CHARTER
FOR A JOINT FEDERAL/STATE TASK FORCE
ON FEDERAL AID POLICY

Background: **September 5, 2002**

The longstanding and unique relationship between the States and the Service was created by the Federal Aid in Wildlife Restoration Act in 1937 and the Federal Aid in Sport Fish Restoration Act in 1950 which authorize and direct the Secretary to cooperate with the States through their fish and game departments in wildlife restoration and fish restoration and management projects, respectively. 16 USC [669, 777]. U.S. Fish and Wildlife Service coordination with state fish and wildlife personnel is specifically exempt from the Federal Advisory Committee Act (5 U.S.C. App). Almost one-half billion dollars annually is apportioned to the States for sport fish and wildlife restoration which includes habitat management and protection, boat access, education, and research.

These programs represent cooperative efforts not only between the U.S. Fish and Wildlife Service but are supported and funded by a wide variety of hunters, anglers and boaters through dedicated taxes paid by users.

Although the Programs serve as a model for cooperative efforts, events of the last few years underscore the need for renewed efforts to provide clear direction to streamline and improve management of the Programs. Recommendations from review teams and the recent round of audits of State fish and wildlife agencies indicate the need for the development of clear policy to reduce confusion, prevent wasted time and resources, eliminate inconsistencies in program implementation, and reduce controversy sometimes associated with administration and execution of the Programs.

In order to assure continuing smooth operations the States and the Service have agreed to this Charter that provides a continuing federal-state task force on federal aid policy to review operational policies and administrative problems and to recommend solutions

Purpose:

The purpose of the Task Force (composed of Service and State fish and wildlife agency personnel) is to provide a process for the Service and State fish and wildlife agencies to identify cooperatively Program issues of national significance and to develop jointly recommendations concerning those issues to the signatories of this agreement.

Responsibilities and Authority:

Program issues routinely arise for a number of reasons:

- Interpretation and implementation of Program laws, regulations, or policies may result in inconsistencies within and between Regions.
- Audit findings may identify the need for policy clarification.
- New or amended legislation lacking detail may result in confusion and controversy.
- New ways of streamlining the program may result from experiences by either the States or the Fish and Wildlife Service.

The Service (either on its behalf or on the behalf of other partners) and any State fish and wildlife agency may submit an issue to the Task Force for consideration. The Task Force will review all issues submitted to it. If there are more issues than may be immediately addressed, the Task Force will focus on issues of highest priority, determined by such factors as the number of States affected by an issue, the probability an issue will result in audit finding if left unresolved, the significance of the financial implication, the impact on natural resources if the issue is left unresolved, etc. The Task Force shall not be directly involved with individual state audits or an individual audit's resolution process, nor supplant the appropriate appeals process.

Task Force recommendations to the signatories of this agreement may include changes to existing law, regulation, or policy. However, the Task Force will not substitute for other legal requirements that may apply before the Service can implement a recommendation. Any recommended changes to regulation will require that the proposal be subject to the federal rulemaking process. Recommended policy (new or modified) will be subject to an appropriate process that may provide opportunity for comment by interested parties before adoption by the Service.

It shall be the goal of the Service and of the State fish and wildlife agencies that potential Program issues be brought before the Task Force prior to any federal or state decision-making process, so that eventual proposals developed in response to these issues reflect the cooperative work of the Service and the States. Policy clarification and problem resolution will be implemented prospectively as soon as feasible, and the Task Force may provide recommendations concerning this goal. Within any applicable legal requirements, it shall also be the goal that retroactive application of new or policy clarification entailing adverse consequences for state agencies will be avoided where prior administrative direction has been ambiguous or non-existent.

Composition:

Co-Chairs: Office of the Director, U.S. Fish and Wildlife Service
State fish and wildlife agency Director, designated by the International Association of Fish and Wildlife Agencies (IAFWA)

Members: Service will name six additional Federal employees as members. IAFWA will name six additional State fish and wildlife agency employees as members. (See attachment.)

Working Groups:

At the direction of the co-chairs, working groups may be established or appropriate legal counsel may be enlisted to assist the Task Force in developing its recommendations.

Amendment to Charter:

At the request of either party, this Charter may be amended to the mutual benefit of the parties.

/s/ Steve Williams	9/6/02	/s/ Bob McDowell	9/6/02
Director, USFWS	Date	President, IAFWA	Date

CHARTER

Attachment 1
FOR A JOINT FEDERAL/STATE TASK FORCE
ON FEDERAL AID POLICY

U.S. Fish and Wildlife Service Representatives

Co-Chair - Office of the Director - Clint Riley

Assistant Director Migratory Birds and State Programs- Tom Melius
Chief Division of Federal Aid - Kris E. LaMontagne
Regional Director, R-5 - Mamie Parker
Assistant Regional Director Migratory Birds and State Programs, R-4 - Mitch King
Regional Chief Division of Federal Aid, R-1 - Don Friberg
Branch Chief of Grant Operations and Policy - Gary Reinitz

State Fish and Wildlife Agency Representatives

Co-Chair – Terry Crawforth, Director, Nevada Division of Wildlife

David Waller, Director, Georgia Wildlife Resources Division
Gerry Barnhart, Director, New York Division of Fish, Wildlife and Marine Resources
John Frampton, Assistant Director, Development & National Affairs, South Carolina DNR
Tom Niebauer, Office of Intergovernmental Programs, Wisconsin DNR
Bobbi Keeler, Federal Aid Coordinator, Montana Department of Fish, Wildlife and Parks
Kelly Hepler, Director, Sport Fish Division, Alaska Department of Fish and Game

CHARTER
FOR A JOINT FEDERAL/STATE TASK FORCE
ON FEDERAL ASSISTANCE POLICY

Amendment No. 1

This amends the Charter for a Joint Federal/State Task Force on Federal Aid Policy that was signed by the Director of the U.S. Fish and Wildlife Service (Service) and the President of the International Association of Fish and Wildlife Agencies (IAFWA) on September 6, 2002 (Charter). Unless addressed in this Amendment No. 1, the provisions of the Charter remain unchanged.

A. Title

The title of the Charter shall be "Charter for a Joint Federal/State Task Force on Federal Assistance Policy" to reflect the terms of Wildlife and Sport Fish Restoration Programs Improvement Act of 2000 (Public Law 106-408), as well as to reflect the broader purposes of the Charter as reflected in Section B of this Amendment No. 1.

B. Add State Wildlife Grants and Landowner Incentive Programs to Charter

More recently, the State Wildlife Grants Program (SWG) and the Landowner Incentive Program (LIP) have broadened the cooperative relationship between the States and the Service. Both programs focus on declining species.

The SWG Program originated as a $49,890,000 appropriation in the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 2001 (Public Law 106-291). These Fiscal Year 2001 funds were for competitively selected grants to States and Territories. The Appropriations Acts for the three subsequent fiscal years provided $60-80 million for grants to States and Territories. The Service apportions these funds to implement wildlife management and habitat restoration for the most critical needs of species that are not hunted or fished. One of the primary purposes of the Program is to benefit declining wildlife species to preclude their listing as threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. §1531, *et seq*).

The LIP Program originated as an appropriation in the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 2002 (Public Law 107-63). Although the original appropriation was rescinded, the Appropriations Acts for the two subsequent fiscal years provided $26-35 million for the Program to carry out the purposes of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. §4601, *et seq*). The Service grants these funds competitively to the States and Territories to establish or supplement landowner incentive programs that protect and restore habitats on private lands. One of the primary purposes of the Program is to benefit species that have been listed, proposed for listing, are candidates for listing

under the Endangered Species Act of 1973, or are otherwise documented as species-at-risk by the State or Territorial fish and wildlife agency.

For these reasons, the Joint Federal/State Task Force on Federal Assistance Policy ("Joint Task Force") shall review operational policies and administrative problems, and recommend solutions, regarding grant programs authorized under the State Wildlife Grant Program and the Landowner Incentive Program, in addition to the Wildlife Restoration and Sport Fish Restoration Programs. Otherwise, the Purpose of the Joint Task Force as stated in the Charter remains unchanged. By State Wildlife Grant Program and Landowner Incentive Program, the Charter shall not refer to the Tribal elements of these two programs.

C. Composition

The Composition of the Joint Task Force may be amended at any time by mutual notification to the parties of any change in membership. The composition as of the date of this Amendment No. 1 is as follows:

U.S. Fish and Wildlife Service Representatives
Clint Riley, JTF Cochair, & Special Assistant to Director, USFWS
Tom Barnes, Chief, Branch of Grant Operations & Policy, Federal Assistance, USFWS
Dale Hall, Regional Director, USFWS Region 2
Kris LaMontagne, Chief, Division of Federal Assistance, USFWS
Mitch King, Assistant Director, Wildlife and Sport Fish Restoration, USFWS
Chris McKay, Asst. Regional Director, Mig. Birds & State Programs, USFWS Region 1
John Organ, Wildlife Program Chief, Division of Federal Assistance, USFWS Region 5

State Fish and Wildlife Agency Representatives
Glen Salmon, JTF Cochair & Director, Division of Fish and Wildlife, Indiana DNR
Gerald Barnhart, Director, New York Division of Fish, Wildlife and Marine Resources
Lisa Evans, Federal Funds Manager, New Mexico Department of Game and Fish
John Frampton, Director, South Carolina DNR
Kelly Hepler, Director, Sport Fish Division Alaska Department of Fish and Game
Tom Niebauer, Federal Policy Advisor, Wisconsin DNR
Keith Sexson, Assistant Secretary for Operations, Kansas Dept. of Wildlife and Parks

Steve Williams	12/10/04	Terry R. Crawford	12/08/04
DIRECTOR	Date	President, IAFWA	Date