



The voice of fish and wildlife agencies

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May 3, 2017

The Honorable Ryan Zinke, Secretary
US Department of the Interior
1849 C Street, N.W.
Washington DC 20240

Dear Secretary Zinke:

It was a pleasure meeting you last week at the TRCP Dinner. I appreciated your remarks and wish you the very best in managing a prospective reorganization. I look forward to spending some time with you and your team, in the near future, to discuss the priorities of state fish and wildlife agencies and to learning more about yours. I believe we will find there is a great deal of congruence in our respective agendas.

I am writing on behalf of the Association of Fish and Wildlife Agencies (Association) specifically regarding a new order that requires the Deputy Secretary's review of grants in excess of \$100,000.00. The Association was founded in 1902, and it represents the collective interest of the 50 states on national fish and wildlife conservation and management policy.

Our particular concern is that this new order will affect the grant programs funded by tax dollars from the hunting, shooting, fishing, and boating industries and sportsmen who enjoy these outdoor recreational activities. As you likely know, since 1937, this highly effective funding program framed as Wildlife and Sport Fish Restoration (WSFR), has contributed \$18 billion towards conservation in this country. These are unappropriated dollars collected in trust, and are granted to the state fish and wildlife agencies under federal law to benefit sportsmen and women and the fish and wildlife resources they value so greatly. The order sweeps up a large number of grants processed simultaneously by the WSFR Office under the Pittman-Robertson Wildlife Restoration Act, 16 U.S.C. 669 et seq., and the Dingell-Johnson Sport Fish Restoration Act, 16 U.S.C. 777 et seq. (referred to jointly as PR-DJ), as well as the State Wildlife Grants (SWG) funded by appropriations and administered by the WSFR Office.

As mentioned above, the funds derived for wildlife restoration grants come from excise taxes on firearms, ammunition, and archery equipment, while funds for sport fish restoration come from excise taxes on fishing gear, electric boat motors, and motorboat fuel. Tax revenues are deposited into Trust Funds, which are then apportioned among the states (including the District of Columbia and the territories) per statutory formulas. The states then apply to the U.S. Fish and Wildlife Service, where grants are processed by the WSFR office. Every three dollars in

federal grants are matched by one state dollar. These grant funds finance the bulk of the states' fish and wildlife agencies' work in many states, including agency payrolls. Except to ensure that state grant proposals comply with the Acts and their accompanying regulations at 50 CFR Part 80, approving these grants has been treated as non-discretionary. This protocol dates back to PR's enactment in 1937 and DJ's enactment in 1950. (For FY 2016, just over \$695 million was apportioned to the States for wildlife restoration, and just over \$361 million for sport fish restoration.).

The Service has informed the state fish and wildlife agencies of its new review process for approving grants and that, because of this new process, states may experience delays in receiving funding for programs including payroll. In particular, we anticipate harmful effects on the operation and maintenance of the states' wildlife management areas, hatcheries, research programs, boat access, and other grants that provide for public access and use of facilities by hunters, anglers, boaters and recreational shooters.

We understand and respect the interest in conducting a careful review of grant programs, but we are hopeful this process will not result in a time consuming and unnecessary review of every WSFR grant proposal resulting in serious consequences such as those set out in the examples below. We suggest that a fast track programmatic review be conducted for these statutorily mandated grants, which can only be used by the states for the wildlife and sport fish purposes allowed by the Acts. We respectfully request your help in maintaining a smooth process for granting the states' apportioned funding under the PR-DJ Acts.

The following examples are relevant across the geographical regions impacting management, research, coordination, and state managed public facilities operated under Wildlife and Sportfish Restoration Programs.

Hatcheries

- Sport Fish Restoration funds support the re-introduction and stocking of 51,391,301 fish and the operations and maintenance of Forty-Eight (48) State Fish Hatcheries in the Southeast Region. Any funding delays will reduce the States' ability to continue to meet fishing demand and directly impact anglers.

State Lakes and Public Fishing Areas

- Sport Fish Restoration funds support the operations and maintenance of 549 State Public Fishing Areas in the Southeast Region. Any funding delays may lead to closure of these facilities and reduce public use by anglers.
- Utah's Watershed Restoration Initiative (WRI) uses PR funding for many of its projects, and any delays could make it difficult to finalize annual project lists and secure contractors, as well as non-federal matching funds.

Hunter Education Program

- Wildlife Restoration funds support the hunter education activities of Colorado Parks and Wildlife (CPW). If grant approvals are delayed past July 1, 2017, up to \$3.5 million in Section 4 and 10 funds will revert and be lost to CPW.

Boating Access Subprogram

- 2,244 boat ramps are operated and maintained under the Sport Fish Restoration Program in the Southeast Region. States in the Southeast plan to spend approximately \$11,202,190 in maintaining and renovating these facilities in FY17. Any funding delays may lead to closure of these facilities and reduce public use by anglers and boaters.

Aquatic Education Subprogram

- Approximately 96,353 students are educated under the Aquatic Ed Programs in FY17. Sport Fish Restoration funds are used to operate and maintain 25 Aquatic Education Centers in the Southeast. States in the Southeast plan to spend approximately \$4,737,143 for their Aquatic Education Programs in FY17. Any funding delays may lead to closure of these facilities and cancellation of some of these programs.

Land Acquisition

- The Utah Division of Wildlife Resources (UDWR) has two priority land acquisition projects dependent on federal funds, including a 2,073-acre parcel of big game habitat in Weber and Cache Counties (\$2,710,000). UDWR has the support of the counties in making this purchase, but closing is contingent upon grant approval by the WSFR Office. The other is a 1,040-acre conservation easement for Utah prairie dog in Garfield County (\$690,000) supported by Section 6 funds.
- The Montana Department of Fish, Wildlife & Parks (MFWP) is in the process of acquiring 450 acres of wildlife habitat along the Bighorn River to add to the Grant Marsh Wildlife Management Area. Delays running into the next fiscal year could endanger this high-priority acquisition.
- The Virginia Department of Game and Inland Fisheries' (VDGIF) statewide land acquisition program operates under a five-year grant approved in 2015 (W95L). VDGIF obligates funds for each acquisition in coordination with a variety of state agencies, and relies on the WSFR Office taking two to three weeks to approve funds and allow for closing. This memorandum may result in outright cancelling of land acquisitions, including a 2,911-acre project using \$9,260,000 in Wildlife Restoration funds matched by a state land bank.

Fisheries Research Important for Informing Management Decisions

- Aspects of the Reproductive Biology of Several Recreationally Important Fish Species in Puerto Rico (F-48-13) (Proposed Start Date: September 1, 2017; Award amount \$234,385) – will impact salaries and continued monitoring of 11 recreational important species of marine fish in Puerto Rico.

- Puerto Rico Marine Recreational Fisheries Statistics Program (F-68-3) (Proposed Start Date: February 1, 2017; Award amount \$299,155) – will impact data collection and analysis of marine recreational fisheries statistics survey interviews using the MAST model program and the State’s ability to manage recreationally important marine finfish in the Caribbean .
- North Carolina Striped Bass Monitoring (F-56-25) (Proposed Start Date: October 1, 2017; Award amount \$395,370) – will impact salaries and continued monitoring of striped bass stocks in North Carolina.
- North Carolina Finfish Assessment Program (F-70-17) (Proposed Start Date: July 1, 2017; Award amount \$1,219,484) – will impact salaries and the development of independent relative abundance indices for key estuarine species in Pamlico Sound that can be incorporated into stock assessments and used to improve bycatch estimates, evaluate management measures, and habitat usage.
- North Carolina Fisheries Investigations (F-108-R-6) (Proposed Start Date: July 1, 2017; Award amount \$2,322,000) – will impact salaries and implementation of the following projects in North Carolina: (1) Technical Guidance, (2) Development, (3) Habitat Enhancement, and (4) Surveys.
- South Carolina Statewide Fisheries Investigations in Lakes and Streams (F-63) (Proposed Start Date: July 1, 2017; Award amount \$2,097,000) – will impact salaries and implementation of the following projects (1) assess the condition of state freshwater fishery resources in selected rivers, streams, lakes, and reservoirs; (2) provide technical assistance, investigate fish mortalities, and to review and comment on all development activities which may impact the State's aquatic resources; and (3) improve sport fishing opportunities and access in reservoirs and streams.
- Georgia Sport Fish Restoration (F-85-6) (Proposed Start Date: July 1, 2017; Award amount \$2,139,112) – will impact salaries and implementation of the following projects to manage Georgia's diverse fishery resources which include more than 4,000 miles of trout streams, 12,000 miles of warm water streams, and 500,000 acres of impoundments through population monitoring, habitat management, technical guidance, operation and maintenance of State-owned fisheries facilities, and coordination and administration.

The State and Tribal Wildlife Grants (STWG) program also stands to be severely impacted by this memorandum. Sourced annually by congressional appropriations under PL 107-63 (2002), the STWG program apportions funds to state and territorial fish and wildlife agencies based on a formula similar to that used in PR-DJ. This program provides the only source of funds to many states to conduct surveillance of new diseases like Bsal fungus and white-nosed syndrome and to conduct monitoring, research and management for at-risk species. Delays in funding would cause a suspension of many of these activities including important work on candidate species to preclude federal listing under the Endangered Species Act. Surveillance, monitoring and research projects are often time-sensitive and even short delays can disrupt field seasons and impact the continuity of datasets, negatively impacting species conservation work.

Likewise, technical and financial assistance provided to private landowners have seasonal constraints and delays can cause frustration and result in the loss of matching funds and termination of projects. The following projects, pending or currently in operation, demonstrate the impacts of funding delays:

- A delay in a STWG award to the state of Washington would impact monitoring of fisher reintroductions that are critical to continuing to prevent a federal Endangered Species Act listing. A delay would also curtail surveillance for white-nosed syndrome, a deadly fungal disease of bats that was recently discovered in the state.
- A delay in a STWG award to the state of Montana could delay technical assistance to developers to design projects that minimize impacts to fish and wildlife and disrupt surveys of sensitive species that provide status information to DOI to determine if endangered species listing is necessary.
- A delay in a STWG award to the state of Florida would prevent projects on Sandhill Cranes, Southeastern American Kestrel, Saltmarsh Topminnow and Diamondback Terrapin and Coral Reefs from beginning on time. Required preparation for planned prescribed burns would also be impacted.
- A delay in a STWG award to the state of Kentucky could affect operations of a freshwater mussel hatchery that is currently propagating nearly 4 million animals made up of 30 sensitive species that will be used to recover endangered species or preclude the need to list new species.

Thank you for considering this letter. We certainly appreciate your desire for diligent and responsible grant management under DOI. We write in the spirit of hoping that a highly successful grant partnership between sportsmen, industry, the DOI, and state fish and wildlife agencies is not unduly caught up in review procedures that could unintentionally delay conservation and recreation programming delivery at the state level.

Sincerely,



Nick Wiley
President