



The voice of fish and wildlife agencies

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## FISH AND WILDLIFE TRUST FUNDS COMMITTEE

Chair: Jack Buckley (MA)

Vice-Chair: Kurt Thiede (WI)

Tuesday, September 12, 2017

8 am to 12 pm

107<sup>th</sup> Association of Fish and Wildlife Agencies

Annual Meeting

Snowbird, Utah

### Committee Charge

Meeting convened during 8:00AM – 9:45 AM EST chaired by Jack Buckley. 30 participants in attendance, including 10 current Committee members.

### Scheduled Discussion Items

- Call to Order, Introductions, Announcements, and Agenda Review – **Jack Buckley**

The meeting was called to order at 8:00AM. The Committee Chair, Jack Buckley welcomed all the attendees and asked the participants to introduce themselves.

- Approval of the March 2016 Meeting Minutes

The meeting minutes from September 2017 in Spokane were approved.

- Legislative Updates- **Gary Taylor**

The “Sportsmen’s Heritage and Recreational Enhancement Act of 2017” is being heard today by the House Committee on Natural Resources. (This Act was passed on September 13, 2017). This bipartisan bill expands opportunities for hunting, fishing, and recreational shooting; increases safety and hearing protection for sportsmen and women; and protects Second Amendment rights. The bill has 19 different titles. Two are getting substantial attention, the “Lawful Purpose and Self - Defense eliminates the authority to reclassify popular rifle ammunition as “armor piercing ammunition” and the “Hearing Protection” title addressing equal treatment of silencers and firearms.

The bill contains titles we are particularly supporting. One is the “Target Practice and Marksmanship Training Support Act”, which provides state fish and game agencies more flexibility to use Pittman-Robertson excise taxes dollars raised from the sale of firearms and ammunition to enhance existing public shooting ranges and to build new ones. The legislation

would provide states greater flexibility to use Pittman-Robertson excise tax funds by increasing the cap of federal funds available for the creation and maintenance of shooting ranges from 75 to 90 percent. This means states could begin work on range facilities with 10 percent matching funds, instead of the current 25 percent.

The same title “Target Practice and Marksmanship Training Support Act” is on senate floor in three different legislative vehicles, one of which is Senator Murkowski’s bipartisan Sportsmen’s Act referred to the Energy and Natural Resources Committee. It contains in the same language as in the house bill. Senator Murkowski also included this language in the Energy and Natural Resources Bill. Last month, the Environment and Public Works Committee reported out the so-called H.E.L.P Act, which will also provide regulatory clarity for sportsmen.

PR Modernization Bill has been reintroduced in the House and Senate by the leadership of Congressional Sportsmen’s Caucus but there was no hearing during the last Congress. We are looking to introduce it as part of one of the Sportsmen’s packages to get it on the floor. If both this bill and Public Lands one move, they must be integrated. The good news is, that both bills are complimentary, the only difference being the PR Modernization Bill allows the states to use up to 25% of the Wildlife Restoration funds for shooting range construction and maintenance and the Target Practice and Marksmanship Training Support Act is capped at 10%. Under the PR Modernization Act, there is a 75/25 match and under the Target Practice and Marksmanship Training Support Act there is a 90/10 match.

Recovering America’s Wildlife Act is a bill that connects a source of dedicated funds to the wildlife restoration and conservation account under the Pittman-Robertson law containing the terms and conditions, match requirements, etc. The states have been implementing their State Wildlife Action Plans through this program. The bill changes based on the size of the state and the population.

The bill would amend the Pittman-Robertson Wildlife Restoration Act to make additional funds available for the management and conservation of fish and wildlife species determined by states to be at risk or in need of additional monitoring efforts.

These additional funds would come from a combination of offshore energy and onshore mineral extraction royalties to create a dedicated fund of 1.3 billion dollars annually. Priority projects would be determined by states by consulting their State Wildlife Action Plan, a document updated by each state every 10 years, which identifies at-risk species, known as Species of Greatest Conservation Need (SGCN), as well as the goals and objectives for monitoring and recovery.

- Fish and Wildlife Business Summit Industry/Agency Progress - **Jon Gassett**

WMI recently hired a contractor who works specifically on excise tax issues.

The Fish and Wildlife Business Summit took place in April 2017 in Kennesaw, Georgia. We spent a day focusing on how/what types of things industry can do to help state agencies conduct their business and what type of things states can do to help industry conduct their business.

WMI compiled a list of potential opportunities for both onto an online survey and sent it to the states through AFWA. The outcome of the survey will be a prioritized list of actions to improve the relationships between states and industry partners.

The next Business meeting will be held in Springfield, Missouri.

- Update on the Director’s feedback on “States’ Priority Needs Document” – **Jack Buckley**

At the August 2016 Trust Funds Committee Meeting, the Federal Aid Coordinators Working Group (FACWG) was asked to update the 2013 States' Priority Needs Document. The purpose of this document is to identify the States' core needs by the U.S. Fish and Wildlife Service for effective administration of the Wildlife and Sportfish Restoration Program (WSFR). Given the current administrative funding analysis that is being conducted by WSFR, it is likely that this document will be foundational in AFWA discussions regarding the appropriate level of administrative funding for WSFR.

FACWG presented this document at Trust Fund Meeting in March during the North American Conference. As the Trust Fund Committee Chair reported at the AFWA business meeting at the North American, this document still needed directors' review before it is final. AFWA sent it out to the State directors. TFC Chair talked to the FAICWG coordinators and they would like to move forward with the changes.

- **Action item**

- The Fish and Wildlife Trust Fund Committee approved the document "States' Priority Needs from WSFR Program as developed by the Federal Aid Coordinators Working Group"

- **WSFR Update –**

- **Assistant Director's (AD) Priorities for 2017 - Paul Rauch**

- Work collaboratively with the States to complete an evaluation of administrative funding needs for the WSFR program. The results of this evaluation will define the scope and scale of WSFR's administrative function and inform the need for future requests for funding adjustments.
  - Complete review per Scope of Work by July 31, 2017.
  - Brief appropriate committees at AFWA's annual meeting in September.
  - Initiate development of a collaborative legislative strategy with states and industry.
- In parallel with the administrative funding review, identify the challenges WSFR faces in its larger role as lead for the Service's overall financial assistance function and work with Service leadership to identify solutions to those challenges.
  - Establish a workgroup to define challenges and identify potential solutions by February 15, 2017
  - Workgroup presents results to AD. by April 30, 2017.
  - AD works with Service leadership to initiate implementation of solutions by September 30, 2017.
- Substantially reduce the backlog of open state audit findings and establish a sustainable work plan for improving performance related the tracking and closeout of open state audit findings.
  - Quarterly updates are provided to the Director's Office in January, April and July demonstrating substantial progress towards the end of year goal.

- By end of FY17, at least 175 of 263 recommendations open at start of FY17 will have been addressed.
  - Finalize agreement with States on WSFR program performance reporting and TRACS utilization and initiate a TRACS enhancement that is responsive to this agreement.
    - Implementation of communication flowchart for review of key issues will be standard and in use by March 2017.
    - Key support infrastructure and network capacity will be established in Amazon Web Services to support the TRACS Enhancement by June 2017.
    - The JTF will advance discussions towards a date for a commitment for State data entry nationwide by July 2017.
    - Development of the TRACS Enhancement will be completed through user management, license certification and apportionment, overall navigation and system design, and project-level data entry by September 2017.
  - Work with the Regional Directors to develop a strategic communications plan (SCP) for the WSFR program that identifies key audiences, desired results, and strategic approaches to achieving results.
- Wildlife Restoration and Sport Fish Restoration Funding Information – **Bob Curry**
  - WILDLIFE RESTORATION
    - States received 780M in FY 2017 - an increase of \$84.9 M from 2016. States will add matching funds of at least \$269.5 Million bringing the total to \$1.049B for the wildlife program
  - SPORT FISH RESTORATION
    - States received \$349.4M in FY 2017 – a decrease of \$11.6 M from FY 2015. States will add matching funds of at least \$115.5M bringing the total to \$ 465M for Sport Fish Program

Total WSFR Program Funding of \$1.51 Billion
- Wildlife Restoration Receipts
  - Firearms revenues through Q3 up 10.21%
  - Archery Revenues through Q3 down 1%
- Sport Fish restoration Receipts for 2017
  - Domestic Fishing Tackle Excise Tax Revenue through July down 8.05%
  - Total Revenue through July down 0.34%
- Sport Fish Restoration and Boating Trust fund receipts
  - Gas taxes (motorboats & small engines) made up nearly 72% of total trust fund receipts over the last ten years.
- Review of Financial Assistance greater than \$100,000
  - Secretary's Memorandum, instituted April 12, 2017.
  - Wildlife and Sport Fish Restoration grants exempted from review June 13, 2017.
  - DOI announced its intentions of continuing the review into Fiscal Year 2018.
  - FWS will meet with other bureaus and Department officials on September, 18th to discuss the Fiscal Year 2018 process.
- State Wildlife Action Plans

- 49 - Approved to date: WY, NE, AZ, NV, KY, FL, TX, SD, MT, SC, CT, CA, ND, RI, WA, CO, NC, NY, OH, IA, MN, IN, AL, TN, OK, VA, WI, MO, UT, MI, OR, CNMI, GA, WV, MA, HI, KS, AK, PA, AR, MS, ID, NH, DE, NM, LA, VT, DC, MD
  - 0 - Submitted to HQ and pending Service Director approval
  - 1 - Not yet submitted to RRT: U.S. Virgin Islands
  - 6- Currently under review by RRTs: PR, AS, ME, IL, GU, NJ (Maine will likely be sent to HQ any day now)
  - 56 -Total number of states and territories
- TRACS – Tracking and Reporting Actions for the Conservation of Species
    - TRACS Enhancement
      - September 29, 2016 – WMI convened “Meeting of the Parties” in Denver, Colorado to discuss and address TRACS issues
      - Key issues included:
        - Identifying the data to be collected
        - System design and ease of use
        - Communication with States
      - Solutions to issues ID’d at “MoP” are documented in the draft TRACS MOU, currently pending final approval.
    - TRACS Challenge
      - Identify Data for Collection
        - TRACS Working Group developed System Requirements Matrix;
        - Matrix currently in Version 9 following two full national reviews;
        - State Directors will conduct final Fatal Flaw review in October;
        - Pending Director’s review, JTF will be asked to approve Matrix at November meeting.
      - System design/Ease of use
        - Wire Frames communicate the system “look and feel” without actual coding;
        - Wireframes also allow us to simulate navigation to assure the system is intuitive for users;
        - TRACS Working Group will meet in Denver in October for a 3-day workshop to test the TRACS Enhancement wireframes;
        - Once approved, the Wire Frames, Requirements Matrix, and Performance Reporting Questions, will be handed to the development team to build.
      - Communications with States and WSFR Staff
        - Communications procedure developed at the Meeting of the Parties, Sept. 2016;
        - Procedure adopted by JTF, Dec. 2016;
        - Procedure intended to assure WSFR staff, Federal Aid Coordinators, and State Directors all have opportunity to comment on key issues;
        - TRACS Working Group charged with determining when an issue warrants use of the procedure.
  - WSFR Program Rules and Policy Update

- 50 CFR 80 WR / SFR Rule  
WSFR has identified +/- 100 issues that merit updates in the 2011 version of the regulation. States and FWS Regions requested a “slow down” in the update process to allow thorough review. A State-Federal team proposes a 4-phase schedule to complete the update by mid-2018. The proposed schedule was sent to JTF, FAC Work Group, & WSFR Chiefs for review on September 6, 2016. The first revision – on predator control + minor fixes – is pending publication in the Federal Register. The new administration has requested additional information on Federal Register publications, so that has dramatically slowed the process to revise 50 CFR 80.
- License Certification  
WSFR is ready to publish a proposed simplified approach to counting license holders. The draft proposal must be published in the Federal Register before going final. It is included in phase 1.  
Proposed method requires a minimum of \$2 of revenue to the State agency for each year the license is valid for each privileged to hunt and fish..
- Real Property Chapters
- Clean Vessel Act Regulation/Clean Vessel Act Regulation Review Team (CVARRT)
- National Survey of Fishing, Hunting, and Wildlife-Associated Recreation, 2016
  - National Survey of Fishing, Hunting, and Wildlife-Associated Recreation
    - Conducted by U.S. Census Bureau
    - Estimates for United States and 4 States only (ME, MN, OK, VA)
    - Data collected through in-person and telephone interviews
    - Comparable to past National Surveys from 1991 – 2011
  - 50-State Survey of Fishing, Hunting, and Wildlife-Associated Recreation
    - Conducted by Rockville Institute (non-profit arm of Westat)
    - Estimates for all 50 States
    - Data collected through mail questionnaire
    - Should not be compared to previous National Survey estimates until more is known of biases
  - Preliminary National Survey Report released September 7, 2017
  - Final National Survey Report scheduled for release in December 2017
  - Independent Evaluation Team:
    - 5 unaffiliated academic reviewers
    - Compare two surveys’ estimates and biases
    - Make recommendation on methodology to be used in the future by January 2018

## Q&A

How do you explain that the preliminary results of survey shows a decrease in hunters while there is an increase on Pittman Robertson Funds distribution?

NSSF and other industries have looked at that issue and we think it is the shooting sport side of funds. Assuming that numbers are correct, it would be the number of non-hunter firearm owners.

Do you have a communication plan for rolling out the survey?

We have a communication plan. The Department is taking leadership on that. We provide what we have, what we develop and we are told what/when it will be

released. With the preliminary results, we got clearance to provide them. There is a three-step process to get that information to everybody.

What is the timeline for enrolling the reports?

In 2017, National Survey Technical Work Group recruited independent expert for the evaluation team. This team is working on the data from both surveys (for 2016), which used different survey methodologies to come up with recommendations for the implementation of 2021 National Survey. The reports will roll out sometime in February 2018.

- **WSFR FA Joint Task Force Update - Kelly Hepler**

JTF spent one and half year working on the communication's procedures and you can see the results with the communications chart and procedures that WSFR introduced. This helps with the communication between the coordinators and TRACS working group.

The WMI report on TRACS assessment had an appendix containing a draft MOU between FWS and AFWA (representing Fish and Wildlife State Agencies). JTF had a lot of discussion on topics such as financial information, program level reporting, and public review. The draft MOU states that outcome or program-level data would be entered into TRACS only on a voluntary basis, and we recognize that some data might not even be State-specific. However, we realize any data in TRACS could be auditable, simply by virtue of being reported in a Federal system. Consequently, we recommend that the MOU explicitly states that such data would not be auditable, and that the FWS will clarify this when addressing the parameters of State audits with the OIG.

JTF had discussions on eligibility of State project proposals to fund the stocking of pen-raised birds, in furtherance of initiatives focused on hunting and shooting sports, R3 under the Wildlife Restoration grants program. This is a gray area. We must talk again at JTF about solutions to address the confusion.

This is a regional problem. However, there are concerns, Massachusetts submitted a grant proposal and it looks like it is going to JTF to be adjudicated. At some level the service must make the determination. This is an acute problem and we would like to get it resolved as this is a pending grant that has been submitted to Federal Aid. This comes down to policy decision so there is a consistent position on pen-raised birds.

Another issue we talked was the Wildlife Management and Predator Control.

We also had some discussion come up on the AFWA side about using PR funds in Canada on enhancing resources (mostly migratory birds) by funding habitat projects.

JTF is working closer with the Federal Aid Coordinators Working Group so we would encourage the Directors to share information/concerns with their FAC so JTF is aware of those issues.

- **Modernizing Pittman-Robertson – Dan Forster**

Gary covered most of the updates. From the Industry perspective, we view this as a critically needed piece of legislation. The bill changes your ability to spend your money on key issues like building ranges or engaging in public relations.

There are two bills introduced. Our focus has been trying to get a committee hearing. We have strong support in the house and the senate. Gary mentioned couple of options we have but to further that effort we have a Congressional Breakfast scheduled for October 3, which is sponsored by ATA and AFWA.

- The Council to Advancing Hunting & Shooting Sports- **Samantha Pedder**

CAHSS is using Multistate Conservation Grants Program funds to help advance conversations on R3 and we are working with the states to offer R3 workshops where 30-70 state agency representatives come together and discuss what R3 means to their agency. Every agency approaches it differently so we are taking a state-by-state approach.

There has been a great transition in hiring R3 coordinators. Some leaders like in Oregon or Arizona are helping us build those conversations.

The National Plan was released in Fall 2016.

We are holding a National R3 symposium in Nebraska in May 21-23, 2018. The National R3 Symposium is the first nation-wide event solely focused on resources and partnerships needed to secure the future of hunting, angling, target shooting, and boating. The National R3 Symposium will provide an unparalleled opportunity for agencies, industries and NGO's to share, learn and develop the limitless opportunities our community now has to accelerate the current state of R3 effort and impact.

We started talking about partnerships and how can we address the decline in numbers of hunters through various mechanisms and actions.

CAHSS will be in charge of the annual grants performance reports.

- The Federal Aid Coordinators Working Group – **Kris McCarthy**

The Federal Aid Coordinators Working Group submitted a report to the Trust Fund Committee. Just few highlights:

- Communication - The communication strategy for relying high-level information from WSFR to the States has been used effectively for updates. The Federal Aid Coordinators Working Group (FACWG) strongly supports the continued use of this communication strategy.
- TRACS - The TRACS enhancement continues to dominate conversations among the FACWG and FAC across the country. One of the concerns is keeping the handoff date flexible to ensure that the TRACS Enhancement is fully functional and States have opportunities to be trained on the new TRACS interface.
- States' Needs Document - At the August 2016 Trust Fund Committee Meeting, the FACWG was asked to update the State's Priority Needs Document and Jack Buckley talked about that earlier.
- 5 year Report – FACWG believes it is important to stress that some information in the 5-year report may appear incomplete as not all states use the WSFR funding in the same way or they may not gather the requested information. Just because the state does not include that information for the 5 year report, that does not mean the state is not engaged in these activities.
- CFR Reviews – As delays have occurred with the new administration and the agreed upon timelines have come and gone, the FACWG remains concerned with multiple comment periods or reviews occurring at the same time in the future. State agencies typically have only a few individuals responsible for these reviews and overlapping priorities lead to less thorough reviews and the potential of items of concerns slipping through the crack.



- National Federal Aid Coordinators Meeting – We are working with the WMI to plan the National Meeting. Because training on the TRACS enhancement is an important component of this meeting, the FACWG believes the proposed date of the National Meeting will be delayed until the TRACS enhancement is fully functional.

The Action Items are taken care of with the State Needs' document. We would like to thank Sheila Cameroon for her leadership and Mike Sawyer for stepping up as the Chair of FACWG.

- New Business – **Jack Buckley**

There was a discussion on the taxation of air guns. These remained an open discussion to be discussed at in the proper committees.

- Committee Workplan – **Jack Buckley**

A work plan draft was sent to the committee for review and update. The committee members will send the comments back.

- Action Items – **Jack Buckley, Silvana Yaroschuk**

- The Fish and Wildlife Trust Fund Committee approved the document “States’ Priority Needs from WSFR Program as developed by the Federal Aid Coordinators Working Group”

- Wrap-up Discussion / Adjourn

The meeting was adjourned at 9:45AM.