



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Washington, D.C. 20240



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## Memorandum

To: Regional Directors, 1-8

From: Director *James W. Kurtz*

Subject: Eligibility of State Grant Projects for the Stocking of Pen-Raised Birds  
Under the Pittman-Robertson Wildlife Restoration Act

The purpose of this memorandum is to clarify the eligibility of State project proposals to fund the stocking of pen-raised birds, in furtherance of initiatives focused on hunting and shooting sports Recruitment, Retention, and Reactivation (R3) under the Wildlife Restoration Grant Program. The Service has determined, as described below, that these projects are eligible for funding under the Basic and Enhanced Hunter Education and Safety Program so long as the project proposals have an evaluation component to determine effectiveness in meeting the R3 objectives, and otherwise meet all of the relevant statutory and regulatory requirements necessary for approval.

The Wildlife Restoration Grant Program, authorized by the Pittman-Robertson Act of 1937, 16 USC 669 et seq., (Act) has proven to be one of the most successful programs to restore and maintain wildlife populations. In 2017, more than \$780 million has been apportioned to the States and Territories to fund Wildlife Restoration grant activities. This program is a solid partnership between the U.S. Fish and Wildlife Service (Service), which administers the program; the States and Territories, which utilize their hunting license revenues to provide matching funds and implement the grants approved under the program; the arms and archery manufacturers, who pay the excise taxes funding the program; and, the sportsmen and women, who effectively pay the tax through their purchase of equipment for participation in hunting and shooting sports.

Former President George W. Bush recognized and sought to promote America's hunting heritage through Executive Order 13443, of August 16, 2007, which directed federal agencies to, "...implement actions that expand and enhance hunting opportunities for the public." Secretary of the Interior Zinke sought to further implement that Executive Order through Secretarial Order No. 3356, of September 15, 2017, which was directed at enhancing hunting, fishing, recreational shooting, and wildlife conservation opportunities in coordination with States, Tribes, and Territories. Among the provisions of Secretary Zinke's Order was a direction to the Service, (along with Bureau of Land Management and National Park Service), to identify grant opportunities that may be available to enhance public hunting, fishing and recreational opportunities, through recruitment, retention, and reactivation.

In this context, a number of State Directors have recently raised questions, or submitted actual proposals, regarding the use of Wildlife Restoration grant funds for the stocking of pen-raised birds, including pheasants and quail, to support put and take hunting as a means to provide greater opportunities for hunters and support R3 efforts in their States. Although there are substantive obstacles to fitting pen-raised bird programs within the statutory definition of a Wildlife Restoration project eligible for funding under the original Act, it is apparent that there is greater flexibility in funding these proposed projects with the amounts made available for Hunter Education and Safety Programs, authorized by subsequent Amendments to the Act.

The Pittman-Robertson Act was amended in 1970 to set aside specific funding for what has become known as the "Section 4(c) Basic Hunter Education and Safety Program"; and was again amended in 2000, to establish the "Section 10 Enhanced Hunter Education and Safety Program." Rather than focusing on the restoration of wildlife and their habitat, these hunter education programs are specifically focused on individuals engaged in the hunting and shooting sports. The Service has determined that a fair reading of these amendments to the Pittman-Robertson Act provide broad enough authority for us to include State pen-raised bird programs as eligible activities for funding under the Section 4(c) and 10 Hunter Education and Safety Programs. Although the regulations implementing the Wildlife Restoration Program do not specifically list pen-raised bird programs as eligible for funding under the Hunter Education programs at 50 CFR 80(b) and (c), the regulations go on to state that an activity, "...may be eligible for funding even if (this regulation) does not explicitly designate it as an activity... if the State fish and wildlife agency justifies in the project statement how the activity will help carry out the purposes of the Pittman-Robertson Wildlife Restoration Act... and, the Regional Director concurs with the justification." See 50 CFR 80.52.

If a State project proposal reasonably justifies how its pen-raised bird program will further the recruitment, retention, and reactivation of hunters and has an evaluation component to determine the effectiveness of the program to meet these objectives, and all other aspects of the proposal meet the standards of the Wildlife Restoration Act and its implementing regulations at 50 CFR Part 80, then the Regional Director may consider the project eligible for funding under the Section 4(c) and 10 Hunter Education and Safety Programs. Additionally, as is the case with the federal action of approving any other federal grant, all compliance requirements, including, but not limited to the Office of Management and Budget grant regulations at 2 CFR Part 200, the National Environmental Policy Act, the National Historic Preservation Act, and required consultation under Section 7 of the Endangered Species Act, must be appropriately implemented before approving the grant project proposal for funding.

This interim guidance is applicable unless revoked or specifically replaced by revisions to the applicable regulations and policies implementing the Wildlife Restoration Act.

If you have any questions regarding implementation of this memorandum, please contact Mr. Paul Rauch, Assistant Director for Wildlife and Sport Fish Restoration, at (202) 208-5078 or via email at [paul\\_rauch@fws.gov](mailto:paul_rauch@fws.gov) or the Wildlife and Sport Fish Restoration Chief in your Region.