DEPARTMENT OF THE ARMY
ASSISTANT CHIEF OF STAFF FOR INSTALLATION MANAGEMENT
600 ARMY PENTAGON
WASHINGTON DC 20310-0600

REPLY TO
ATTENTION OF

08 JAN 2002

DAIM-ED-N (200-1a)

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Army Policy Guidance for Fish and Wildlife Conservation Fund, 21X5095

1. References:

a. 16 U.S.C. 670(b), Sikes Act, as amended by the Sikes Act Improvement Amendments of 1997.

b. Reference AR 200-3, Chapter 6, 28 Feb 95, Fish and Wildlife Management.

2. The subject policy guidance (enclosed) is provided for immediate implementation. This guidance replaces guidance in AR 200-3, Section 6-3b(1)(b).

3. The intent of reference 1.a. was to reinforce the autonomy given to the installation commanders by providing the authority to "collect, spend, administer and account for fees" collected under the subject program. Reference 1.b. continues to assist installation commanders by limiting the amount of hunting, fishing and trapping receipts that may be used for administrative costs. These laws and regulations emphasize that these dollars are collected explicitly for the protection, conservation and management of fish and wildlife, including habitat improvement and related activities. The enclosed regulatory guidance supplements these references, clarifies the program at the installation level, and details the funding authorization process as required by Army and Defense financial management regulations. Concurrently, the guidance will improve fiscal soundness and program accountability.

4. The guidance gives installation commanders, or designated natural resource managers, substantial responsibility. Responsibilities of MACOMs, U.S. Army Environmental Center, and this Directorate are specified throughout the document.

5. The applicability of this guidance is the same as the applicability of AR 200-3. The term MACOM used in the guidance is intended to include the National Guard Bureau and the U.S. Army Reserve Command.

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6. Addressees are requested to contact Mr. Bob Decker, 703-693-0673, with any problems encountered implementing this guidance or suggestions for improvement.

FOR THE ASSISTANT CHIEF OF STAFF FOR INSTALLATION MANAGEMENT:

Encl

RICHARD A. HOEFERT
Colonel, GS
Director, Environmental Programs

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Army Policy Guidance
Fish and Wildlife Conservation Fund
December 2001

1. Implementing Laws and Regulations

a. 10 U.S.C. 2671, Military Reservations and Facilities: Hunting, Fishing, and Trapping

This law directs that all hunting, fishing, or trapping on Army installations or facilities will comply with the fish and game laws of the State or territory in which it is located. Participants, other than military personnel in States failing to waive residency requirements, will obtain appropriate State and installation licenses.

b. 16 U.S.C. 670(b), Sikes Act, as amended by the Sikes Act improvement Act (SAIA) of 1997

This law, originally passed in 1960, allows installations, in cooperation with State and Federal agencies to establish fees for hunting, fishing, or trapping. The Sikes Act Improvement Act (SAIA) provides installation commanders with the authority to "collect, spend, administer, and account for the fees." The fees must be used for fish and wildlife related expenses on the installation in which collected unless the installation is subsequently closed. Collections, receipts and expenditures must be properly accounted for through agency channels to the Comptroller General of the United States. Fees may only be expended for the protection, conservation and management of fish and wildlife, including habitat improvement and related activities.

c. 31 U.S.C. 3302, Custodians of Money

This law requires that monies collected from the sale of special permits to hunt, fish and/or trap on military installations be deposited in a designated account. In accordance with Army Regulation 200-3, outlined below, that account is 21R5095.

d. Army Regulation 200-3

This Fish and Wildlife Conservation (FWC) fund guidance supersedes applicable portions of AR 200-3 until such time as that regulation is repromulgated. Specifically, sections 6-3.b (1)(a) and 6-3.c of AR 200-3 will remain the same. As indicated in those paragraphs, collected fees are to be used on the installation from which collected for the protection, conservation, and management of fish and wildlife, including habitat restoration and improvement, biologist staff and support costs, and related activities as required by the SAIA. Funds expended to support administration of the hunting and fishing permit sales (printing and issuing of permits) will not exceed 10 percent of the annual revenues collected (AR 215-1, Chapter 8, Section 18). Exceptions to this 10 percent may be approved only through the Assistant Chief of Staff for Installation Management (ACSIM). Furthermore, funds collected pursuant to an Integrated Natural

Resources Management Plan (INRMP) prepared in accordance with the SAIA (Account 21X5095) may be used only to defray the costs of fish and wildlife management programs. The quality of hunting and fishing opportunities through habitat improvement and expansion will receive primary emphasis when planning activities. Hunting and fishing permit funds will not be used for the construction of recreational structures (AR 200-3 Section 6-3(c)). In accordance with AR 200-3 section 6-3.b (1)(b) fees collected will be accounted for in accordance with guidance provided for the appropriation titled "Wildlife Conservation, Military Reservations," Army account 21X5095 (AR 37-100 and AR 37-108). Unobligated balances will be accumulated along with current fee collections in Account 21X5095 (as distinct from 21R5095) and the total amount accumulated at an installation will be available for obligation as apportioned by the Office of Management and Budget. The budget and support information, required to obtain obligation authorities, defined in section 6-3.b (1)(b), will no longer be provided annually in accordance with instructions provided by the US Army Corps of Engineers. The Assistant Chief of Staff for Installation Management, ATTN: DAIM-ED, 600 ARMY PENTAGON, WASHINGTON, DC 20310-0600 will assume this responsibility. The policies and procedures of AR 200-3 paragraph 7-1.a. apply to those outdoor recreation programs and opportunities as defined in the glossary and take precedence over AR 215-1.

e. Army Regulation 215-1

This regulation outlines how the Installation Morale, Welfare, and Recreation Fund (IMWRF) process and procedure relates to the use of Federal property for hunting and fishing. Chapter 7, Section 5, IMWRF prices, user fees, and other charges, paragraph (h)(2), addresses the handling of hunting and fishing fees. Chapter 8, Section 18, Outdoor Recreation, paragraph (b)(17), guides the installation on use of a hunting and fishing program within the MWR program. MWR can charge an additional fee, but it may not be part of the license or fee cost, as outlined in the SAIA. These additional fees will not be so high as to interfere with the SAIA requirement to provide public access lands or to interfere with biological management of the hunting and fishing resource in accordance with the installation's INRMP.

Recreational activity fees may be collected at the same time post permit/administration fees are collected but must be documented to clearly show the sportsmen which amount is for the hunting and fishing permit and what amount is being collected for the recreation fee. Such fees may only be imposed when they meet the guidelines found in AR 215-1 regarding outdoor recreation (Currently paragraph 8-18b(17)(g). An outline of services covered by the fee should be available to the sportsmen. These activity fees may be used in association with this AR. Furthermore, these fees are to be appropriately segregated when deposited into the designated accounts.

The MWR staff should provide information on the cost of issuing permits to the installation wildlife staff so that appropriate transfers of funds can be made up to the 10% allowed for printing and administration to print and issue post permits. The wildlife staff should provide guidance on what documentation is required and timelines for

submission to facilitate fund transfers for costs involved. A method should be in place to review and adjust fees to ensure 10% covers the cost of printing and administration.

f. Defense Finance and Accounting Service (DFAS) 37-1, Chapter 14, Section 1411

This regulation outlines the budgeting and accounting processes used in the financial management of this program. These processes must be followed in order to maintain sound fiscal responsibility. This includes the tracking of receipts and expenses on a monthly basis at the installation level. The regulation stipulates financial management of the FWC program transpires with the Army Budget Office (ABO) distributing budget authority with Funding Authorization Documents (FAD). The Office of Management and Budget (OMB) apportion ABO's budget authority each fiscal year (FY).

2. ACSIM Fish and Wildlife Conservation Fund Policy Guidance

a. Purpose

The purpose of the Fish and Wildlife Conservation Fund is the conservation and rehabilitation of natural resources on military installations and the sustainable multipurpose use of the resources, which includes hunting, fishing, and trapping.

b. Responsibilities

(1) The ACSIM, through the Office of the Director of Environmental Programs (ODEP), is the proponent and manager for the Army's natural resources program and is responsible for the oversight, operational elements, and final decisions on all aspects of the program to include the FWC Fund. The US Army Environmental Center (AEC) provides technical and administrative support to the ODEP.

(2) Major Army Commands (MACOM) are responsible for the oversight of operational elements and final decisions on all operational aspects of the program within the MACOM.

(3) Installation commanders have broad responsibility to execute and manage their own programs; collect, spend, administer, and account for fees; and assure that funds are used in compliance with legal and policy guidance. The Natural Resources Manager is the installation proponent.

c. General Guidance for the Expenditure of Funds

(1) The revenues generated from this program in the current FY and deposited in the 21X5095 account are considered to be "no year" funds and remain available for obligation indefinitely. Installations are encouraged to use the unobligated balances from the collection of hunting, fishing, and trapping fees for the protection, conservation,

and management of fish and wildlife. Funds available for obligation in the current year consist of the following:

a. Unobligated funds carried forward that are not reflected on the current year fund allowance system (FAS) Document/FAD.

b. Prior year recoveries that are not reflected on the current year FAS Document/FAD.

c. Current year collections/receipts that are received and authorized on the current year FAS Document/FAD. Obligations from current year collections/receipts are limited to the lesser of current year obligation authority issued on FAS Document/FAD or current year collections/receipts.

(2) Installations have access to all unobligated balances from previous years since once past year funds have been apportioned they do not need to be apportioned again. Permission to spend unobligated prior year balances (21X5095) is not required, however, MACOMs may require associated work plans as part of their oversight function. Also, installation commanders must ensure that obligations do not exceed available funds as indicated by monthly DFAS reports or the amount authorized in their FAD, whichever is the lesser amount.

(3) Commanders are responsible for authorizing expenditures of 21X5095 funds only as permitted under the SAIA and AR 200-3.

d. Funding Authorization Process

(1) ODEP, based on data from DFAS and analyzed by AEC, recommends total Army and individual MACOM authorities to ABO for the FY. ABO prepares the apportionment document and submits it through Office of the Undersecretary of Defense (Comptroller) for OMB approval. The apportionment document contains the estimated current year collections and the estimated total unobligated balances from prior year collections. Once approved, ABO will provide a FAD to each MACOM with a hunting and fishing program. These approved FAD figures may also be included in the ACSIM's annual reimbursable programs authority memo. The MACOMs will then advise each participating installation of their total annual authority (see paragraph 2c(1) above). Copies of the FADs/memos are sent to DFAS.

(2) If the actual current year collections exceed the amount on an installations FAD and the installation wants to obligate them in the current FY then a revised apportionment is required. Installations must request revisions to their apportionment through their MACOMs. A MACOM may redistribute the MACOM's apportionment or request an increase to their apportionment through the ODEP. If a revised apportionment is not requested and approved, any current year collections that exceed the current year apportionment at an installation may not be obligated until the following FY when they are apportioned as unobligated funds brought forward.

e. Program Management

(1) FWC is a natural resources program executed at Army installations and is managed by the installations' natural resource managers.

(2) The intent of the SAIA and the FWC fund is to support fish and wildlife management projects and minimize the dollars allowed for program administration. Although the FWC fund (21X5095) may be used to support a hunting and fishing program at the installation, it is not the sole or primary purpose of the fund. In accordance with AR 200-3 and AR 215-1 no more than a total of 10 percent of the annual revenues collected (including taxes, special fees, etc.) is to go towards program administration (printing and issuing permits).

(3) Installations must identify projects and plan yearly expenditures well in advance of execution to ensure maximum effectiveness of the program. MACOMs will conduct appropriate reviews of program expenditures.

(4) Installations may accumulate unobligated balances for larger projects. However, MACOMs should encourage an installation that continues to compound an excessive unobligated balance to spend the funds for their intended purpose if the the purpose for the accumulation of funds is not apparent from the installation's management plan.

(5) Installations will record collections/receipts and obligations using standard procedures. Current year receipts are deposited into the 21R5095 account, which is the receipt account for 21X5095. If receipts are deposited into the account 21X5095, they will not appear as a deposit. DFAS has responsibility for transferring funds from 21R5095 (receipt account) to 21X5095. Receipts generated in the current year remain available for obligation indefinitely.

(6) ODEP/AEC and the MACOMs will monitor program performance through the review of annual expenses and proceeds to insure SAIA and AR 200-3 compliance. This may include making the FWC fund an item for review under the Environmental Compliance Assessment System (ECAS). The primary purpose for monitoring is to ensure (1) that projects are in compliance with the law and Army regulations, and (2) to ensure that expenditures have not exceeded total available funds.

(7) Installation commanders are ultimately responsible for expending FWC funds in compliance with the law and Army regulations. ODEP and/or AEC will not review annual workplans, however, individual MACOMs may review projects if they deem it to be necessary.

f. Reports

(1) Monthly DFAS 21X5095 Balance Report – This report will be made available by DFAS to ODEP/AEC for distribution to MACOMs and each participating installation,

and will reflect the current unobligated balances by installation. MACOMs will insure that each participating installation is accounted for separately. AEC will monitor activities and will alert MACOMs and ODEP if problems arise. AEC will make a quarterly report to ODEP. These reports are critical for maximizing program efficiency.

(2) Installations will be required to keep track of 21X5095 expenses in the following categories:

a. Habitat Management: Performance of work which restores/improves the soil, vegetation or water inhabited by wildlife (e.g. planting, burning, water control, nest boxes, lake and pond construction/maintenance, population monitoring)

b. Game Harvest/Stocking Wildlife: Administration/coordination of hunting and fishing activities and operation of game check stations. Stocking and feeding fish and game to include fish and game food to supplement natural habitat.

c. Administration/Fee Collection: Collection of fees, printing permits, issuing permits, processing receipts.

d. Equipment and Supplies: Rental or purchase of non-expendable and/or appropriate expendable items used for the protection, conservation and management of fish and wildlife (e.g. tractors, disk, two-way radios, boat).

g. Procedures for Base Realignment and Closure (BRAC) Installations

(1) In situations involving installations in the BRAC process, consideration must be given to the proper dispensation of FWC funds. If an installation is being realigned, even if changing MACOMs, funds shall not be transferred from the installation if it retains a FWC program. When installation land with a FWC fund is transferred to a non-DoD entity, the MACOM will first attempt to transfer the remaining 21X5095 funds to another installation under its jurisdiction within the same State that has a FWC fund. If this is not possible, the MACOM will transfer any and all of the remaining 21X5095 dollars to another installation under its jurisdiction within the same State that will use it for the protection, conservation, and management of fish and wildlife, including habitat improvement and related activities, in accordance with its INRMP. If this is not possible, the MACOM shall transfer any and all of the remaining 21X5095 dollars to another installation with a FWC fund within its jurisdiction.

(2) ODEP will dispense of the funds if a MACOM is unable to transfer the funds to another installation under its jurisdiction. ODEP will first attempt to transfer the remaining 21X5095 funds to another Army installation within the same State that has a FWC fund. If this is not possible, ODEP will transfer the remaining 21X5095 funds to another Army installation in the same State that will use it for the protection, conservation, and management of fish and wildlife in accordance with the installation's INRMP. If this is not possible, ODEP will transfer the remaining 21X5095 funds to another Army installation with a FWC fund.