**Federal Aid Coordinators Working Group Report**

**to the**

**Trust Fund Committee, 9/24/2019**

1. **TRACS**

The TRACS Enhancement continues to be a significant issue for the Federal Aid Coordinators Working Group (FACWG) and Federal Aid Coordinators (FACs) in the next year. As the performance reporting platform for WSFR-funded grant activities, TRACS will significantly impact the administration of the WSFR Program in all States. The FACWG is anticipating high visibility for all things TRACS as the anticipated June 2020 roll-out of the TRACS Enhancement approaches.

**TRACS Timeline Update from WSFR:**

Earlier this month, WSFR announced that the timeline for the TRACS Enhancement testing and launch has been delayed. WSFR’s decision was based upon user feedback during Alpha Testing, staffing turnover on the TRACS Development Team, and a desire to ensure that the TRACS Enhancement provides a system that is fully functional at the time of release. The FACWG was part of the alpha testing and supports this timeline change. The FACWG looks forward to further participating in future TRACS testing and comment periods to ensure the system is fully functional and is developed in collaboration with State partners.

**TRACS Shutdown:**

The original TRACS system is now permanently offline. Currently, all states are submitting grant actions and reports directly through the WSFR Regional Offices or Grants.gov. This will remain the standard process for submissions until the TRACS Enhancement is live or additional guidance is provided by WSFR.

**Progress in Development:**

* As of March 2019, the initial TRACS Enhancement system requirements were finalized by the TRACS Development Team. This required years of effort based upon the requirements developed through the TRACS Working Group (TRACS WG) and feedback provided by the States and WSFR through the numerous comment periods which further defined the TRACS Enhancement requirements.
* The culmination of the TRACS Enhancement development was the Alpha Testing which opened the front end data entry to the TRACS WG and FACWG for review and comment.

**Alpha Testing:**

* At the Spring WSFR Chiefs Meeting, the FACWG requested the opportunity to participate in Alpha Testing. Because WSFR had asked for the assistance from the FACWG to garner support for the TRACS Enhancement, it was necessary for the FACWG to increase their level of engagement in the TRACS testing and development process to better understand the system.
* Beginning May 28, 2019, Alpha testing was opened to the TRACS WG and FACWG. Testing occurred in four 2-week waves that provided the first opportunity for TRACS WG members to test the fully functional front-end data entry portion of the TRACS Enhancement.
  + During Alpha Testing, over 400 comments were received.
* All comments received were categorized by the TRACS Leadership Team as Critical, High, Medium, or Low importance.
* During Alpha testing, the TRACS Development Team dynamically addressed many of the comments and suggestions generated – particularly those categorized as Medium or Low.
* For comments categorized as Critical or High, these submissions were addressed by a subgroup of TRACS WG members in coordination with the TRACS Development Team to discuss and determine a resolution.
  + 47 comments of comments received were categorized as Critical or High.

**Upcoming System Testing Schedule:**

At the time of this report, the TRACS testing, training, and development schedule is anticipated to proceed as follows:

* April 2020: Beta testing is scheduled for the Spring of 2020. This will engage a broad national audience to the fully functional TRACS Enhancement – including data entry and data reporting.
* June 2020: The TRACS WG will hold a Training Workshop in Denver available to a select number of Federal Aid Coordinators and Project Leaders in conjunction with the launch of the fully functional TRACS Enhancement.
* June 2020: TRACS Enhancement Training through Distance Learning for fully functional system. This training will be available indefinitely for relevant audiences.

**Land and Facilities Modules & Webinar:**

* Comment Period and Webinar: On June 18 and 19, WSFR hosted two webinars to provide an overview of the Land and Facilities Modules to provide an overview, explain the rationale, and describe the opportunity for comment on the matrices which detail the categories and metrics that would be reported through the Land and Facilities Modules.
  + Approximately 150 attendees participated in the two webinars.
  + A total of 11 States provided comments on the Land and Facilities Matrix.
* SF429 and DOI Requirements: On March 21, 2019, the Department of the Interior “Financial Assistance Interior Rule” was published in the Federal Register (RIN 1090-AB19). Among other matters, this rule proposed a requirement for grant recipients use the SF429 for all grant actions related to land, facilities, and capital improvements. The TRACS land and facilities modules were developed with the intention of providing an alternative method for collecting the information reported on the SF429 in a streamlined fashion. On August 30, 2019, the Final Rule was published in the Federal Register. Given the recent publication, it cannot yet be determined if the land and facilities modules will be deemed an approved alternative to the SF429. We anticipate that WSFR will provide an update on the status of this matter at this meeting.
* Cost Accounting in Modules: In the March 2019 report to the Trust Fund Committee, the FACWG highlighted a concern that costs in the Land and Facilities Modules were proposed to be below the grant level – which was contrary to Section 5(I) Mutual Agreement of the TRACS MOU between AFWA and USFWS. Since that report, WSFR has made the determination that costs in the proposed land and facilities modules would remain at the grant level. The FACWG supports this change.
* Impact on Audits: Because the SF429 is an auditable document, if the Land and Facilities Modules ultimately become the mechanism for collecting this information in accordance with the FAIR Rule, it is likely that these modules would also be subject to audit. Section 5(I) of the TRACS MOU also states, in part, that “financial audits will be based on the information contained on the Federal Financial Report. TRACS will not be audited for financial information.” The FACWG recommends that any change that would open financial information in TRACS to audits should be further considered in the context of the MOU.
* FACWG Concern: The FACWG is concerned about the additional reporting requirements that these modules will place on FACs, above and beyond the performance reports required for WSFR grant-funded activities. While the FACWG recognizes the potential beneficial role that these modules will have in reducing reporting requirements for lands and facilities, there is significant anxiety about the additional burdens being placed on the States. Given that the responsibilities for TRACS data entry and management within States oftentimes fall solely on the FACs, these perspectives are of crucial importance to the acceptance and engagement in the TRACS Enhancement.
* FACWG Recommendation for Land and Facilities Modules: The FACWG is supportive of collecting information through the land and facilities modules if the following conditions apply:

1. The SF429 becomes the requirement for all land, facilities, and capital improvements funded through WSFR Grants.
2. The land and facilities modules are an approved alternative to the SF429.
   1. However, if the Land and Facilities Modules are not an approved alternative, the FACWG recommends that the WSFR Partnership revisits the need and utility of the land and facilities modules.

**SWG Effectiveness Measures Subgroup:**

This subgroup is charged with investigating the viability of a SWG Effectiveness Measures Module in the TRACS Enhancement. At the initial meeting of this group, it was determined that the requirements from the AFWA SWG Effectiveness Measures Report would be translated into a matrix format. This SWG Effectiveness Measures matrix will be reviewed by the TRACS WG and then distributed for broad comment through the Communication Protocol. The product of the subgroup will be presented to the JTF for endorsement before any program development would begin. Because the JTF endorsed the concept of incorporating SWG Effectiveness Measures into TRACS as long as it did not impede the timeline the TRACS Enhancement, this module will not be part of the initial rollout of the TRACS Enhancement.

* It was also widely recognized at this meeting that participation in the SWG Effectiveness Measures would be a State-driven decision – and not an explicit requirement in TRACS.
* Please note that FACWG members did not participate in this initial meeting as it was comprised of subject matter experts from the States and WSFR Staff.

**TRACS Conservation Viewer Group:**

* Initiative comprised of State Staff, WSFR Staff, and Industry Representatives to identify a mechanism through TRACS to highlight success stories from States that are of interest to Industry Partners and the general public.
  + Chaired by Massachusetts Director Mark Tisa.
* After the initial scoping meeting held in February 2019, Massachusetts developed a State Highlights summary document to provide an example for industry consideration.
* The public viewer was discussed at the WSFR Chiefs and FACWG meeting in April 2019. The topic generated much conversation about the primary purpose of the viewer and what users and data are needed to accomplish the purpose. No agreements were made, but the conversation provided great insight to inform the direction of this viewer.
* At the 2019 Industry Summit in Park City, Utah, WSFR presented a broad overview of the TRACS Enhancement and presented several examples of data-driven possibilities for the Conservation Viewer.
* The meeting participants endorsed the proposed framework for the Conservation Viewer which includes the following:
  + Purpose of the Conservation Viewer
  + Publically available information through a Dashboard
  + Establishes Points of Contact for WSFR and States
* The FACWG is interested in further engaging in this process when appropriate to provide additional perspectives from the day-to-day practitioners of the Federal Aid Program in the States.

**TRACS Communications - Meeting Summary:**

* The FACWG and TRACS WG have worked to develop a communication strategy to ensure transparent dissemination of information regarding the activities of the TRACS WG and to share progress updates for system developments that will impact end users of the TRACS Enhancement. This communication was first used after the January 2019 TRACS WG meeting to share highlights and decisions points from the meeting.
* Future communications will include results and process from Alpha Testing, plans for Beta Testing, and other pertinent topics during testing.
* The FACWG anticipates continued coordination with the State members of the TRACS WG to ensure streamlined sharing of information as the rollout of the TRACS Enhancement approaches. The FACWG welcomes suggestions on ways to improve communication among the States as the TRACS Enhancement rollout approaches.

**FACWG Recommendations & Requests:**

The FACWG has several recommendations and requests regarding the TRACS Enhancement. Several of these concerns are ongoing for FACs nationally and have been raised to the TFC in previous reports:

1. The FACWG wishes to stress the continued importance of training materials and guidance from the TRACS WG and WSFR be provided to States – both in anticipation of the initial rollout and to address what will undoubtedly be significant challenges facing both States and WSFR Regional Office Staff. The TRACS Project Templates distributed to the States in February 2019 were extremely helpful during Alpha Testing and the FACWG believes that these materials will be even more important during Beta Testing made available to a broad national audience.
2. The FACWG recognizes that the purpose of TRACS is a WSFR-funded grant performance reporting platform, but it is also clear that TRACS is expanding into a grants management system. The FACWG believes that there should not be any element of the grant submission or approval process tied to directly to TRACS data entry. The FACWG requests that WSFR Regional Offices remain flexible and work with their State partners to enter grant information into TRACS – particularly in the early stages of the TRACS Enhancement rollout.
3. The FACWG requests prism-style notifications in the TRACS Enhancement to provide a double-check for States to verify reporting due dates. This would include automated email notices to grant contacts 30 days before reports are due.
4. As noted in the previous report to the TFC, in the interest of the State-WSFR Partnership, the FACWG requests that WSFR convene a review team comprised of State and WSFR staff after a full grant cycle has been completed in the TRACS Enhancement to address any problems that have arisen with the functionality of the TRACS Enhancement.

**TRACS Liaison Representation Changes**:

* At the Spring WSFR Chiefs Meeting, the FACWG selected John Seabourne (Regions 1,7,8) as the new liaison between the TRACS WG and FACWG. As part of this role, he will attend future TRACS WG trainings and the annual meeting of the TRACS WG. As appropriate, he will participate in subgroups focused on finalizing the TRACS Enhancement framework and continue to solicit input via the FACWG from FACs nationally. Mike Sawyers (Region 5), who previously served as the liaison between the TRACS WG and FACWG, will remain involved in the TRACS WG as the JTF Liaison to the TRACS WG. Mike will rotate off the FACWG at the end of September 2019.

1. **Financial Assistance Interior Regulation (FAIR)**

On March 21, 2019, the Department of the Interior Financial Assistance Interior Rule was published in the Federal Register with a 30-day comment period, ending April 22, 2019. The Department of the Interior received 55 comments, mostly from states, but also includes some non-profits, federal entities, local government, and the public.

The following key issues were of the greatest concern to the state partners:

* Notice Of Funding Opportunity (NOFO’s)
* Promoting Open Science
* Real Property Requirements
* Conflict of Interest

At the 2019 Spring Chiefs meeting, the FACWG spent a significant amount of time discussing the impact of the FAIR across the different states. FACWG members had drafted comments to be shared with their states FAC’s to ensure that they were aware of the potential impacts of the regulations.

**FACWG Concern/Request:** A summary of topics that raised concerns by the FACWG can be found below.

**Notice of Funding Opportunity (NOFO’s)**

* The FACWG was concerned that allowing an agency to put terms and conditions in the NOFO without broader consideration or review could allow a federal agency to circumvent the regulatory process.

**Promoting Open Science**

* This section raised concern with states regarding the potential use of non-published data. States contract with universities and other non-federal entities to obtain scientific data and the FACWG felt that these entities may not work with the states if there was the potential for the federal agency to release non-published data prior to having a full scientific evaluation.
* Data that is deemed sensitive by the state such as certain habitats or information that may provide location information may not have the same protections under federal law and may be open to a Freedom of Information Act request.
* The group was also concerned that data collected for fish and wildlife management purposes may be requested and used for commercial purposes such as energy development projects or by guides and outfitters.

**Real Property Requirements**

* The FACWG had concerns over the requirement to use yellow book appraisals. In talking with state FAC’s it became apparent that some states had a smaller number of Yellow Book appraisers in comparison to USPAP which makes it more difficult to purchase lands in a timely manner and may impact landowner relations. Some other concerns that were identified were that Yellow Book can be more expensive and it may provide a valuation that is different than comparable sales in a geographic area.
* FAIR requires a state to submit a SF-429 form to the federal awarding agency for real property. This requirement is burdensome on the state and some of the entries on the form can be redundant. In the TRACS Enhancement there will be the requirement to report real property data which is similar to what is required in the SF-429. To have the states enter this information in two locations would be overly burdensome so the FACWG would like to see the TRACS Enhancement be the solution for reporting real property.

**Conflict of Interest**

* The rule did not define “Potential” conflict so there is a concern that this may be too broad of a term and would be difficult to determine if a “potential” conflict exists.

**Final Rule Status:** FAIR was published 8/30/19 with minor changes. The two issues of greatest concern to the states were the Promoting Open Science and Real Property Requirement sections. The changes to Promoting Open Science were minimal and the concern of release of sensitive data and maintaining relationships with third party researchers still exist. There also may be the potential that the rule may be contrary to current state law for some states. The rule requires states to submit SF-429’s for real property leaving the question of whether the TRACS Enhancement could serve as a substitute for these documents or whether the states will need to perform duplicative effort in entering real property data. The requirement to use Yellow Book appraisals will also be burdensome to some states.

**FACWG Concern/Request:**

The FACWG is concerned about the impact that the new regulations will place on States. With State Federal Aid Programs already under pressure with the TRACS Enhancement forthcoming and the ordinary operations of State Programs, another change to regulatory requirements for WSFR-funded grants will be quite burdensome. Since these regulations have been published, the FACWG requests assistance from the TFC and AFWA in considering the impacts of the proposed regulatory changes to each state.

**2019 FACWG Action Items**:

* The FACWG will remain engaged and encourage FACs to remain vigilant in watching for these notices and to comment when appropriate.
  + In the coming year, the FACWG anticipates significant effort among the States and Regions to consider the impacts on the Federal Aid Program in States and the overall impact to the State-WSFR Partnership.

1. **Real Property Chapters**

In October 2018, WSFR requested that the FACWG send an update to FACs nationally with a status update of the real property chapters. Through this communication, FACs were informed of:

1. WSFR’s intent to publish the real property chapters in the near future,
2. A history of the chapters since 2014,
3. Anticipated changes to regulatory requirements affecting land acquisition (see Section II above), and
4. WSFR’s intent to maintain flexibility within their regulatory constraints.

The FAIR rule has impacted the current lands chapters and the WSFR Lands team is evaluating the impacts on the real property chapters and will update the chapters as needed. The WSFR Training Branch is preparing an updated Lands Course that will be provided in all regions beginning in early 2020.

**FACWG Concern/Request:**

What is the current timeline for publishing of the real property chapters and when will the new guidelines take effect for WSFR-funded land acquisitions?

1. **50 CFR 80 Revisions**

The Final Rule of the updates to 50 CFR 80, originally posted in December 2017 (82 FR 59564), was published in the Federal Register on August 27, 2019. The most significant updates included license certification requirements, use of program income, and updates to eligible activities.

**FACWG Concern/Request:**

If WSFR intends to move forward with revision to other regulatory revisions in the future, the FACWG requests that WSFR engage with the States early in the proposed revision process to avoid confusion and frustration.

1. **The Target Practice and Marksman Training Support Act (Pub. L. 116-17.):**

In August 2019, WSFR drafted Interim Guidance for applying Pub. L. 116-17 which amends the Pittman-Robertson Wildlife Restoration Act. The Interim Guidance was provided to State Directors and Federal Aid Coordinators for an opportunity to review and provide comment NLT September 10, 2019. The accelerated state-review period was necessary to meet WSFRs goal of providing Interim Guidance for implementing Pub. L. 116-17 by October 2019. This Interim Guidance will allow States to realize the benefits of the new law beginning in FY2020.

On August 19, 2019 FACWG members participated in a JTF conference call regarding the Interim Guidance and the Target Practice and Marksman Training Support Act. The FACWG appreciates the opportunity to participate in the JTF call aimed at early review and clarification of the Interim Guidance.

1. **JTF Issue Identification**

* In January 2019, WSFR distributed a memo detailing a proposal that identifies a process to bring issues to the JTF for consideration at future meetings. The intention is to formalize the issue identification process and append it to the JTF charter.
* The proposed process would require the FACWG to review issues brought forth by the February 15th deadline at the Spring Meeting of the WSFR Chiefs and FACWG.
* The FACWG appreciates the opportunity to engage with the JTF in this process and hopes to provide a unique perspective as day to day practitioners of the Federal Aid Program in the States.

**2019 FACWG Action Items**:

* In anticipation of the JTF Issue Identification process being formally adopted, the FACWG plans to update their bylaws to formally define this annual responsibility and further develop the internal process by which the FACWG will review, deliberate, and respond to these issues – including a schedule and deadline for providing feedback to the JTF (attached).

1. **WSFR Shared Vision Team**

At the Fall 2018 TFC Meeting, the FACWG reported that former FACWG representative Doyle Brown would remain the representative on the WSFR Shared Vision Team. We appreciate the request from WSFR to engage in these high-level discussions that will impact the future of the State-WSFR Partnership. The FACWG believes having a FAC on these types of groups provide an important perspective from day-to-day practitioners of the State Federal Aid Program.

**FACWG Concern/Request:**

There has been no activity and the group has been disbanded. The FACWG requests that WSFR engage with the FACWG in the future of this Visioning Team reassembles or similar endeavors are undertaken.

1. **FACWG/WSFR Meetings and Invitational Travel**

The FACWG appreciates the continued invitation from the JTF to have the Chair and Co-Chair of the FACWG attend the spring and fall JTF meetings. We believe this is an important way to facilitate ongoing communication between these groups now that JTF meetings have been separated from the WSFR Chiefs/FACWG meeting. The request for FACWG engagement in the JTF Issue Identification process will further strengthen the communication and relationship between these groups (see Section VI above).

**FACWG Concern/Request:**

* Invitational Travel: With the potential increase in administrative funding, the FACWG hopes invitational travel will be considered again. Based on a given FAC’s ability to find funding for travel using State funds, it may not be possible for the FACWG to fully participate in these annual meetings as expected. While the FACWG understands the budgetary constraints currently facing the WSFR Program, we believe that continued attendance at these meetings is an important component of conveying the perspective of FACs directly to the State Directors and WSFR Leadership. Without the ability to attend these meetings, the FACWG has concerns that the perspective of the Federal Aid Coordinators, who deal with the day-to-day administration of these programs, will be lost, and thus, support to WSFR programs may also suffer.

1. **CAHSS Technical Advisory Committee**

Julie Kempf (Region 3) will continue to serve as the FACWG representative on the Technical Advisory Committee to the Council to Advance Hunting and Shooting Sports (CAHSS). There has been no committee activity since fall of 2018 when the committee reviewed the annual CAHSS report. It is anticipated that the committee will review the next CAHSS report in the fall of 2019 and continue to work towards incorporating past recommendations.

**2019 FACWG Action Items**:

There has been no activity to report.

1. **Communication**

The Communication Protocol for relaying high level information from WSFR to the States continues to facilitate communication and increase transparency. The FACWG strongly supports the continued use of this communication strategy for all WSFR-related policy level communications.

Since the Fall 2018 TFC Meeting, the following opportunities to comment were received from WSFR through the Communication Protocol:

1. September 2018: WSFR Chiefs distributed new guidance on program income which includes eligibility of the cost sharing method for assessing program income on WSFR grants (*FACs and Fiscal Program Coordinators Only*).
2. January 2019: WSFR Chiefs distributed the memo on the JTF Issue Identification along with the annual call for issues for JTF consideration.
3. January 2019: WSFR Chiefs distributed new guidance on the eligibility of no-cost online hunter education courses as a third-party match contribution.
4. June 2019: WSFR Chiefs distributed the new TRACS Lands and Facilities matrices.
5. August 2019: WSFR Chiefs distributed draft implementation guidance for the Target Practice and Marksmanship Training Support Act.

The FACWG has continued to facilitate the flow of information between various groups by:

1. Holding FACWG conference calls to discuss matters of importance to Federal Aid Coordinators (FACs).
2. Corresponding via email amongst the FACWG regarding current topics of interest to FACs.
3. Disseminating FACWG reports and meeting minutes to the regions and State agency counterparts.
4. Continuing liaison roles to various WSFR-related working groups including:
5. TRACS Working Group – John Seabourne (Regions 1, 7, 8);
6. CAHSS Technical Advisory Committee – Julie Kempf (Region 3).

**2019 FACWG Action Items**:

The FACWG will continue to facilitate the communication of important matters to their respective FAC counterparts through continued participation in other working groups and engagement with WSFR staff. We anticipate frequent communications in the next six months regarding the TRACS Enhancement and forthcoming regulatory revisions.

**Other Matters**

*FACWG Membership:*

Two FACWG members’ terms are expiring at the end of September. The efforts of these members have been of particular importance in continuing dialog and communication at a particularly busy time in the State-WSFR Partnership.

The following members are rotating off the FACWG:

Region 5: Mike Sawyers (MA)

Region 6: Eric Hyatt (UT)

The current FACWG Roster as of 8/1/2019 is:

Region 2: Tammy Brooks; Chair (TX)

Region 4: Matt Thomas; Co-chair (GA)

Region 3: Julie Kempf (IN)

Region 5: Mike Sawyers (MA)

Region 6: Eric Hyatt (UT)

Regions 1,7,8: John Seabourne (OR)

Region 5 Shadow: Chris O’Bara (WV)

Region 6 Shadow: Adam Brooks (MT)

Detailed contact information for each member is attached to this report.

The following groups have formal representation through the FACWG:

TRACS Working Group: John Seabourne

CAHSS Technical Advisory Committee: Julie Kempf

50 CFR 80 Scheduling: Vacant until further notice

5-year Report: Vacant until further notice

**Proposed Update to Federal Aid Coordinators Working Group Bylaws**

**JTF Issue Identification: FACWG Roles and Responsibilities**

1. Issues received by the JTF Co-Chairs no later than February 15th.
2. Issues distributed to the FACWG no later than February 28th.
3. FACWG holds a conference call in March to develop a recommendation on each issue in anticipation of the Spring Meeting of the WSFR Chiefs/FACWG.
4. At the Spring Meeting of the WSFR Chiefs/FACWG, an agenda session will produce recommendations on each issue received.
5. Once a recommendation is made, the Chair and Co-Chair of the FACWG will develop a brief statement (1-2 paragraphs), in consultation with the appropriate WSFR Staff, that addresses whether or not the issue merits JTF consideration.
6. For issues that merit JTF involvement, the FACWG will propose a priority order for addressing the issues recommended for JTF involvement.
7. If consensus cannot be reached between the WSFR Chiefs and FACWG, each group will develop a short position statement on the issue (1-2 paragraphs) to be presented to the JTF.
8. At the Spring JTF Meeting, the FACWG Chair and Co-Chair will provide the perspective of the FACWG to the JTF during the issue discussion.

**Suggested update to the JTF Issue Identification for their Charter:**

For JTF consideration, the FACWG suggests that the second paragraph and subsequent bullets read as follows to better define the criteria that will be applied to the issues at the Spring Meeting of the WSFR Chiefs/FACWG:

“The scope of consideration for the JTF includes financial assistance policy issues (both programmatic and financial) that impact the Wildlife Restoration, Sport Fish Restoration, and/or State Wildlife Grant programs, and that demonstrate at least one of the following characteristics:

* Impacts States in more than one Service region,
* Increases the probability of audit findings if left unresolved,
* Has the potential for significant financial implications to either the Service and/or the States, or
* Inhibits States’ ability to accomplish their conservation mission.