing, each issue that had been identified as "High Priority" and all but two of the issues identified as "Medium Priority." These remaining issues from the original list have not yet been addressed by the JTF:

- In-Kind Match Paid for Hunter Ed Instructors (Medium Priority)
- Pest/Weed Control on Federal Aid Lands (Medium Priority)
- Consolidation of Fed Aid Vehicles into Centralized Motor Pool (Low Priority)
- Law Enforcement Charges (Low Priority)
- Three Percent Central Services (Low Priority)

#### **V. Next Meetings**

The next meetings for the JTF will be as follows:

- January 13-15, 2004, Las Vegas, NV. Hosted by Terry Crawforth, NV Dept. of Wildlife.
- April 6-8, 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 Crawforth, NV Division of Wildlife