



# An Update on Fisheries Issues



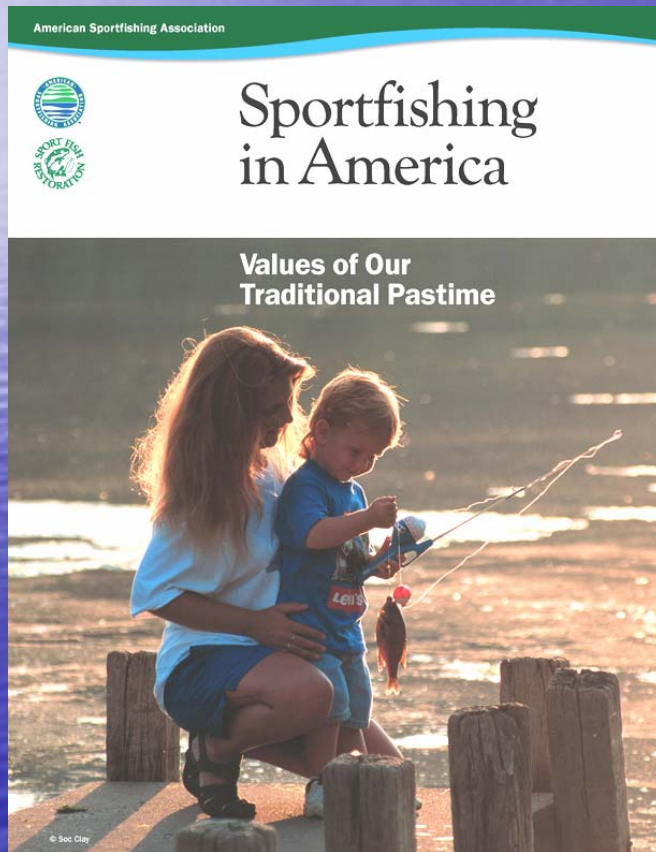
# Know fishing

- \$116 BILLION in economic impact each year
- Over 1 million jobs each year
- 44.3 million anglers
- This is powerful information – use it!





# Use *Sportfishing in America*



[www.asafishing.org](http://www.asafishing.org)





# The Issues

- Reauthorization of Wallop-Breaux, a.k.a., the Aquatic Resources Trust Fund or the Sport Fish Restoration Act
- After 108<sup>th</sup> Congress meltdown – it may finally pass within the next 20 days
- The new act will be known as the Sport Fish Restoration and Boating Trust Fund



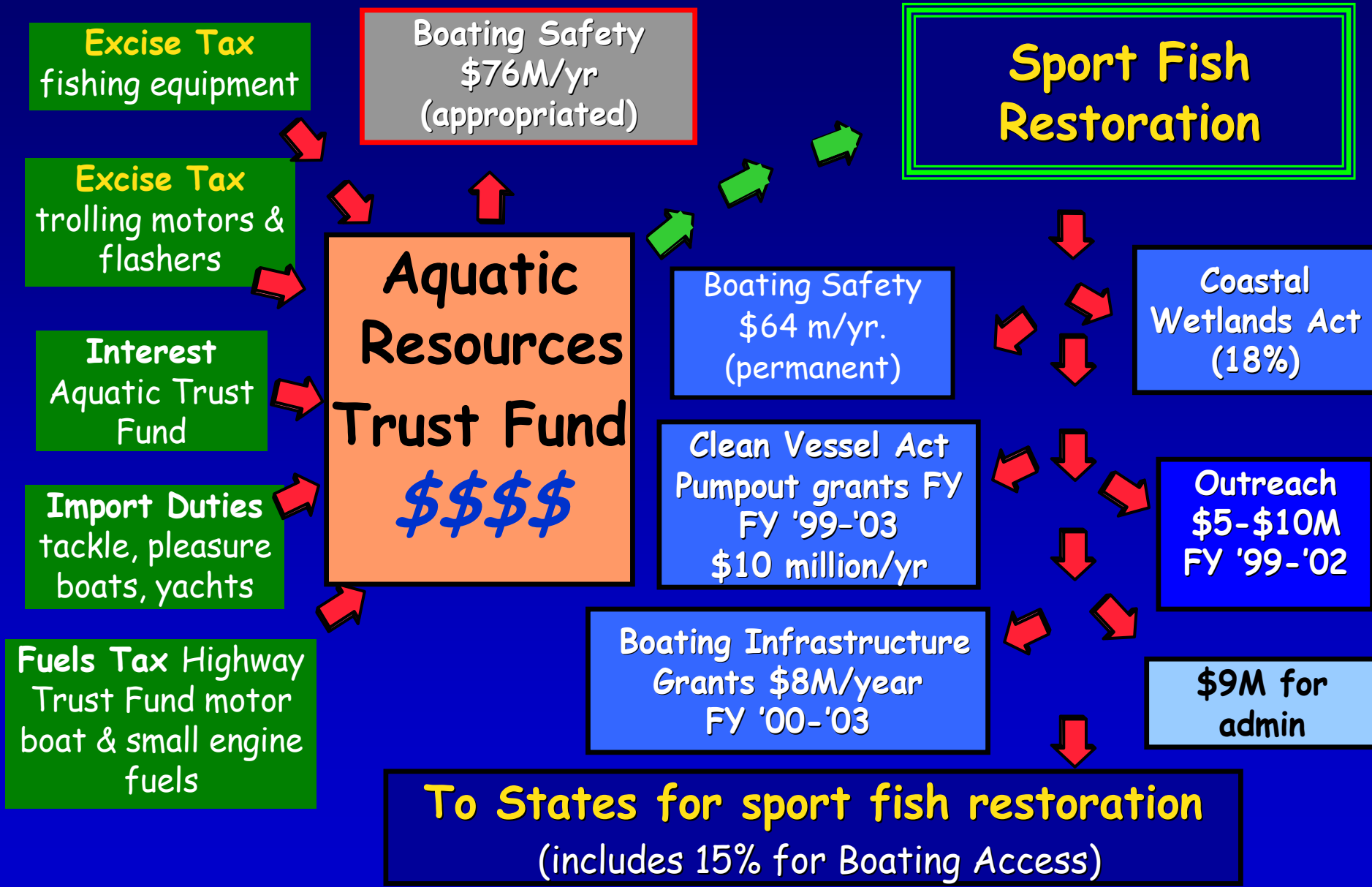
# Its Value

- The crown jewel of each state fishery program
- Paid by manufacturers and anglers
- Makes possible sound fishery management
- Gives anglers access to fishable waters
- Current value is \$460 million/year
- New value = \$657 million/year



# Aquatic Resource Trust Fund

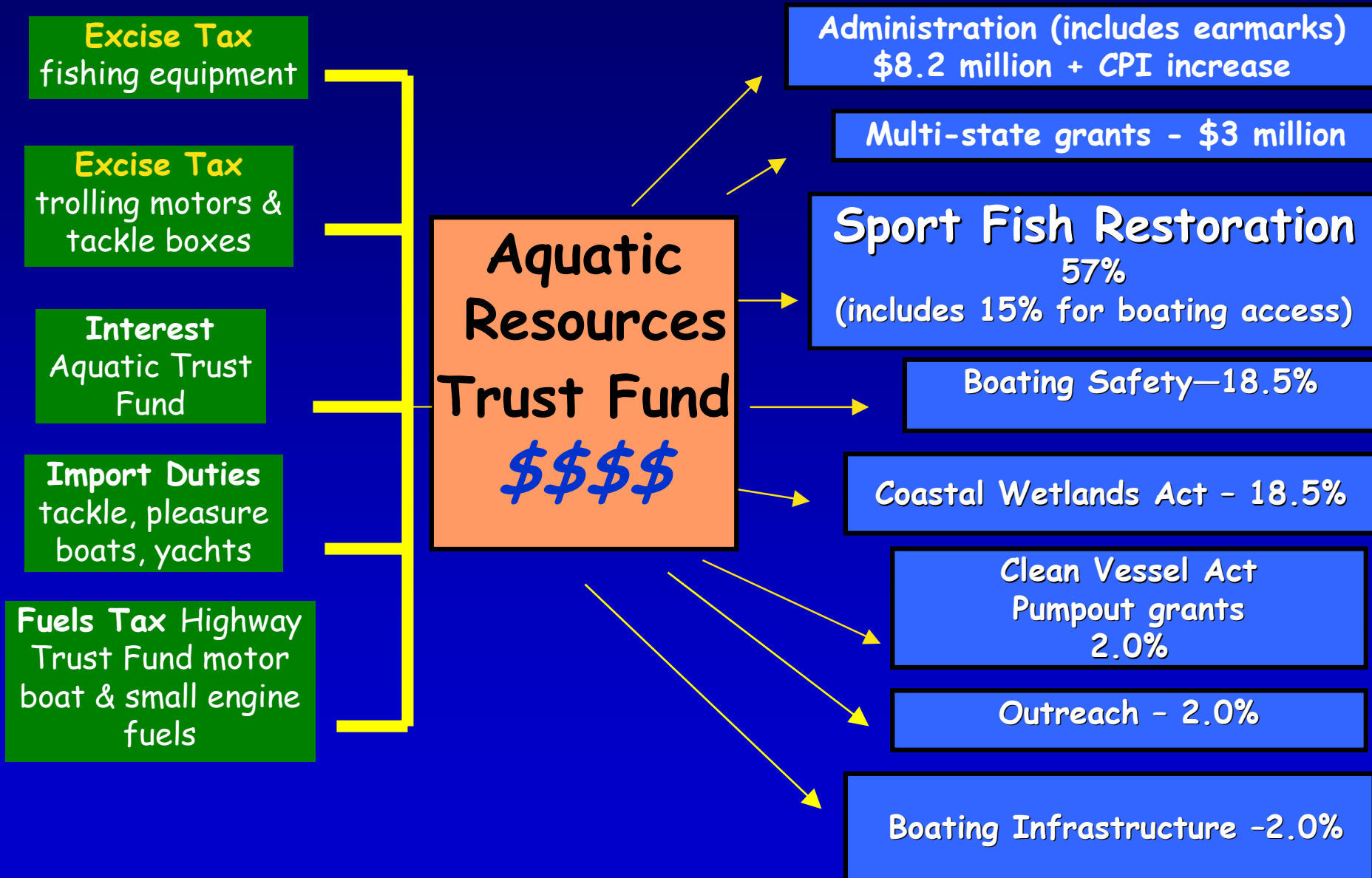
(Current Law)





# Aquatic Resource Trust Fund

(ALAB proposal)



# Its Future

- A more streamlined, understandable act
- A fairer act providing funds by a percent of the whole, not a series of schedules and financial caps
- A more valuable act because it captures all fuel taxes attributable to motor boat and small engine taxes (an additional \$110 million) and captures unappropriated boat safety funds – up from \$460 million to \$657 million



# Its status

- Buried in the 1,100 + pages of the Transportation bill (HR 3) and should pass in the next 20 days
- Has passed the House and Senate
- In Conference now





# What we need

- Write a letter to your Senate and House members on the Conference for HR 3 and urge them to accept the House language for fuel tax capture and the Senate language for policy
- Fax the letter and follow-it with a phone call
- Make sure members of Congress know you represent a large constituency



# The Issues

- Reauthorization of Wallop-Breaux, a.k.a., the Aquatic Resources Trust Fund or the Sport Fish Restoration Act
- Implementation of the Forest Service Rise to the Future 2003 Report



# What we need

- Write and fax a letter to the Chief of the Forest Service and urge implementation of the report
- Emphasize the importance of establishing the Sportfishing and Aquatic Resource Advisory Council





# The Issues

- Reauthorization of Wallop-Breaux, a.k.a., the Aquatic Resources Trust Fund or the Sport Fish Restoration Act
- Implementation of the Forest Service Rise to the Future 2003 Report
- Access



# Access -- Open Fields

- Seek sponsors for "Open Fields" legislation
  - HR 1351 by Representatives Earl Pomeroy (ND) and 15 additional House members

Current mid-west House cosponsors:

- |                       |                   |
|-----------------------|-------------------|
| – Boswell, Leonard L. | [IA-3rd District] |
| Green, Mark           | [WI-8th District] |
| Herseth, Stephanie    | [SD – at large]   |
| Moore, Dennis         | [KS-3rd District] |
| Oberstar, James L.    | [MN-8th District] |
| Udall, Mark           | [CO-2nd District] |



# Access -- Open Fields

- Seek sponsors for "Open Fields" legislation
  - S 548 by Senators Pat Roberts (KS) and Kent Conrad (ND)
  - Current mid-west Senate cosponsors:
  - Dayton, Mark MN
  - Johnson, Tim SD
  - Hagel, Chuck NE
  - Coleman, Norm MN
  - Salazar, Ken CO
  - Harkin, Tom IA
  - Nelson, Ben NE





# The Issues

- Reauthorization of Wallop-Breaux, a.k.a., the Aquatic Resources Trust Fund or the Sport Fish Restoration Act
- Implementation of the Forest Service Rise to the Future 2003 Report
- Access
- Lead in terminal tackle



# What is happening

- These states have passed legislation restricting the use of lead fishing sinkers – up to ½ ounce
  - Maine -- bans the sale and use
  - New Hampshire – bans the use up to one ounce
  - Vermont – bans the use
  - New York – bans the sale
  - Minnesota -- statutory education program
  - Canada – proposes to ban use > 1% lead or 2 cm in any direction



# Helpful Information

- Visit [www.asafishing.org](http://www.asafishing.org) and read our position paper on lead fishing sinkers
- Most likely states for restrictions are within the breeding range of common loons
- Understand the issue and know that it is emotionally driven and bans are not supported by sound science





# The Issues

- Reauthorization of Wallop-Breaux, a.k.a., the Aquatic Resources Trust Fund or the Sport Fish Restoration Act
- Implementation of the Forest Service Rise to the Future 2003 Report
- Access
- Lead in terminal tackle
- Fish Hatcheries





# Fish Hatcheries

- Support HR 537 (Deal-GA)– The National Fisheries Mitigation Coordination Act
- Provides reimbursement to the USFWS for hatcheries it operates for other agencies
- Don't allow outsourcing of federal fish hatcheries
- Be alert to future news on this from BASS or ASA



# The Issues

- Reauthorization of Wallop-Breaux, a.k.a., the Aquatic Resources Trust Fund or the Sport Fish Restoration Act
- Implementation of the Forest Service Rise to the Future 2003 Report
- Access
- Lead in terminal tackle
- Fish Hatcheries
- National Fish Habitat Initiative



# National Fish Habitat Initiative

- Seeks to coordinate habitat efforts of all state and federal agencies with fishery authority
- Will ultimately seek funding for joint habitat projects nationwide
- Modeled after the North American Waterfowl Plan





# The Issues

- Reauthorization of Wallop-Breaux, a.k.a., the Aquatic Resources Trust Fund or the Sport Fish Restoration Act
- Implementation of the Forest Service Rise to the Future 2003 Report
- Access
- Lead in terminal tackle
- Fish Hatcheries
- National Fish Habitat Initiative
- Energy Bill





# Energy Bill

- Not as fish friendly as current statute
- Does maintain provisions for fish passage during the FERC licensing process
- Ask your Congressman to maintain the Fish passage provisions in HR 6



# The Issues

- Reauthorization of Wallop-Breaux, a.k.a., the Aquatic Resources Trust Fund or the Sport Fish Restoration Act
- Implementation of the Forest Service Rise to the Future 2003 Report
- Access
- Lead in terminal tackle
- Fish Hatcheries
- National Fish Habitat Initiative
- Energy Bill
- Invasive species



# Invasive species legislation

- S 770
  - prevention of unintended introductions
  - No eradication plans, except for invasives
  - Does not impact economically and recreationally important sport fish
- HR 1591 and 1592 – companions to S 770. HR 1591 is the management component and 1592 is research





# Excise Taxes

- Through the IAFWA Trust Funds Committee, working with the IRS for fair and equitable treatment of industry members
- Understanding is important
  - Anglers and states must understand the changes in commerce over the years
  - Industry needs to understand the investment in the resource



# The 109<sup>th</sup> Congress

- Still a very partisan Congress
- Will finally pass a highway bill
- Will finally pass an energy bill without Arctic National Wildlife Refuge provisions
- Will have difficulty over budget/appropriations issues – money will be **very** tight
- Will entertain several ocean policy bills, but will finally pass a pared-down reauthorization of Magnuson-Stevens



# Thanks for your time

- Questions?





# Barriers to Access for Hunting in Ohio:

## *A Survey of Agricultural & Forested Landowners*



*David P. Scott, Ohio DNR, Division of Wildlife*

*Joseph L. Arvai, Ohio State University, School of Natural Resources*

*Robert J. Gates, Ohio State University, School of Natural Resources*

*Kate Wiltz, Ohio State University, Agricultural Extension Program*

# **BACKGROUND:**

## ***Hunting Access in Ohio***



- Ohio has more than 11 million citizens
- Agricultural uses dominate the landscape
- >95% of Ohio is privately owned
- Ohio ranks 47<sup>th</sup> out of the 50 states in public land available for recreation per capita
- Access is a priority issue in the Division of Wildlife's *Strategic Plan, 2000-2010*

# STUDY OBJECTIVES

1. Determine barriers that limit access to private lands for hunting in Ohio
2. Identify components of an access program that landowners find acceptable for increasing hunting opportunity on their lands





# METHODS:

## *Step 1*



- **Focus Groups helped identify & refine issues related to access for wildlife-based recreation, especially hunting**
  - *Agricultural Producers (15-20 people per region)*
    - North-Central Ohio (flat topography, row-crop dominated)
    - Southeastern Ohio (hill country, forests & mixed agriculture)
  - *Wildlife Interests (6-8 individuals)*
    - Resource Managers (ODNR Wildlife)
    - Conservation Groups (Izaak Walton League)



# **METHODS:**

## ***Step 2***



- **Telephone survey was developed to:**
  - *Confirm results from Focus Groups*
  - *Measure response to program components to address access concerns*
- **Partnered with National Agricultural Statistics Service to contact agricultural producers**
  - *Allowed access to NASS database*
  - *NASS has long-term relationship with our target population*

# FOCUS GROUPS

- **Focus Groups helped identify:**
  - *What types of recreational uses are allowed*
  - *How access is controlled*
  - *Who is permitted to access their lands*
  - *What concerns they have about recreational access*
  - *What program components would encourage greater access for recreation*



# TELEPHONE SURVEY

- 3,975 attempted phone calls
- 3,093 connections (includes voice mail, answering machines, hang-ups)
- 798 survey-related conversations (included those who decline to complete the survey)
- 615 useable surveys (goal = 1,000)



# TELEPHONE SURVEY RESULTS:

## *A Profile of Landowners Sampled*



### Acres of Forest on Property

5 or less



6 or more

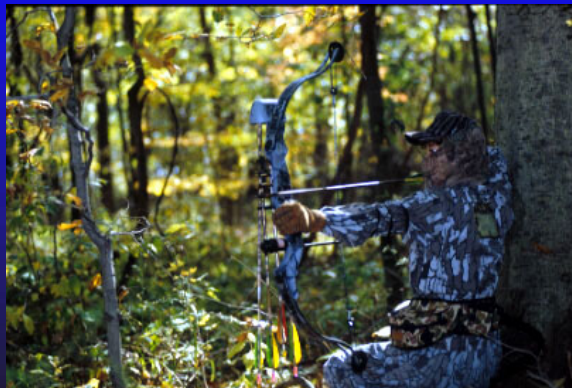


Parameter	Total (N = 615)	Non-forested (N = 200)	Forested (N = 415)
Area Farmed (ac)	209.5 ± 15.3	115.0 ± 14.7	259.6 ± 21.7
Cropland (ac)	147.6 ± 13.9	93.8 ± 14.4	176.2 ± 19.8
Grassland (ac)	25.6 ± 2.3	14.2 ± 2.3	31.7 ± 3.3
Wetland (ac)	1.8 ± 0.7	0.3 ± 0.1	2.5 ± 1.0
Forest (ac)	26.5 ± 2.4	1.2 ± 0.1	40.2 ± 3.5
Reside on Land	92%	92%	92%

# Recreational Access:

*Permission Given During the Last 3 Years to  
People Outside Their Immediate Household*

Parameter	Total (N = 615)	Non-forested (N = 200)	Forested (N = 415)
Hunting	66%	50%	75%
Trapping	24%	20%	29%
Fishing	18%	11%	22%
Bird Watching	11%	10%	11%





# Recreational Access

Recreational Activity	No Access But Would Consider	No. of Current Users
Hunting	10%	8.4 ± 1.2
Trapping	22%	1.9 ± 0.1
Fishing	3%	11.5 ± 2.3
Bird Watching	52%	4.6 ± 1.0



*80-85% thought the number of participants was “just right” for Hunting, Trapping & Fishing*

*~25% thought they had “too few” people Bird Watching*



# Who is Hunting on Private Lands?

Parameter	Total (N = 615)	Non-forested (N = 200)	Forested (N = 415)
Landowner & Household	64%	53%	69%
Relatives With Permission	71%	67%	73%
Friends/Neighbors With Permission	90%	89%	90%
General Public With Permission	36%	31%	38%
General Public W/out Permission	33%	20%	39%
Acceptable?	15%	18%	15%

**RELATIONSHIPS**

# Access Control Methods

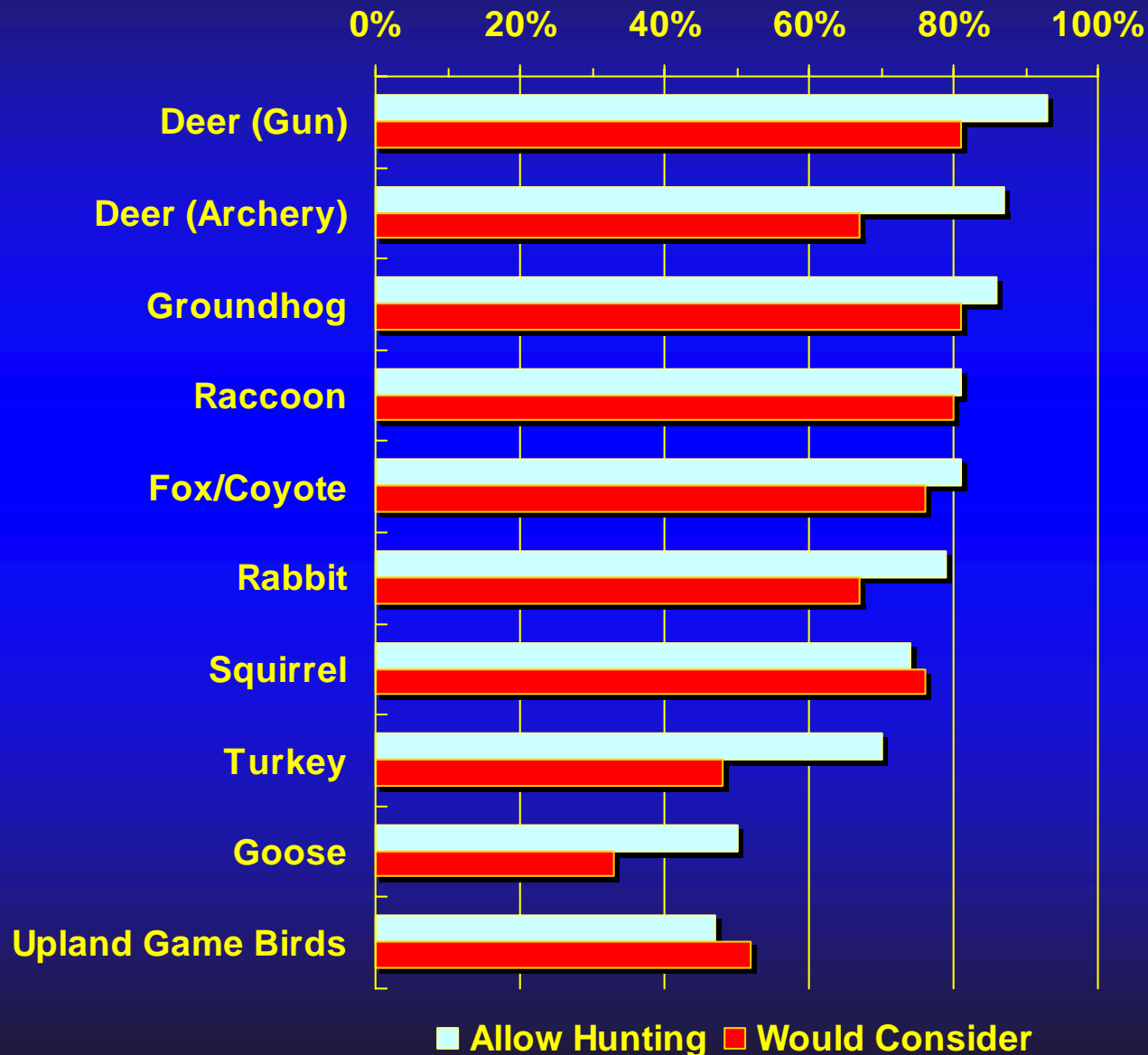
Activity	Total (N = 615)
Post Signs	40%
ODNR Program	15%
Lease/Payment	2%
Verbal/Written Agreement	79%



*Similar proportion (38%) of landowners not allowing access used “Post Signs” to control hunting access.*



# Types of Hunting Allowed



# “Negatives” Associated with Allowing Access

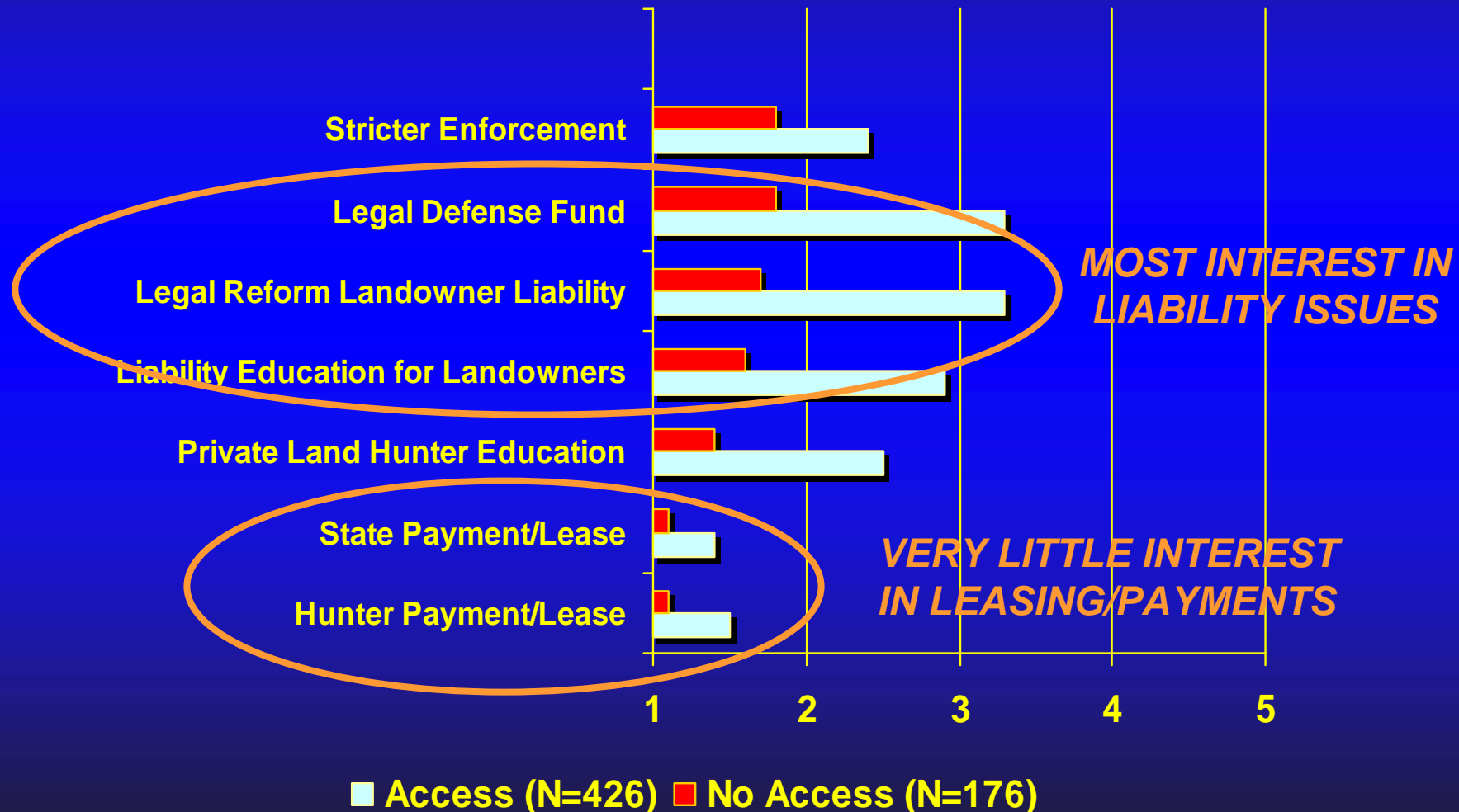
- Moderate levels of concern expressed about ( $N = 589$ ):
  - Liability (3.85 out of 5 max)
  - Personal injury (3.66)
  - Loss of control (3.21)
  - Alcohol consumption (3.01)
- Loss of Control reportedly occurred once or more times to 26% of landowners; whereas 92-98% reported other concerns never happened
- These concerns largely attributed to hunters accessing land *without permission*

# **“Positives” Associated with Allowing Access**

- **Moderate levels of benefit expressed about ( $N = 560$ ):**
  - Wildlife Population Management **(3.45)**
- **Some, but lesser, benefit attributed to:**
  - Promoting a Conservation Ethic **(2.86)**
  - Positive Relationships with Neighbors **(2.85)**
  - Controlling Wildlife Damage **(2.80)**
- **Wildlife Population Management was a benefit realized by 39% of the landowners**
- **These benefits largely attributed to hunters accessing land *with permission***

# Methods of Encouraging Access

Scale: 1=no effect, 3=moderate effect, 5=greatest effect





# SUMMARY:

## *What did we learn?*

- **Many landowners are already allowing hunting access (66%)**
  - *Currently more access on farms with forested habitats than more open ground*
  - *Relationships = Access*
  - *Support for more activities like Bird Watching*
  - *Hunting access greater for mammals (deer, small game, predators, nuisance species) than birds (upland game, waterfowl)*
  - *Main perceived benefit is wildlife population management*

# **SUMMARY:**

## ***What did we learn?***

- **Controlling Access:**

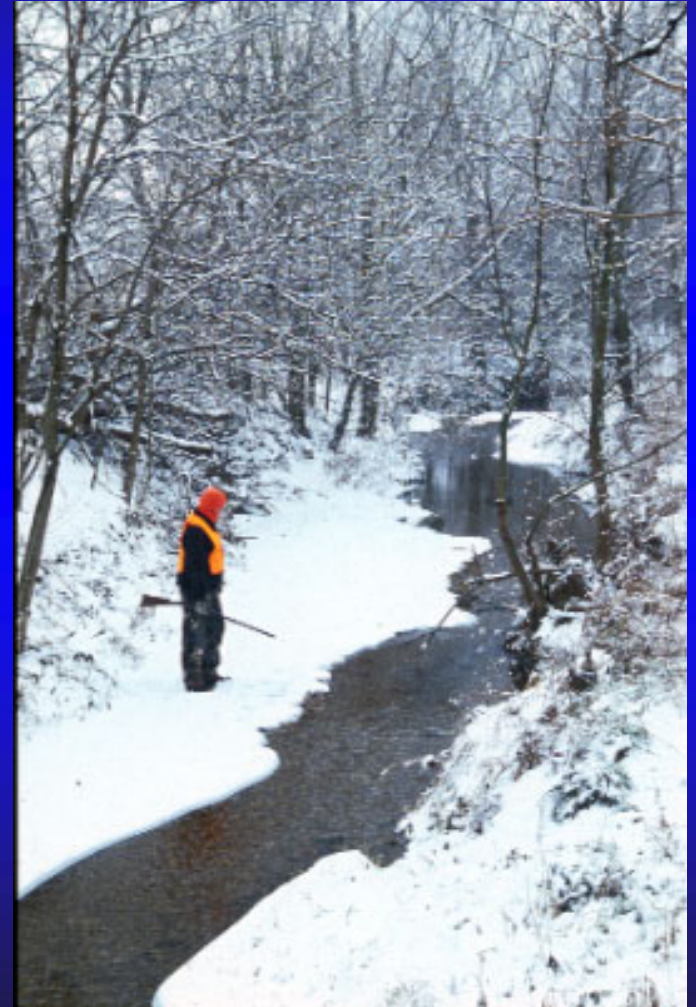
- *80% rely on written or verbal agreements with recreational users*
- *40% post their lands with signs, whether they allow access or not*
- *very limited use of leasing currently*

- **Allowing More Access:**

- *If no access allowed now, no tested alternatives influenced landowners to change*
- *Those who allow access seem to desire liability reforms & education before increasing access*

# Liability Concerns & Ohio Law

- **Recreational User:** *a person to whom permission has been granted, without the payment of a fee, to enter premises to hunt, fish, trap, camp, hike, swim, or for other recreational pursuits.*  
**ORC 1533.18 (B)**



# Liability Concerns & Ohio Law

- **Liability Exemption for Landowners:**
  - *the landowner does not owe duty to any recreational user to keep premises safe for entry or use*
  - *the landowner does not extend any assurance that the premises are safe for entry or use when granting permission*
  - *the landowner does not assume responsibility or liability for injury to person or property caused by the act of a recreational user. ORC 1533.181 (A)*



# PROGRAM RECOMMENDATIONS

- **A State-Sponsored Access Program should:**
  - *(1) focus on landowners currently allowing some access*
  - *(2) educate landowners about Ohio's liability law, hunting opportunities & benefits*
  - *(3) partner with conservation groups to create a Legal Defense Fund for Landowners*
  - *(4) partner with or identify conservation-friendly attorneys to consult with affected landowners*

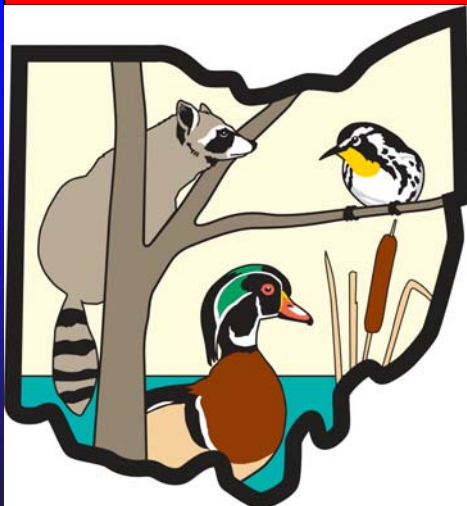
# Funding & Support

## Provided By:

*National Agricultural Statistics Service*  
*Ohio Farm Bureau Federation*



**The Ohio State University**

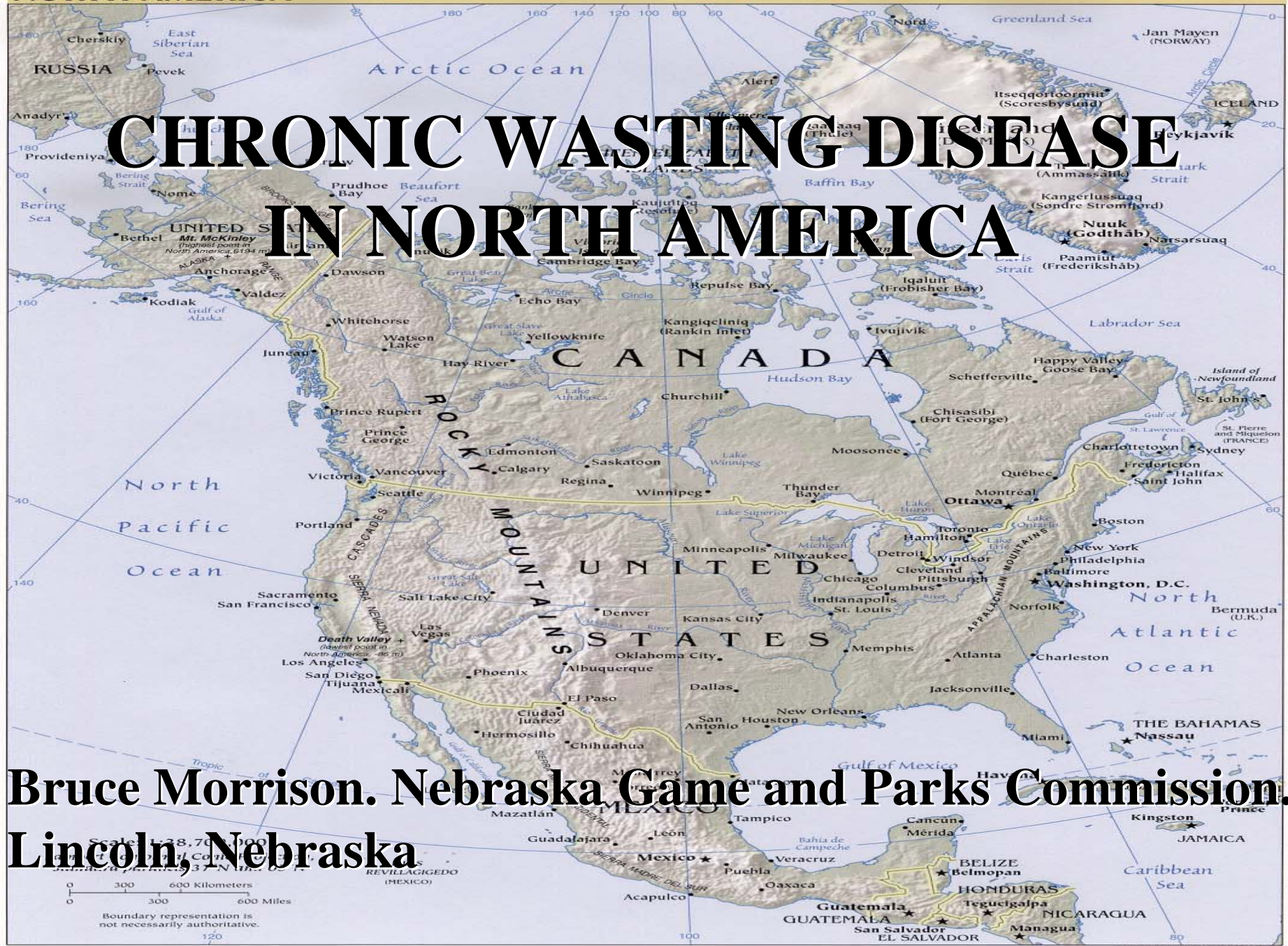


**Terrestrial  
Wildlife  
Ecology  
Laboratory**



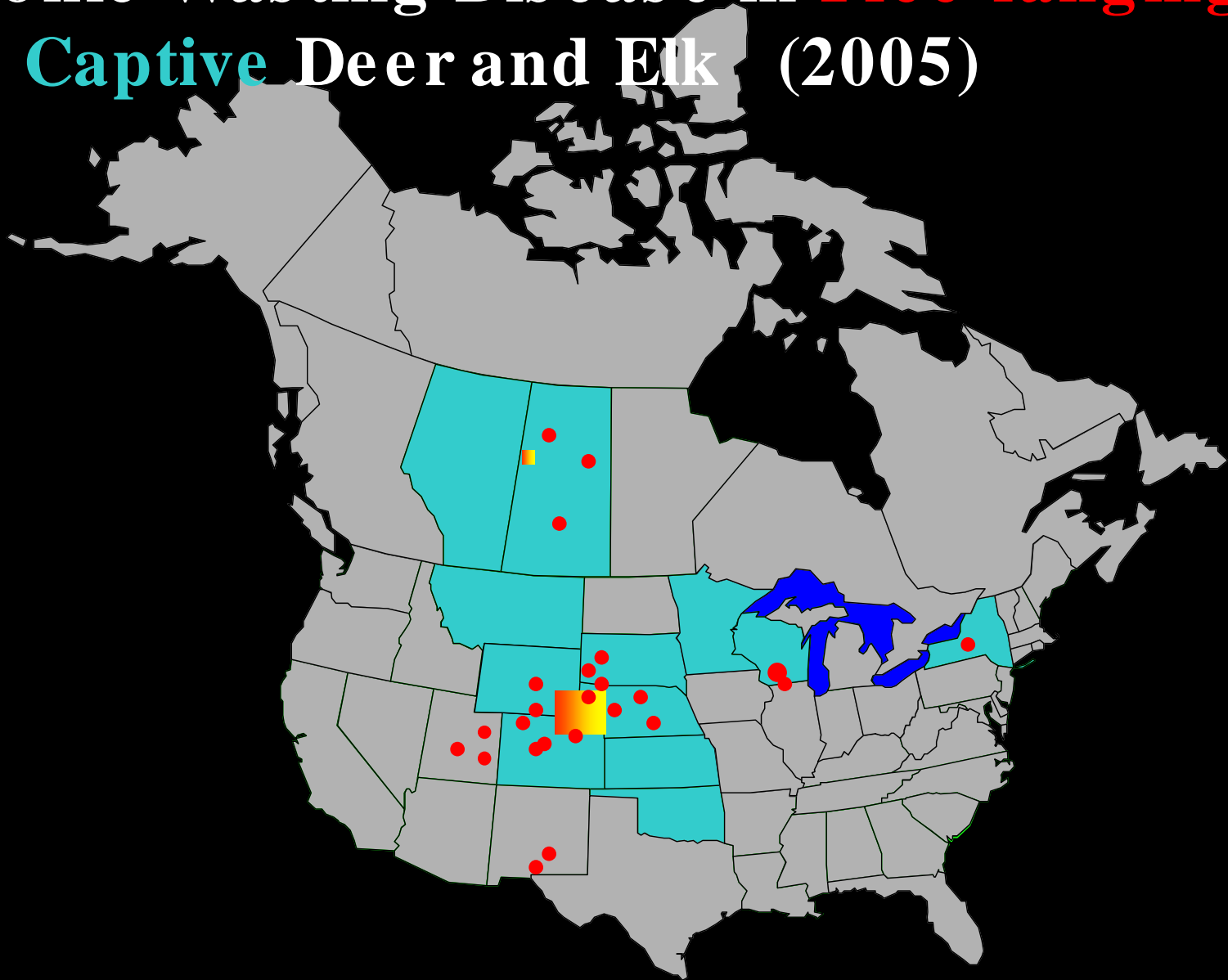
# CHRONIC WASTING DISEASE IN NORTH AMERICA

Bruce Morrison. Nebraska Game and Parks Commission.  
Lincoln, Nebraska





# Chronic Wasting Disease in **Free-ranging** and **Captive** Deer and Elk (2005)







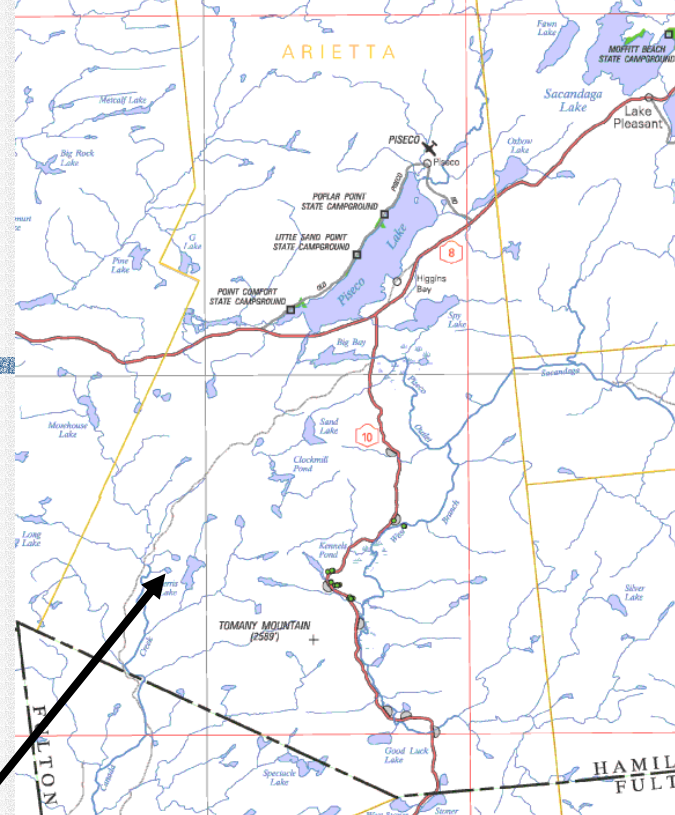
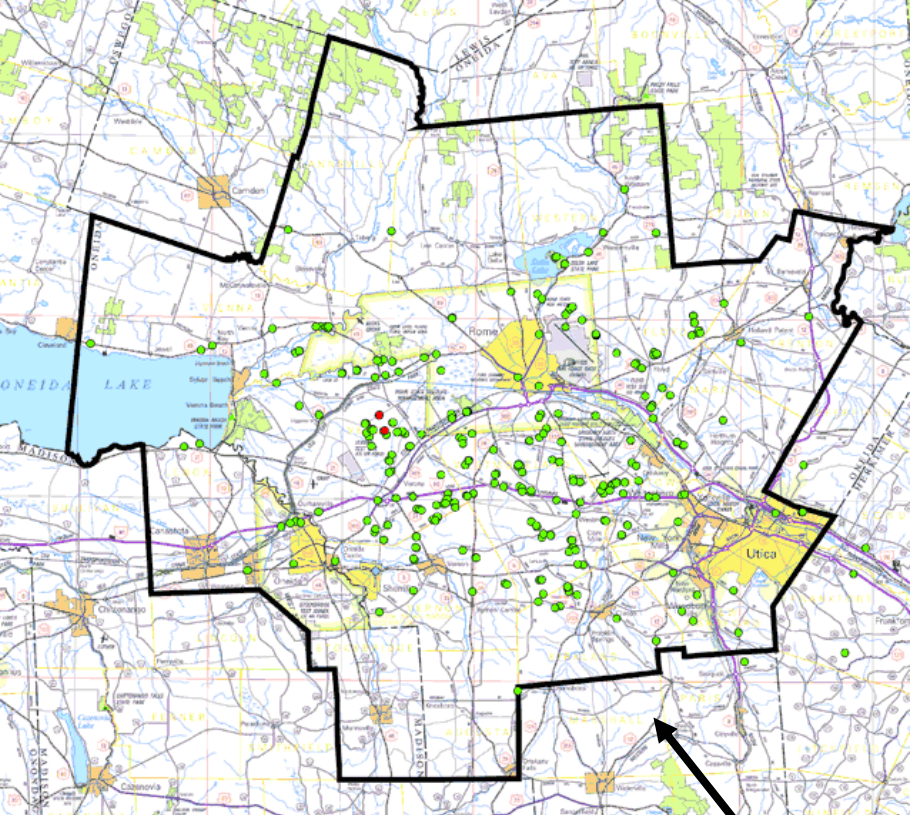
## *THE NEW YORK FINDING*

MARCH 27, 2005 – Finding of positive captive deer announced.

APRIL 8, 2005 - Finding of 4 additional captive positives announced.

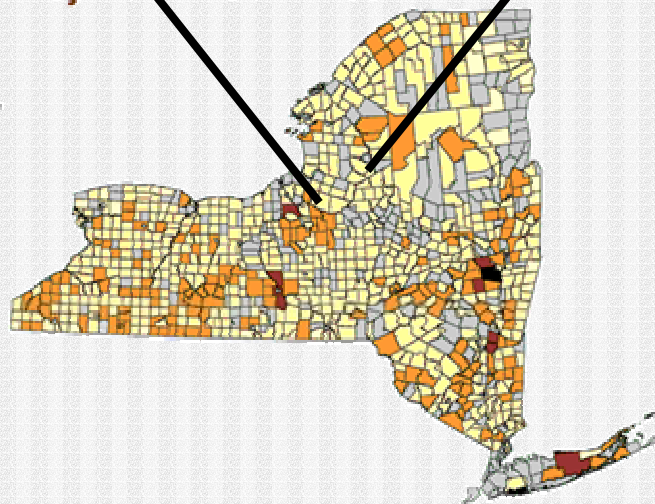
APRIL 30, 2005 – Wild deer sampling effort complete. 217 deer collected.

MAY 4, 2005 – Finding of two positive wild deer in Oneida County announced.



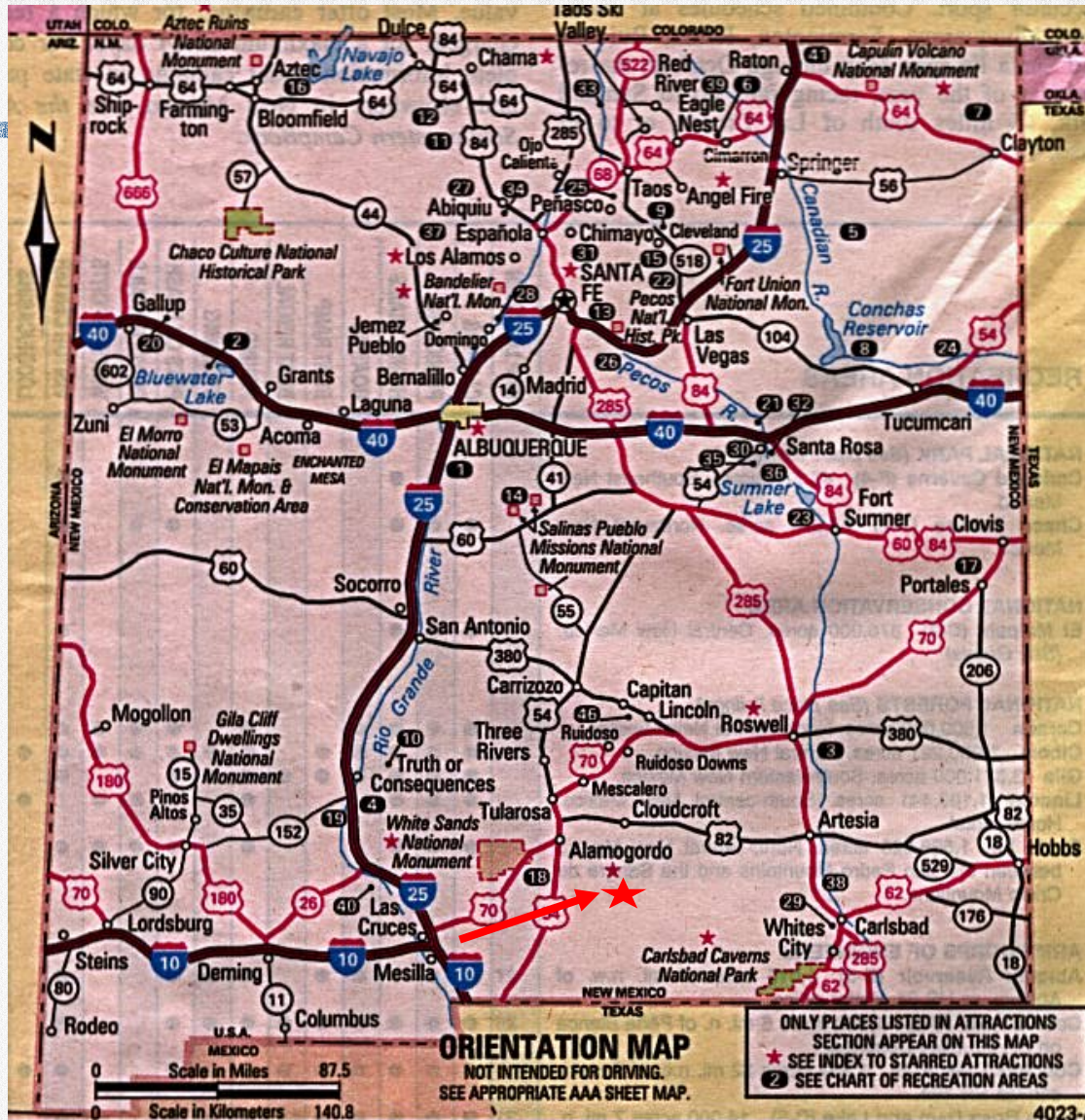
Number of Deer Tested for CWD  
by Town 2002 - 2004

Number of Deer





# SPREAD OF CWD IN NEW MEXICO



Love, Saskatchewan

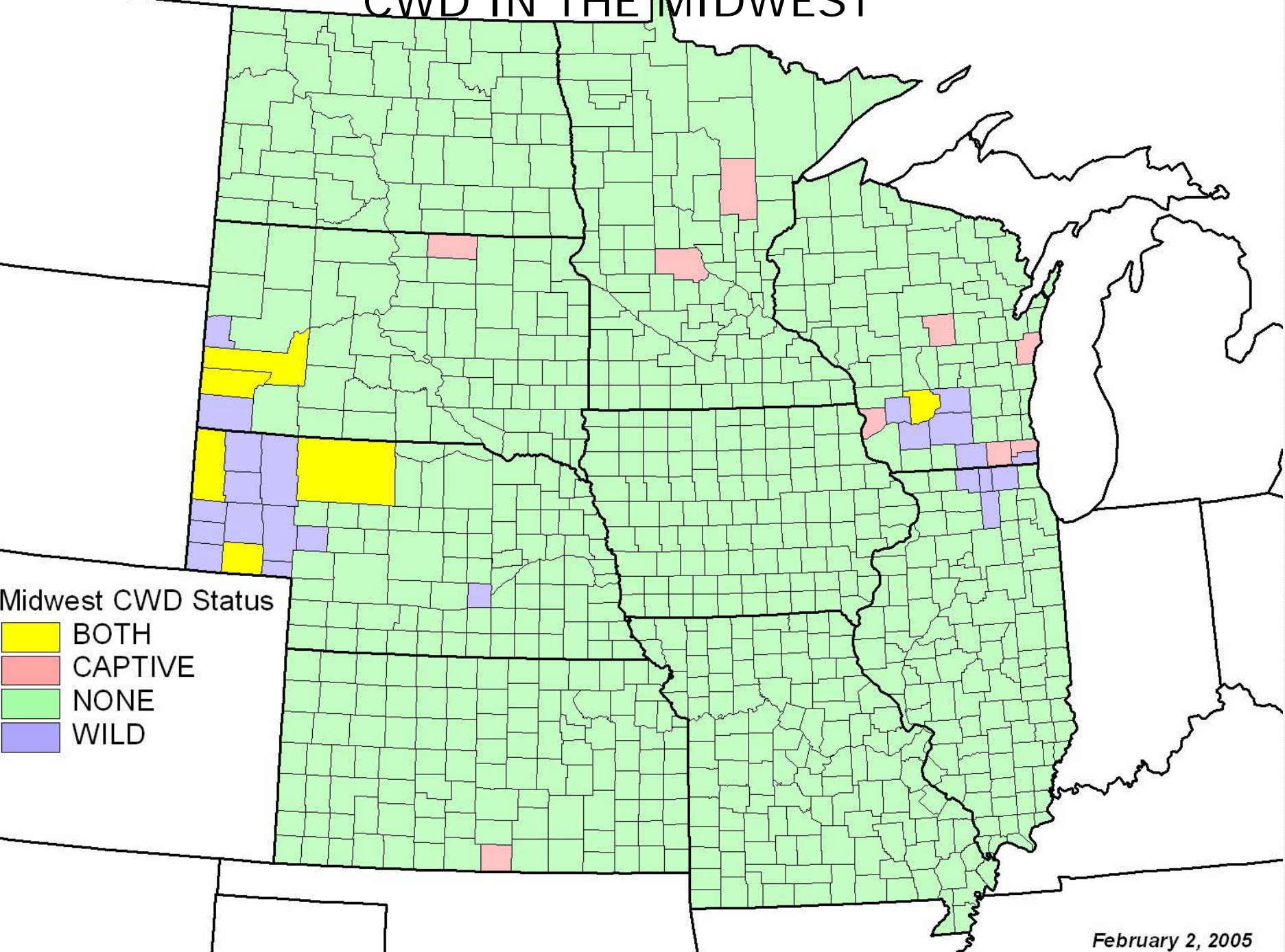




## MIDWEST STATES AND PROVINCES

North Dakota	No Positives
South Dakota	Wild & Captive
Nebraska	Wild & Captive
Kansas	Captive
Colorado	Wild & Captive
Minnesota	Captive
Iowa	No Positives
Missouri	No Positives
Michigan	No Positives
Wisconsin	Wild & Captive
Illinois	Wild
Indiana	No Positives
Kentucky	No Positives
Ontario	No Positives
Manitoba	No Positives
Saskatchewan	Wild & Captive

# CWD IN THE MIDWEST





# RECENT EVENTS

Research indicates that the CWD prion must adhere to the cell membrane to be infective.

A Montana judge ruled that the voters initiative to ban game farms was not an unconstitutional taking.

Second U. S. BSE case confirmed in cow from Texas. The strain of this case is more closely related to the French strain vs. the British strain.

Colorado DOW and NPS are conducting modeling to determine the possible impacts of wolf predation On CWD spread and prevalence.

Colorado DOW and City of Boulder discussing a project to follow known CWD deer for their lifetime to determine impacts on deer and populations.

# 2005 APHIS FUNDING FOR CWD WORK

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Tier 1 States:	\$280,000
Tier 2 States:	\$74,000
Tier 3 States:	\$53,000

2006 funding will probably be the same nationwide but each state's share will be less due to the addition of new tier 1 (New York) and tier 2 states (Pennsylvania, New Jersey, Vermont, Connecticut, and, Massachusetts.)





Available from American Outdoor Productions  
<http://www.aoproductions.com/dvdinfo.html>



Boone and Crockett Club  
Rocky Mountain Elk Foundation  
Mule Deer Foundation  
~~Pope and Young Club~~  
Quality Deer Management Association  
National Shoot Sports Foundation  
Wildlife Management Institute  
Campfire Conservation Fund  
Bowhunting Preservation Alliance  
Isaac Walton League of America  
Bio-Rad Laboratories  
IDEXX Laboratories  
Dallas Safari Club  
Whitetails Unlimited  
American Wildlife Conservation Fund  
National Fish and Wildlife Foundation  
Cabalas

[www.cwd-info.org](http://www.cwd-info.org)

# BAR IN CAIRNS, AUSTRALIA





Bruce Morrison  
Nebraska Game and Parks  
2200 North 33<sup>rd</sup> Street  
Lincoln, Nebraska 68503  
402-471-5430  
[morrison@ngpc.state.ne.us](mailto:morrison@ngpc.state.ne.us)





# **FDC Enterprises**

**Grassland Services**



March 2004 Dormant WSG Seeding- Hancock Co Oh





February 2004 Dormant WSG Seeding- Hardin Co, Oh



# Review Of 2004

- 5800 acres seeded-
  - 800 ac dormant Spring 2004
  - 3000 ac Spring-Summer 2004
  - 2000 ac dormant Fall- Winter 2004
- 5800 acres sprayed
  - 3800 ac Spring-Summer 2004- FDC seedings
  - 2000 ac Spring-Summer 2004- PF\other seedings
  - 2000 ac yet to spray (dormant seeding 2004)





February 2004 Dormant WSG Seeding- Allen Co, Oh





February 2004 Dormant WSG Seeding– Hardin Co, Oh





April 2004 WSG Seeding- Williams Co. Oh



# Lessons-'04 & Changes-'05

## ■ Successes-

- Jan-Mar Dormant Seeding- 100% successful
- Glyphosate\Plateau Spray Program- Fescue not a Problem
- Production methodologies utilized proved out
  - No mow of old CRP fields- better seeding conditions & minimum destruction of current habitat
  - Spray after plant- no late season 2<sup>nd</sup> spray app needed



May 2004 WSG Seeding- Mercer Co, Oh 10 51 AM





May 2004 Post-Plant Spray after WSG Seeding- Pickaway Co, Oh 20 10 55



# Lessons-'04 & Changes-'05

- Improvements Implemented-
  - Learn\teach more patience on Spring seeding into old CRP- 3 of 9 counties had 70% 1<sup>st</sup> year success- need more time?
  - Spray at planting-best timing for PR- not for best results- new spray application approach- "Split Shot"
  - Ultra Germ + enhancer added- earlier\quicker germ
  - Add vernal alfalfa\ladino-aesthetics & ST wildlife food
  - When acceptable, plant forbs winter following WSG est.
  - Added 2 10' drills for firebrks\CSG- better production
  - Doubled drill gauge wheel tire- better depth control
  - Warranty added to ease Customer est. concerns



June 2004 Post Plant Spray after May Seeding- Ross Co, OH 7:42 AM



# Ultra Germ +



Lab germ test at 30 days

- Switchgrass 400% increase
- Indiangrass 387% increase
- Big Bluestem 349% increase



Southern Indiana- FDCE  
seeded > 5/29/04 w\Ultra  
Germ+

Photo taken 9/14/04



# FDCE Opportunities past CRP\CREP

## Future Added Services

- Hobby Farm & Ranch Naturescapes
  - WSG & Wildflowers
- Wildlife Food Plots
- Invasives Herbiciding
  - Marsh work Phragms
- Pasture Renovation
- Pasture to WSG Conversions
- Mining Spoil Land WSG Conversions



Lightfooted utility unit- Naturescapes, Food Plots, Pasture Renovation,  
ROW, Invasive Herbiciding- Marsh Phrags

18 9:15AM



# GREAT LAKES RESTORATION

The Future of the Lakes  
is in Our Hands



# Great Lakes Restoration – Why?

*“Whiskey is for drinking, and water is for fighting over”*

Mark Twain

*“Water is the oil of the 21<sup>st</sup> Century”*

Dave Dempsey

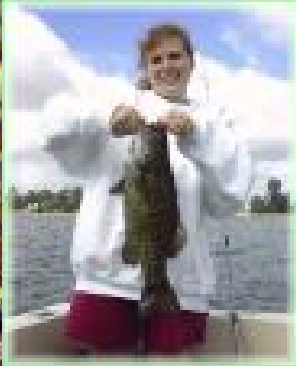
***Fish and Wildlife Agencies***

***Need to Be Engaged in Great Lakes Policy Issues***

# Great Lakes - Uniqueness

- 1/5<sup>th</sup> World's and 95% US's Fresh Water
- More shoreline than combined Atlantic and Pacific coasts.
- 200,000 mi<sup>2</sup> drainage – size of France
- 575 miles from N to S; 800 miles E to W
- Huge human impact on an economic, recreational, natural resources basis.

# Critical to Fish and Wildlife





# Great Lakes Focus

- President Bush's Executive Order
- Great Lakes Regional Collaboration
- Healing Our Waters – Great Lakes Coalition
- Great Lakes Annex 2001

# President's Executive Order

- Acknowledge Great Lakes as a national Treasure
  - largest freshwater system in the world
- 140 Federal Programs/Numerous state/local/private efforts
- Suffer from lack of coordination
- Establishes Federal Interagency Task Force
- Federal Government partner with state/tribes/locals/business/ENGGO to establish Great Lakes Regional Collaboration.

# Great Lakes Regional Collaboration

- Charged with developing Restoration Plan
- Eight Strategy Teams: Habitat/Species, Non-Point Pollution, Invasive Species, Persistent Toxics, Coastal Health, AOCs, Sustainable Development, and Indicators & Information
- Draft Restoration Plan released July 7<sup>th</sup>. 60 Day Comment Period.



# Healing Our Waters – Great Lakes

- NWF & NPCA lead through Wege Foundation
- Assembly of 58 NGOs from states/provinces
- Purpose to provide support, input, critical review and public awareness to GLRC and Great Lakes Restoration process
- Room for more involvement by your stakeholder groups. Importance of sportsmen/women groups.

# Annex 2001

- Update to Great Lakes Water Quality Agreement with Canada.
- Focus is on Water Diversions/Withdrawals.
- Provides mechanism to regulate.
- Authority rests with the states/provinces.
- 60 day comment period ends August 29.
- Congressional Viewpoint/Approval?

# Fish and Wildlife Agency Response

- Become engaged in process to ensure fish, wildlife, & their habitats are considered
- Inform your constituent groups
- Work with State regulatory agency (EPA) to provide consistency
- Ensure state and federal legislators know your positions
- Support restoration programs within your jurisdiction.



# Great Lakes – Future in Our Hands



# Joint Policy Task Force

## Working Together for America's Fish & Wildlife Resources

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# JTF: BACKGROUND – COMPOSITION – OPERATION

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- ❑ Established in Sept 2002 by charter with USFWS Director & IAFWA President to ensure consistency in application of FA policy.
- ❑ Co-chaired by State and FWS member.
- ❑ Solicits input from State F&W agencies & USFWS to identify & rank issues in WR/SFR.
- ❑ Analyzes national issues & identifies options in a collaborative process.
- ❑ Submits formal recommendations to USFWS Director & IAFWA President.



# JTF ACCOMPLISHMENTS

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- ❑ JTF recommendations have resulted in 8 Director Orders (guidance from the Director to FA Staff on policy interpretation) & 2 memos to clarify existing policies.
- ❑ Two additional JTF recommendations will soon be Director Orders / Manual Chapters.
- ❑ In addition, JTF review has resulted in clarification of policy for 3 issues of national concern.
- ❑ JTF determined that new policy actions were not needed for several other issues.

# DIRECTOR'S ORDERS

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# DO 152, Allowable Recreational Activities & Related Facilities

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- ❑ Allows recreational activities that do not interfere with grant's purpose.
- ❑ State fish and wildlife agency determines if recreational activity/facility interferes with grant's purpose.
- ❑ USFWS maintains oversight authority but does not have to approve the action or the State's decision ahead of time.





# DO 156, Budget Changes in FA Grants

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- Allows States to transfer funds among direct-cost categories to meet grant objectives in non-construction grants without prior approval of USFWS.
- Provides necessary language for grant agreement.
- Provided “grandfathering” guidance for existing grants.

# DO 167, Allowable Commercial Activities & Related Facilities

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- ❑ Commercial activities/facilities are allowable as long as they do not interfere with grant's fish and wildlife objectives.
- ❑ State determines if commercial activity/facility interferes with grant's purpose.
- ❑ USFWS maintains oversight authority but does not have to approve an action or a State's decision ahead of time.

# DO 168, Program Income From FA Grants

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- ❑ Defines Program Income as income received by the grantee during the grant period.
- ❑ Income producing activities are allowable if they are incidental to the accomplishment of a grant purpose.
- ❑ Provides guidance on using “gross” vs. “net” income.



# DO 168, Program Income From FA Grants (continued)

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- Provides guidance on how the States may use program income (e.g., deductive, addition and cost-sharing or matching methods).
- Income generated outside of grant period - treated as license revenue and used to support administration of State fish and wildlife agency unless State prefers to restrict this income to purposes consistent with the grant or Program that generated the income and so stipulates in the grant agreement.

# DO 175, Useful Life of Capital Improvements Funded by FA Grants

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- Useful life is the time during which a federally funded capital improvement is capable of fulfilling its intended purpose with adequate routine maintenance.
- Catastrophic events and future FA funded rehabilitation may alter useful life.
- State is responsible for accountability and control of FA funded capital improvements throughout the useful life.
- State determines useful life based on an acceptable method and puts it in the grant agreement.

# DO 178, Establishment & Use of Land Value As Match

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- ❑ Excess match value of land may be used to match subsequent grants if 1) purpose & scope of the new grants do not conflict, and 2) records substantiate remaining value.
- ❑ The rules of WR & SFR Programs are applicable to the entire parcel of land when some of its value is first used as match.
- ❑ Requires State to place a covenant on deed that ensures land is used in perpetuity for grant's purpose.



# DO 179, Determining Approval & Effective Dates for FA Grants

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- Ensures that State's requested starting date for project becomes effective date of grant as long as USFWS receives a completed grant package before that date.

# **D.O. 182 Loss of Control and Disposal of Real Property**

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- ❑ Provides guidance on requirements to correct a “loss of control” of real property.
- ❑ Provides guidance on requirements to “disposing” of real property.
- ❑ RD approval of corrective actions to restore loss of control is not a “federal action.”
- ❑ RD approval of a proposal to dispose of real property is a “federal action.”



# **PROPOSED DIRECTOR'S ORDERS / MANUAL CHAPTERS**

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- ☐ Cost Accounting and Financial Reporting.
- ☐ Pre-agreement Costs





## **DIRECTOR'S GUIDANCE**

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- ❑ Director's Memo- Guidance for Conducting Endangered Species Act Section 7 Consultations on FA Grants to States, Aug 23, 2004.
- ❑ Deputy Director's Memo- Eligibility for Boating Access Funding, Jun 10, 2004



# Director's Memo on Sec 7 Consultation - August 23, 2004

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- ❑ FA grants are subject to the ESA Section 7 consultation requirements.
- ❑ The use of FA funds does not extend the Federal Nexus to the entire State fish and wildlife agency program.
- ❑ Clarifies the “boundary” of the Section 7 review to be the Federally funded action.
- ❑ Provides guidance on; direct and indirect effects; interrelated and interdependent activities; and, cumulative effects.



# **Director's Memo on Sec 7 Consultation - August 23, 2004 (continued)**

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- ❑ Provides guidance on considering Section 7 consultation for grants dealing with: surveys, data collection and analysis; land acquisition; coordination and technical assistance; education; and, development.
  
- ❑ Includes valuable examples of potential activities and a discussion on whether Section 7 consultation would be required.





# **Deputy Director's Memo- Eligibility for Boating Access Funding- June 10, 2004**

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- ❑ General guidance - eligible projects provide additional, improved, or safer access to public waters for boating recreation.
- ❑ Clarifies “away from the dock” projects that are eligible by providing examples.



## **OTHER GUIDANCE (8/10/04 JTF Memo)**

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- ❑ Pest/Weed Control on FA Lands
- ❑ In-Kind Match for Paid Hunter Ed Instructors
- ❑ Excess Allowable Costs



# Pest/Weed Control on Federal Assistance Lands

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- ❑ Pest and weed management is not prohibited



# In-Kind Match for Paid Hunter Education Instructors

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- ❑ Instructor time can be used as an in-kind match, regardless of whether they are paid or not.
- ❑ Any payment to instructors has to be from a non-Federal source.



# Excess Allowable Costs (overmatch)

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- ❑ Use of excess non-federal funds to offset questioned costs (in an audit) is allowable.
- ❑ Cost should be during grant period.
- ❑ Costs should be reported on Financial Status Report
- ❑ Costs were audited to assure allowability.
- ❑ Costs comply with standards for Financial Management Systems.



# New Directions of JTF

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- Effective December 2004, JTF has been authorized to review issues and recommend solutions for additional Federal Assistance programs (State Wildlife Grants [SWG] and Landowner Incentive Program [LIP]).





# Next Steps For USFWS Division of Federal Assistance

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- Consistent implementation of new Director's Orders and JTF products.
- Update the existing Fish and Wildlife Service Manual for Federal Assistance programs.

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