



WILDLIFE RESOURCE POLICY COMMITTEE

Chair: Pete Hildreth (Iowa Department of Natural Resources)

Vice-Chair: Vacant

Wednesday, September 27th, 2023

10:00 AM- 12:00 PM (MDT)

Glen 201 – Upper Level

[113th AFWA Annual Meeting](#)

Committee Charge

To discuss and develop recommendations on Association positions related to federal laws, regulations and policies concerning habitat conservation, wildlife resources and related funding for such programs as well as wildlife management practices including those concerned with problem or nuisance wildlife, and emerging issues (e.g., commercial trade). The committee also stays abreast of threatened and endangered species wildlife issues, state legislation pertaining to wildlife management and wildlife diversity funding initiatives.

Meeting Minutes

- 10:00 AM** Welcome and Introductions (Pete Hildreth, IA DNR)
- Director Hildreth opened the meeting
 - ~30 members and guests attended the meeting representing
 - 12 State fish and wildlife agencies
 - 2 US Federal agencies
 - 1 regional fish and wildlife agency
 - 1 Canadian province
 - 5 NGOs
- 10:15 AM** Review Agenda & Approval of Minutes from the previous meeting (Hildreth)
- Vote of Acclamation: A motion to approve the minutes from the meeting during the North American Wildlife and Natural Resources Conference was made by Chairman Hildreth and unanimously carried by membership present. Vote of acclamation with unanimous consent carries.

- **Collective Accomplishments of the Wildlife Services (WS) Field Workforce helped people, protected resources and human health and safety, and conserved wildlife populations.**
 - During FY 2023, WS Specialists, Technicians and Wildlife Biologists protected agriculture, human health and safety, natural resources, and property by providing wildlife damage management services in 50 States, 3 Territories and at Department of Defense airbases in 15 other countries.
 - WS field staff: taught semester-long courses and lectures at 54 universities;
 - delivered more than 300 staff years of wildlife hazard reduction actions at more than 800 airports;
 - detected and removed 3 newly-established nutria colonies in northern Virginia;
 - protected Hawaii and the Indo-Pacific region from brown treesnake range expansion by conducting more than 186,000 canine inspections of departing cargo and removing more than 7000 snakes from areas around Guam exit ports;
 - conducted collaborative feral swine control programs in more than 30 states, including 34 Farm Bill projects in 12 states;
 - strategically delivered Oral Rabies Vaccine baits in 14 states to maintain the nation's canine rabies free status and to halt the westward spread of the raccoon rabies variant;
 - provided field-based assessments and mitigation to protect resources from vultures, fish-eating birds, white-tailed deer, beaver, and a host of other wildlife species;
 - In furtherance of the wildlife conservation profession's priority of wise use of natural resources, WS field staff donated approximately 163 tons of meat from wildlife taken in WS actions, for charitable donation to food banks in locations across the United States.

- **WS Public Service to Protect Livestock from Predation helped support ranchers and rural communities.** The WS mission to protect livestock from predation is a legacy, and it is carried out today by a dedicated and talented field-focused workforce that implements damage management actions, develops methods, and communicates with a wide variety of stakeholders.
 - During FY 2023, this team of WS professionals helped people understand and reduced impacts of predation in 50 states and in the U.S. Territories, by:
 - delivering operational predation damage management services in many states;

- advancing research to better understand livestock producers' perspectives on non-lethal methods and on use of unmanned aerial systems (UAS, drones) as a predation damage management method;
 - increasing and optimizing use of range riding, livestock protection dogs, and innovative fencing systems in 12 states;
 - developing written Standards of Evidence for use in livestock loss investigations and completing an OIG inspection on WS Mexican wolf work;
 - conducting a responsive and integrated grizzly damage management program in Montana;
 - delivering integrated wolf damage management programs to protect livestock in 7 states;
 - researching vulture ecology and predation damage management;
 - and collaborating with Federal agency partners to expand vulture depredation permit options in 14 states.

- **WS Contributions to Wildlife Disease and One Health Issues protected human and animal health and conserved the environment and natural resources.**
 - The WS Program significantly contributed to development of the APHIS One Health position and advancement of zoonotic disease priorities through coordination, collaboration, sharing knowledge, and disease surveillance and management.
 - The WS program substantially participated in emergency responses related to HPAI (1400 deployed days in 12 states) and ASF (more than 2000 deployed days);
 - developed the WS Wildlife Disease Diagnostics Laboratory at NWRC;
 - co-hosted and shared scientific and program information at the 4th International CWD Symposium;
 - engaged as USDA participants in the development of the Federal Government's One Health Framework for Zoonotic Diseases;
 - established the WS One Health Committee;
 - developed, with partners from more than 50 organizations and agencies, the U.S. National Plan for Wildlife Rabies Management;
 - responded to a rabies outbreak in Nome, AK;
 - advanced strategic partnership with USGS on emerging and zoonotic diseases;
 - collected nearly 5000 samples for ASF testing of feral swine and of 31,500 samples for HPAI testing of wild migratory birds in 4 flyways including Puerto Rico and the US Virgin Islands;
 - WS leadership participated in the AFWA President's Task Force on One Health and the National Fish and Wildlife Health Initiative.
 - WS conducted cross-border collaborations with Canada and Mexico for disease surveillance and sample collection for program monitoring and to inform management.

10:50 AM Human/Wildlife Conflicts Working Group (Brian Wakeling, MT FWP)

- The Human Wildlife Conflict Working Group (HWCWG) met on September 26, 2023, from 1–3p. About 39 people attended portions of the meeting. Minutes from the previous meeting were approved.
 - The HWCWG facilitated acquisition of an AFWA Multistate Conservation Grant to conduct a national survey in the USA on how agencies manage and fund conflict management that arises from wildlife. The primary intent of the survey is to learn how conflict management is funded, which was initiated by interests expressed by member agencies within the Western Association of Fish and Wildlife Agencies. Conflict management at times relies on ephemeral funding sources and remains ineligible for funding through other typical fund sources. Some agencies have been successful in acquiring funding through state legislatures, while others have not. Southwick and Associates and Wildlife Management Institute are initiating the survey with anticipated results in about one year. The survey will be limited to the USA due to the funding source, but the questions and the approach will be available to anyone with an interest.
 - The HWCWG has an ongoing task force that is working on an evaluation of management practices that address conflicts that result from beavers. The task force comprises individuals from across the continent and include federal and state representatives. The draft outline is being shared for comment and review. Comments may be shared with brian.wakeling@mt.gov.
 - The most recent management practices review on conflicts and coyotes has been submitted to *Human Wildlife Interactions Monographs* following the approval of the manuscript by HWCWG and Wildlife Resource Policy Committee in March. Reviews on the manuscript have been returned, and the managing editor indicated all reviews were favorable. Due to a change in Editor in Charge at Berryman Institute, final direction on revisions has yet to be received. The coyote monograph is the third product from the HWCWG through the monograph series, the first two dealing with black bear and deer conflict. All products submitted must be first approved by the Wildlife Resource Policy Committee to ensure that they are not prescriptive in nature; if they contain prescriptive recommendations, approval by the Executive Committee would be necessary.
 - USGS National Climate Adaptation Science Center continues to provide material for review by the HWCWG that address the influence of climate change on wildlife conflict. Their first paper on the influence of climate change on black bear conflicts is nearing completion and journal submission. These are not products of the HWCWG, but HWCWG members have been afforded review during development and prior to

submission.

- USDA Wildlife Services provided an update on activities, as is being presented to the Wildlife Resource Policy Committee. States and provinces in attendance also provided updates on recent issues surrounding conflict in their jurisdiction.

11:00 AM Recovering America's Wildlife Act (AFWA staff, TBD)

- A report on Recovering America's Wildlife Act was provided by AFWA Legislative Liaison, David Lind
 - The Alliance for America's Fish & Wildlife in coordination with steering committee members and various industry partners has now contracted an economic impact analysis on the various costs associated with endangered species listings both incurred and avoided by making proactive investments. This will be a valuable campaign product to help make an economic argument for RAWA as we get into a busy fall legislative session in both chambers. We look forward to working with you all to compile good examples of proactive conservation that have prevented the need to list a species, and any quantifiable economic gains as a result.
 - We're still hearing optimistic reports from the Heinrich and Tillis teams that floor action in the Senate is coming as soon as possible. To hit the target window of opportunity this fall we'll need to ramp up our outreach to the previous R cosponsors' offices and get them to pledge support to Senator Tillis. With 8 Republican cosponsors currently and more than 17 Democrats waiting in the queue, the calculation for Senate leadership is close, but a couple more R's are needed to move the ball forward. We are hearing that Senator Schumer remains committed to getting Recovering to the floor. Mr. Westerman's discussion draft of the legislation is still underway, and by the time we're together in Calgary may be making its way around to offices on the House side for review. We are encouraged by the Chairman's leadership on this, however we do have some concerns that a discretionary bill, if introduced, may divide the coalition and congressional supporters. We hope there can be some bipartisan collaboration and an end game strategy that involves getting to "yes" on dedicated funding, which is of course the cornerstone of the legislation and what states need to sustainably implement SWAPs.
 - Please prioritize getting in some high-level touches to the top House cosponsor target offices and let Sean or Kurt know if you're hearing anything back in terms of commitments or outstanding concerns, questions. The AFWA Government Affairs staff can help come up with good responses to questions and address concerns and talking points are available upon request.

11:15 AM Other Policy Issues of Concern (AFWA Staff, TBD)

- **FY24 Appropriations**
 - As of Friday, September 22, 2023, a path forward to avoid a Federal Government shutdown was still unknown after a series of setbacks in the House as they worked to pass a short-term Continuing Resolution or CR. The only real movement was expected from the Senate, where they were trying to navigate a path forward for a minibus combining the Agriculture/FDA, Defense, and Transportation/HUD bills, however, that too now appears to have stalled. AS we go into the final week of the Federal fiscal year, a federal government shutdown is looking more likely. Meanwhile, we continue to meet with appropriators to advocate for our main priorities – State and Tribal Wildlife Grants, USGS Cooperative Research Units, USFWS Science Applications, and Migratory Bird Management. Given the difficult budget environment, we have tempered expectations of plus-ups for any of our priorities and have been advocating to at least hold the Senate appropriations numbers.
- **Bipartisan Safer Communities Act/Hunter Education Fix**
 - When the Bipartisan Safer Communities Act (BSCA) was signed into law last year, Congress amended a comprehensive school funding program known as the Elementary and Secondary Schools Education Act (ESEA), which is utilized by some state level Departments of Education to fund archery in schools, wilderness courses, archery programs, among others. When Congress made modifications to the ESEA through the BSCA, they included language to prohibit the use of ESEA funds for the training of personnel in the use of a “dangerous weapon”. The intent of Congress in making this amendment to the ESEA was to prohibit ESEA funds from being used for training school resource officers and other security personnel.
 - Unfortunately, the U.S. Department of Education is taking the definition of “dangerous weapon” at face value rather than following the legislative intent of Congress, which is now threatening the future of school activities such as archery, hunter education, among many others. Whether ESEA funds are going to fund Hunter Education, National Archery in Schools Program (NASP), Scholastic Shooting Sports Programs, Wilderness Training, and Jr. ROTC Programs in a school or not...Congressional action is needed to preserve the ability for our nation’s schools to continue to offer these important programs, and they should be allowed to use ESEA funds if necessary.
 - Sen. Tester (D-MT) has introduced S. 2735, Defending Hunters' Education Act of 2023, cosponsored by Sens. Murkowski, Casey, and Collins. Meanwhile, the House Education and Workforce Committee favorably reported H.R. 5110 with a unanimous vote for an amendment in the nature of a substitute that broadens the exception to cover Hunter Education and other programs, rather than just shooting sports, and makes the two bills identical. Both of these bills address the legislative fix AFWA, and many other outdoor groups have requested to permanently and clearly address this issue.
- **E-Duck Stamp Legislation Passes Both Chambers, Reconciliation Needed**

- The Duck Stamp Modernization Act of 2023 (S. 788), which would eliminate the 45-day e-duck stamp expiry date and allow the e-duck stamp to be valid for the entire waterfowl season, passed the Senate by unanimous consent on July 27, while the House version (HR 2872) passed by voice on September 20. The bills are substantively identical, but differences in technical drafting language will require reconciliation. This bill is a priority for the Association, and we have worked closely with the four flyways, our partners at DU, Delta and CSF on this simple solution that should remove complexity and add simplification for hunters while also preserving the integrity of the Duck Stamp Artwork. We will now shift our efforts and attention back to the Senate in hopes of seeing them take up the House version this fall.

- **BIL/IRA Implementation**

- The Association and Fish and Wildlife Agencies (AFWA) and the Theodore Roosevelt Conservation Partnership (TRCP) co-chair a coalition of several dozen hunting, fishing, and conservation organizations and businesses. This coalition helped pass the Bipartisan Infrastructure Law or Infrastructure Investment and Jobs Act of 2021 (BIL/IJIA) Public Law 117-58) and the Inflation Reduction Act of 2022 (IRA – Public Law 117-169), which both serve to strengthen established conservation and recreation programs and create new programs focused on infrastructure innovations that offer long-term benefits for climate resilience by utilizing natural systems.
- Over the last year, the coalition’s work has continued by engaging federal, state, tribal, and NGO leaders to ensure that the implementation of these historic laws are well-coordinated across the federal government, address critical stressors on fish and wildlife habitats and natural systems, and advance collaborative landscape and watershed-scale conservation while maintaining Americans’ connections to public lands and waters. The group meets monthly to explore challenges and work towards solutions.
- Through the efforts of the coalition, the federal partners have formed a Fish Passage Task Force to facilitate more efficient and effective implementation of fish passage funding across a number of agencies, some of whom have not traditionally engaged with the conservation community.
- To further advance the goals of the coalition, the BIL/IRA Coordination Working Group will host the Federal-State-Tribal Conservation and Outdoor Recreation Coordination Forum in Golden, CO in October. Leading decision-makers and partners will convene for a discussion of IJIA/BIL and IRA implementation to date, identify challenges to implementation, highlight case studies and ideas on
- opportunities for project coordination, and to develop recommendations for next steps for implementation of this landmark legislation.
- In addition, AFWA is working closely with the FWS to coordinate the next Fish

Passage Workshop in December to more strategically look towards implementation of fish passage funding. AFWA will work closely with the Regional Associations to identify state fish and wildlife agency participants, currently scheduled for December 5-7, 2023, in Charleston, SC.

- **Farm Bill Updates**

- As the 2018 Farm Bill approaches its September 30, 2023 expiration date, it has become clear a new Farm Bill will not be passed in time. A 2023 Farm Bill is not out of the question, as many of the programs will not face major disruption from the expiration until the end of the calendar year. Congress is hoping to get a bill passed by the end of December, otherwise an extension of the 2018 Farm Bill will be necessary.
- One of the main Marker Bills that the Association is tracking is the Voluntary Public Access Improvement Act. The VPA bill would reauthorize the program at our requested \$150 Million. While it does not include our other tweaks to the program, the funding is a major win. This was first introduced by Senator Daines (R-MT), with co-sponsors Bennet [D-CO], Marshall [R-KA], Klobuchar [D-MN], and Heinrich [D-MN]. It was recently introduced on the House side by Rep. Dingell [D-MI], with Johnson [R-SD] and Lawler [R-NY] as co-sponsors. There are several CRP marker bills out there, each with its own pros and cons.
- We have been having productive conversations with the House recently on both VPA-HIP and CRP. Offices still seem to be unsure of the state's ability to spend VPA dollars, so any advocacy for additional funding would be helpful at this stage. In terms of CRP, we have gotten some intel on what the House side is thinking for the Farm Bill. They are looking to switch the program from being acres based to dollar based and make the programs more state and locally led, among other things. The CRP working group is looking through the notes to determine the next steps and areas for action.
- As Congress is getting closer to completing draft text for the Farm Bill, the budget debate is coming up more and more. The conversation is over whether or not to include the IRA money in the Farm Bill baseline. If it is included, this will add \$20 billion dollars to the budget for years to come- boosting Farm Bill spending long term. If it is not included, after that funding is spent, it is done. Senator Debbie Stabenow has committed to keeping climate ties to this funding, which may keep it out of the baseline, as Senator Boozman does not want to include it with these ties to climate but is open to keeping it in conversation. AFWA supports keeping this funding in conservation and has transmitted a letter to House and Senate Ag Committee leadership to that effect. Whether connected to climate or not, we recognized the incredible investment this is to support resilient landscapes through our country's farmers and ranchers.

- **Wildlife Disease Surveillance for Pandemic Prevention Act**

- A piece of legislation related to One Health that AFWA is prioritizing again in the 118th Congress is the Wildlife Disease Surveillance for Pandemic Prevention Act (WDSPPA) that was introduced at the end of last year by Rep. Porter (D-CA) after being developed in close coordination with the leadership of the AFWA Fish and Wildlife health Committee. Reintroduction we are told is imminent, but support from
- Republican original cosponsors is needed first. With the help of our state Directors, we have begun to reach out to potential Republican cosponsors to encourage support.
- The text is identical to the bill introduced at the end of last year. Briefly, the bill would:
 - Establish a fund for state and tribal agencies, authorized at \$15.5M for states, to be distributed to states that have developed a “Wildlife Health Action Plan”
 - Establish a grant program, separate from the above fund, to states and tribes for disease surveillance.
 - Establish a Wildlife Trade Taskforce comprised of federal, state, and tribal agencies, establish the Wildlife Disease Surveillance Advisory Committee FACA, and a Federal One Health Interagency Working Group.
 - Establish a Wildlife Disease Emergency Response Program for the DOI Sec. to distribute emergency response funding and provide coordination assistance.
 - Establish a National Wildlife Disease Database.

Along with AFWA, this is also a priority for the NWF and TWS. Recently, in partnership with NWF and TWS, we prepared an AWCP support letter that will be finalized and sent early this week, with ~20 organizations signed on.

- **LEAD Act of 2023 (HR5281) and Refuge from Cruel Trapping Act (HR5217)**

- Reps. Lieu and Barragan (D-CA) have reintroduced the LEAD Act, perennial legislation that would ban the use of lead ammunition on all USFWS lands. There are no other cosponsors at this time and no Senate version of the bill, but as always, we are prepared to engage if needed. HR 5217 is another frequently introduced bill, this year the bill comes from Rep. Nadler (D-NY) along with 21 Democratic cosponsors attempting to ban the use of body gripping traps on USFWS National Wildlife Refuge System (NWRS) lands. As with the LEAD Act, AFWA has opposed this legislation in the past and will continue to do so.
- There is no Senate version for this bill at this time, but please let us know if you would like to see talking points or past testimony.

- **USACE Private Partnership Agreements (PPA) Reform**

- On August 1, the PPA reform coalition led by the Interstate Council on Water Policy held a briefing on the Hill to communicate the issues surrounding current PPA structure and to make the case for reform. The two PPA provisions which are most problematic are: the requirement to indemnify the federal government and the obligation to cover operations and maintenance costs in perpetuity. Speakers-- including Aaron Jeffries of MO--provided examples of ecosystem restoration, navigation, and flood control projects that have been delayed or abandoned due to PPA challenges. Twenty-one Congressional offices/ committee staff attended. The coalition is now working to obtain signatures on a Dear Colleague letter that will be submitted to Senate EPW and House T&I the week of October 9th. We appreciate any outreach to your representatives in support of this effort.
- **Lacey Act Amendments Act (S1614 and HR4992)**
 - Senator Rubio introduced S.1614, the Lacey Act Amendments Act, and Representative Luna introduced its House companion H.R. 4922. This is the title 18 fix following the D.C. District court's ruling in the case brought by US Association of Reptile Keepers. It would extend prohibition on transport of injurious species to interstate movement. It would also provide the USFWS with emergency listing authority and establish a presumptive prohibition on importation of species (with some exceptions). AFWA has communicated its desire to endorse both Senator Rubio and Rep Luna's offices. Concerns have been raised by Hawaii that the language in the current draft would fix the interstate shipment issue. We have proposed fixes that we can share if House and Senate offices are amenable to that.
- **Supporting the Health of Aquatic systems through Research, Knowledge, and Enhanced Dialogue (SHARKED) Act (HR4051)**
 - On June 12, Reps Wittman (R-VA) and Soto (D-FL) introduced the AFWA-endorsed SHARKED Act, which would establish a task force responsible for making recommendations and improving coordination and communication across the fisheries management community on the increasing prevalence of shark depredation, as well as identifying research priorities and funding opportunities. The bill as amended recently passed out of the House Natural Resources Committee on September 20 by unanimous consent. It now heads to the House floor.

ADMINISTRATIVE UPDATES

- **US EPA/ESA Pesticide Effort**
 - On Monday, September 11, 2023 AFWA met with senior US EPA officials to learn more about their effort to address potential impacts of pesticides on ESA species. This initiative is EPA's attempt to comply with the requirements of the ESA, something they feel they have not been effectively doing and they have faced significant litigation as a result. This

litigation and continued non-compliance risks future chemical approvals for insecticides, pesticides, and herbicides, and even vacatur of current approvals. Under the ESA, the EPA must consult on possible impacts to listed species. There is a significant backlog, and to get on top of it, they have begun to develop a series of BMPs to mitigate potential impacts to both listed species, as well as at risk species. They suggest that their ability to include non-listed species comes under the authority of FIFRA, the Federal Insecticide, Fungicide, and Rodenticide Act. They are hoping to demonstrate progress to avoid future litigation.

- They are proposing three types of mitigation: Avoidance, spray drift minimization, and runoff minimization. This will be broadly applicable to most outdoor uses of conventional insecticides, insect growth regulators, herbicides, fungicides, and miticides. Rodenticides are excluded, will be addressed with a separate strategy. The EPA's goal is to finalize mitigations for pilot species in December. The USEPA is interested in connecting with State Fish and Wildlife Agencies to understand how they may be affected by these BMPs, and whether certain carveouts for certain herbicides may be needed.

- **Rotenone Reregistration**

- The current registrant for rotenone, CLS, had a meeting with the EPA on August 16 to discuss the need for the 21-d inhalation study. At the meeting CLS pointed out that the EPA risk assessment had used erroneous data including an application rate above that allowed on the EPA-approved label for the powder and that aerial applications of the powder are specifically prohibited on the EPA-approved label. CLS believes that once the EPA reruns their risk assessment with correct data that the need for the 21-d inhalation neurotoxicity study will not be necessary. CLS has been granted another 90-day extension to resolve these issues. In the interim, they plan on asking the EPA more questions regarding their concerns about dermal absorption, and they may begin developing a protocol to do additional applicator monitoring studies.

- **USDA National Aquaculture Health Plan and Standards**

- We have been provided with a draft of the new National Aquaculture Health Plan & Standards (NAHP&S) document for comment. The document establishes USDA as the Federal lead agency for the protection and health of aquatic livestock. It establishes infrastructure for the consistent implementation of activities such as pathogen reporting, standardized laboratory quality and testing, surveillance, data management and health certification programs. We will work through the document with our fish health experts to collate feedback, which is due October 19.

- **APHIS CWD HCP Indemnification Comments**

- USDA APHIS hosted their last listening session on the CWD Herd Certification Program, this time focusing on indemnification and the use of genetic testing. AFWA's spoken comments were provided by Anne Justice Allen of AZGFD/WAFWA and are available here. In summary, AFWA supports indemnification for herds enrolled in HCP, especially herds that have demonstrated good biosecurity – those with minimal contact between farmed/wild cervids and closed herds AFWA does not support predictive genetics or genetic testing as part of the assessment or implementation of indemnification. The majority of comments were provided by captive interests in support of the use of predictive genetics, and we encourage individual states to emphasize the need for greater research in this area before being used for HCP standards. Written comments on the entirety of the HCP review are due November 13 and AFWA will be coordinating comments through the Fish and Wildlife Health Committee.
- **NWRS Planning Policies**
 - USFWS published the first set of proposed revisions to the NWRS Service Manuals; this set is focused on planning policies, including step down planning. AFWA worked with FWS, State Directors, and subject matter experts to provide preliminary comments prior to publication, and while it appears minor changes were made, more modifications will be considered after the public comment period closes on October 16.
- **CWA 401**
 - EPA announced the final 2023 Clean Water Act Section 401 Water Quality Certification Improvement Rule, which is now available in pre-publication. The rule changes state certification oversight to that of the “activity as a whole” rather than discharges alone and sets the default time frame of six months for certification when the federal agency and certifying authority fail to reach an agreement – rather than 60-day period initially proposed. Once published, the EPA will still be accepting comments on the final rule for 60 days.
- **CWA Sec. 404 Proposed Rule**
 - The Environmental Protection Agency (EPA) is proposing the Agency's first comprehensive revision to the regulations governing Clean Water Act (CWA) section 404 Tribal and State programs since 1988. The primary purpose of the proposed revision is to respond to longstanding requests from Tribes and States to clarify the requirements and processes for assumption and administration of a CWA section 404 permitting program for discharges of dredged and fill material. The proposed revisions would facilitate Tribal and State assumption of the section 404 program, consistent with the policy of the CWA as described in section 101(b), by making the

procedures and substantive requirements for assumption transparent and straightforward. Comments are due October 13.

- **BLM Blueprint for Outdoor Recreation**

- BLM is soliciting public comment on their Blueprint for 21st Century Outdoor Recreation, following the advice of partners and stakeholders to solicit greater input. In the announcement, they emphasize that the blueprint is “not a formal management plan but rather a strategic document to guide the agency’s work.” We will be submitting comments in coordination with WAFWA, with particular focus on the need for greater recognition of our agencies’ roles and responsibilities.

- **USFWS 2023-24 Hunt/Fish Station Rule**

- On August 22, AFWA submitted comments on the 2023-24 hunt/fish rule, that would, in addition to providing new opportunities at a handful of National Wildlife Refuges, prohibit use of lead ammunition and fishing tackle at 10 refuges. Eight of which were previously identified in the 2022 rule, and two new refuges proposed in MN and FL. Consistent with AFWA’s comments on the 2022-2023 Station Rule, we remain concerned about a regulatory approach to restrict lead ammunition and fishing tackle.

- **Aquatic Animal Drug MOA Signed**

- On July 11, AFWA, USGS, USFWS and NOAA finalized a Memorandum of Agreement to coordinate and collaborate on research and data submittals to the FDA Center for Veterinary Medicine for approval of priority drugs for use in public aquaculture in the United States. The agreement renews the agencies’ commitment to the Aquatic Animal Drug Approval Coalition which continues under the leadership of AFWA’s Drug Approval Working Group. “NOAA Fisheries is pleased to join our State and Federal partners in the signing of this MOA,” said NOAA Fisheries Assistant Administrator Janet Coit. “Together, we support cutting-edge research to advance sustainable aquaculture in the U.S. in order to provide safe, sustainable seafood to American families. Aquaculture is one of the most resource-efficient ways to produce protein and is an important part of the climate resilient future of food.”

- **USFWS/NOAA ESA Proposed Changes to Sections 4 and 7**

- The USFWS and NOAA have advanced two separate proposed rules to address the responsibilities that the Service and NOAA Fisheries share – the first regarding interagency cooperation and the second revising species classification and critical habitat designations under the Endangered Species Act. A third proposed rule, issued by the Service, addresses the protections afforded to species listed as threatened .
- The two joint rules include:
- Revising language, definitions, and responsibilities that would further clarify and improve the federal interagency consultation processes, including revising the

scope of reasonable and prudent measures in an incidental take statement to improve conservation outcomes.

- Reinstating prior language reflecting congressional intent that listing, reclassification, and delisting determinations must be made “without reference to possible economic or other impacts of such determination” to make clear that any economic impacts stemming from the listing, reclassifying, or delisting of a species are not considered when making classification decisions, along with other changes to improve the transparency of the listing process and revising some of the criteria for designating critical habitat.
- The third rule, proposed by the Service would reinstate protections for species listed as threatened under the ESA. Reinstating the blanket 4(d) rule for all species listed as threatened while retaining the option for the Service to adopt a species-specific 4(d) rule. We appreciate the input received from a series of AFWA webinars and feedback from states to help craft a series of comments on three proposed rules affecting Sections 4 and 7 of the ESA. However, given the divergent state perspectives and experiences related to the implementation of these rules, it was determined that AFWA did not have enough time prior to the comment deadline of August 21 to develop a comment letter that effectively captured the varying perspectives.

- **Build America/Buy American Guidance**

- The Office of Management and Budget (OMB) published final regulations in the Federal Register that provide new guidance for implementation of the Build America, Buy American Act (BABA), taking effect October 23. OMB intends to have issued a new M memorandum by then, replacing interim guidance. The new guidance expands definitions, including for construction materials (fiber optic and engineered wood), clarification of “manufactured products”, and added definitions for component and manufacturer. There is additional guidance on categorization of articles, materials, and supplies, as well as details on how federal agencies should implement the cost of components test. We will share the new guidance with our BABA distribution list – Please let David Lind know if you have staff you would like included.

- **AFWA Comments on National Nature Assessment Draft Prospectus**

- On August 8, the White House Office of Science and Technology Policy published the draft prospectus for the first National Nature Assessment on behalf of the U.S. Global Change Research Program. While the goals and timeline remain vague, the NNA is currently planned to be organized around key thematic interests:
 - Conservation and Natural Resource Management
 - Economic Interests
 - Human Health and Well-Being
 - Safety and Security

- In addition, climate change and equity are intended to be woven throughout the assessment. AFWA’s comments reiterated the need for reliance on state fish and wildlife agency expertise and existing conservation plans, as well as requested clarity on the intent and planned use of the assessment. A call for author nominations will be coming in a subsequent notice as well.
- **US EPA Air Emissions Reporting Requirements (AERR) – Prescribed Fire**
 - On July 25, 2023, US EPA announced proposed updates to the AERR to improve EPA's collection of certain emissions data critical for performing air quality and risk analyses. This proposed action would allow for EPA to annually collect (starting in 2026), hazardous air pollutant (HAP) emissions data for point sources and proposes additional reporting requirements for prescribed fires occurring on state, private and tribal lands. On September 22, 2023, AFWA staff participated in a webinar with US EPA staff to get additional information to inform possible AFWA comments.
 - Under the current AERR, states and tribes voluntarily report prescribed burning and wildfire information. Currently about 23 states and tribes voluntarily provide this information according to EPA. The proposal would require all states and tribes to report activity data for any prescribed burning that is not exempt by the rule. Basically, any burn over 50 acres would need to be reported. For states that don’t currently have a permitting or reporting system there could be significant added costs. We will be working with the Directors to help collect comments. The deadline to submit written comments is October 18, 2023.

11:30 AM America the Beautiful Challenge update (Deb Rocque, USFWS)

- The program, which was launched in 2022, is dedicated to funding landscape-scale conservation and restoration projects that implement existing conservation plans across the nation.
- ATBC grant pre-proposals are due April 20, 2023, and the full RFP can be found [here](#). Awards are expected to be announced in November 2023. NFWF reviewed 456 proposals for \$900 million dollars in requests. \$119.3 million will be funded to 54 proposals. The average level of funding is \$4.6 million. 40% of projects funded are to Tribes, 55% to States, 3% to Territories.
- In 2023, ATBC has additional funding available as the program expects to award up to \$116 million in grants. In addition to the increase in overall funding, the RFP also includes the following changes from 2022:
 - Inclusion of a pre-proposal process, which will allow applicants to submit their projects using a simplified application, primarily centered on a 2–3-page narrative.

- Five distinct grant categories, including an individual grant category for funding from the Department of Defense and the Forest Service respectively.
- The Forest Service will fund a wider variety of forest management activities, beyond only invasive species management, fish passage, and water quality projects.
- Planning projects have an increased cap of \$2 million and can be up to 3 years.

- NFWF expects to award at least ten percent of ATBC funding to Tribal and Native Nations and three percent to U.S. territories. Competitive grants will conserve, restore and connect habitats for wildlife while improving community resilience and access to nature. Proposals are reviewed by a public-private committee of partners and technical experts, and funding decisions are based on the extent to which they meet the criteria listed in the RFP.

- Comments on this discussion: Alaska Director Doug Vincent-Lang expressed concern that there needs to be better communication between all parties involved. Lack of communication has created some issues in with projects in Alaska for the Department of Fish and Game.

11:45 PM Wrap Up Discussion and Assignments (Hildreth)

12:00 PM Adjourn