

Hunting and Wildlife Conservation Council Spring Meeting: May 17, 2024

Meeting Agenda

Meeting venue: Virtual meeting via Microsoft Teams

All times are eastern time

11:00 a.m. **CONVENE**

Welcome and Council member introductions

11:05 a.m. Opening Comments

- *Robert Bonnie, Under Secretary for Farm Production and Conservation, U.S. Department of Agriculture (tentative)*
- *Dr. Homer Wilkes, Under Secretary for Natural Resources and Environment, U.S. Department of Agriculture (tentative)*
- *Martha Williams, Director - U.S. Fish & Wildlife Service*

11:30 a.m. Public comment session (*one public speaker*)

11:35 a.m. Meeting overview: *John Devney, HWCC Vice Chair*

Approval of meeting minutes from the December 4, 2023, meeting

Council Subcommittee report-outs

- Wildlife Health: Land Tawney, Chair
 - *Comments of Siva Sundaresan, Deputy Director, U.S. Fish & Wildlife Service*
 - *Christian Myers, Policy Advisor – National Wildlife Refuge System, U.S. Fish & Wildlife Service*
 - Continued discussion of Council recommendations related to the management of future use of lead and lead-free ammunition on Federal lands.
 - Discussion and consideration of FWS lead-free ammunition pilot projects on National Wildlife Refuges.
- Public Lands: Joel Webster, Chair
 - Continued discussion of Council recommendations related to DOI and USDA land appraisal and land exchange processes.
 - Discussion of BLM Solar energy programmatic environmental impact statement.

- There will be further discussion after the afternoon briefing on the topic by BLM staff.
- Hunting & Recreational Shooting: Jeff Crane, Chair
 - Discussion of potential Council recommendation related to access for hunting and recreational shooting on lands designated as a national monument or wilderness.
- Conservation Funding: Joel Pedersen, Chair
 - Continued discussion of Council recommendations related to the Bipartisan Infrastructure Law and the Inflation Reduction Act.
- Private Lands: Michael Crowder, Chair
- Public Engagement/R3: Keith Tidball, Chair

12:35 p.m. **BREAK**

12:40 p.m. Subcommittee report-outs, cont.

Federal agency briefings (approximate times)

FWS briefings

- 1:30 p.m. Briefing on name change of the U.S. Fish and Wildlife Service Office of Conservation Investment
- *Paul Rauch, Assistant Director – Office of Conservation Investment, U.S. Fish & Wildlife Service*
- 1:45 p.m. Briefing of Fiscal Year 2025 budget request for the U.S. Fish and Wildlife Service
- Hot topics: hunt/fish rule, electronic duck stamp, NAWCA
- *Steve Guertin, Deputy Director, U.S. Fish & Wildlife Service (tentative)*
- 2:15 p.m. Update on implementation of Department of the Interior Secretarial Order 3362, Improving Habitat Quality in Western Big-Game Winter Range and Migration Corridors
- *Anna Wearn, Policy Advisor – U.S. Department of the Interior & Connectivity Coordinator – U.S. Fish and Wildlife Service*
- 2:25 p.m. Briefing on U.S. Forest Service regulations regarding mature and old growth forests
- *Jennifer McRae, Acting Assistant Director - Public Engagement & Planning, U.S. Forest Service*

- 2:55 p.m. Briefing on the Bureau of Land Management solar energy draft programmatic Environmental Impact Statement
- *Vicki Campbell, Natural Resources Specialist - California State Office and Jeremy Bluma, Senior Advisor - National Renewable Energy Coordination Office, Bureau of Land Management*
- 3:15 p.m. Open discussion
- 3:30 p.m. **ADJOURN**

DRAFT

Hunting and Wildlife Conservation Council

Fall Virtual Meeting: December 4, 2023

Meeting Minutes

The Hunting and Wildlife Conservation Council was convened for its fourth meeting at 9:00 A.M. on December 4, 2023. The meeting was held at the Department of the Interior Building, with a Microsoft Teams option. In accordance with the provisions of Public Law 92-463, the meeting was open to the public.

Council members in attendance:

John Devney, Vice Chair
Colin Beck (virtual)
Brian Nesvik
Michael Crowder
Bethany Erb
Dan Forester
Lucas Martinez
Joel Pederson
Land Tawney
Keith Tidball
Joel Webster
Jeff Crane
Ed Arnett* (for Collin O'Mara)
Wayne Hubbard* (for Lydia Parker)
Kathleen Falk* (for Lauren Ward)

**Alternate member*

Alternate members in attendance:

Simon Roosevelt
Mark Hennelly
Theodore Sedgwick
Andrew Schmidt
Brad Brooks

Ex Officio:

Martha Williams, Director – U.S. Fish and Wildlife Service
Ron Regan, Executive Director – Association of Fish and Wildlife Agencies

Meeting overview - John Devney, HWCC Vice Chair

- Devney welcomed Council members and attendees and provided an overview of the meeting.
- Council members considered and approved the minutes from the April 17, 2023, meeting.
 - Motion by Keith Tidball and Second by Michael Crowder

Comments of Martha Williams, Director – U.S. Fish and Wildlife Service

- Director Williams made comments opening remarks acknowledging the work of the Council.

Public comment session

- Jean Public provided comments to the Council regarding the Women Hunt Program.

Approval of Council meeting minutes from the September 2023 meeting

Motion to approve: Lucas Martinez

Second: Keith Tidball

Motion approved

Council Subcommittee report-outs

Wildlife Health: Land Tawney, Chair

Tawney presented a summary of the subcommittee work related to possible best practices for considering the future use of lead-based ammunition on lands of the National Wildlife Refuge System. This was an issue discussed/considered at the September 12, 2023, Council meeting, but which no action was taken. The draft includes items related to incentives and education in helping transition hunters to the use of non-lead ammunition, use of science in making future decisions regarding management of the use of lead ammunition, and issue related to the development of non-lead alternative ammunition. The draft recommendation can be found on the HWCC website. Council members discussed the issue:

- Kathleen Falk suggested that trying to address the issue geographically might help. Pick a number of places and attempt approaches. This will allow the speeding up of implementation of actions that work.
- Brian Nesvik and Ron Regan indicated that AFWA is supportive of the Council's approach and ideas.
- Keith Tidball indicated that Cooperative Extension might be useful in undertaking outreach to the public on the matter.
- Ed Arnett indicated that the recommendations comport with The Wildlife Society's thinking.
- Keith Tidball suggested that Cooperative Extension units might be able to help with outreach efforts.

Approval of recommendations related to the management of future use of lead/nonlead ammunition.

Motion to approve: Land Tawney

Second: Michael Crowder

Motion approved

Hunting & Recreational Shooting: Jeff Crane, Chair

Crane provided an update on the work of the subcommittee. He reported on the findings of the subcommittee consideration of a firearms tax issue that could potentially provide more conservation funding through the Wildlife Restoration Program. Currently, tax funds generated by the sale of firearms suppressors are going to the Bureau of Alcohol, Tobacco, and Firearms, with none of the funds going to the Wildlife Restoration Program. Crane presented the matter to the Council for discussion, including potential recommendations for addressing the issue.

- Brian Nesvik asked whether the recommendation letter endorses suppressor use. Crane said that it highlights some of the benefits recreational shooters have realized.

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Firearms suppressor tax issue recommendations

Motion to approve: Jeff Crane

Second: Joel Webster

Motion approved

Crane also reported on an issue considered by the Subcommittee related to the strategic growth policy of the National Wildlife Refuge System to potentially improve access opportunities and opportunities to increase habitat for migratory and at-risk species. Crane explained that access for the public could be increased if the strategic growth policy for the Refuge system considered the priority recreational uses identified in the National Wildlife Refuge System Improvement Act in 1997. The Council could suggest that more priority be given to these uses as part of land acquisition and easements considerations.

Crane also highlighted a potential opportunity to prioritize seasonal habitats for migratory and at-risk species. This suggestion could also help evolve the Refuge System strategic growth policy to address other critical wildlife needs when expanded the System.

- Joel Webster reiterated the possible benefits of the use of additional categories to identify lands for future additional to the Refuge System. He mentioned that the HWCC Public Lands Subcommittee had also considered the issue and are supportive.
- Cynthia Martinez touched on the Strategic Growth policy and explained that it consider threatened/endangered species needs and migratory birds.

Refuge strategic growth recommendation letter

Motion to approve: Jeff Crane

Second: Dan Forster

Motion approved

Public Lands: Joel Webster, Chair

Webster provided a review and summary of the recent subcommittee work. He highlighted that an issue that the Council provided recommendations to both the Department of the Interior and Department of Agriculture was going to be discussed later in the meeting. DOI and USDA representatives will update on efforts to improve the land appraisal processes at both Departments. There were no items presented for Council action.

Private Lands: Michael Crowder, Chair

Crowder provided a report on the Subcommittee's work and areas for future consideration on behalf of the Council. He provided summaries of two items for consideration and discussion by the Council.

Crowder and Subcommittee member Julia Peebles highlighted the concept of a migratory bird resurgence initiative. The initiative focuses on 2 Environmental Quality Incentives Program practice. One practice is targeted in the Prairie pothole region for enhancing small wetlands 2 acres or less and crop fields. The other practice is post-harvest flooding in states that produce rice: the California Central Valley, Mississippi River and central flyways. All these areas support waterfowl populations. The Council discussed a recommendation that funding be increased for the initiative.

Wetlands Resurgence Initiative recommendations

Motion to approve: Michael Crowder

Second: John Devney

Motion approved

Crowder and Peebles then highlighted a topic for the Council's consideration related to the national status of wetlands in the United States. They highlighted a long running pledge by Presidential administrations since Jimmy Carter that have pledged support for no-net loss of wetlands. The Council discussed a recommendation that the Biden Administration go beyond that and commit to a net-gain of wetlands. Over half of the wetlands in the United States have been lost.

Wetlands "net-gain" pledge recommendation

Motion to approve: Michael Crowder

Second: John Devney

Motion approved

Conservation Funding: Joel Pedersen, Chair

Pedersen provide a report of the Subcommittee’s work and areas for future consideration on behalf of the Council. There were no items presented for Council action.

Public Engagement/R3: Keith Tidball, Chair

Tidball provided a report on the Subcommittee’s work and areas for future consideration on behalf of the Council. There were no items presented for Council action.

Federal agency briefings

Briefing on 2023 National Survey of Hunting, Fishing, and Wildlife-Associated Recreation

The Council requested a briefing on the results of the 2023 National survey. Jerry Leonard, Economist – Wildlife & Sport Fish Restoration Program, U.S. Fish & Wildlife Service, provided a summary of the survey results. Leonard highlighted changes in the survey protocol and survey design. He highlighted participation rates and expenditure information for fishing, hunting, and wildlife watching. Leonard also highlighted new information about recreational shooting and archery participants. The full presentation can be found on the HWCC website.

Briefing on Dingell Act section 4103 open/closure protocols

The Council requested a briefing on protocols related to the opening or closing of federal lands through the Dingell Act. Kevin Oliver, Chief – Division for Recreation and Visitor Services for the Bureau of Land Management provided the briefing. In process, expected by end of calendar year 2023. Currently tracking one closure, still checking with all BLM Units. As new campgrounds and facilities are developed (e.g. BIL and IRA resilient recreation) new administrative closures will be implemented to provide for public and employee safety around those occupied sites. The full presentation can be found on the HWCC website.

Scott Haas, Program Manager - National Dispersed Recreation for the U.S. Forest Service led the Forest Service portion of the briefing. Haas provided an overview of the directives in Forest Service Law Enforcement and Investigations Handbook 5309.11, Chapter 30, that provide the process for closing National Forest System lands to hunting, fishing or recreational Shooting. The directives have been issued to implement § 4103 of the Dingell Act. Scott provided an overview of the Forest Service policy and relevant Code of Federal Regulations chapter. He also highlighted the public process for proposing and finalizing closures. The full presentation can be found on the HWCC website.

Briefing on 2023/2024 National Wildlife Refuge System Refuge Hunt/Fish rule

The Council requested a briefing on the results of the 2023/2024 Refuge hunt/fish rule. Cynthia Martinez, Chief – National Wildlife Refuge System with the U.S. Fish & Wildlife Service provided the informational briefing. Martinez’s comments can be found in the meeting transcript.

Briefing on land appraisal process for LWCF & easement acquisitions

The Council requested a briefing on the land appraisal process at both the Department of the Interior and Department of Agriculture. The Council provided recommendations on potential actions to improve and shorten the process for completing appraisals at its September 2023 meeting. Brian Bloodsworth, Director - Great American Outdoors Act Program Management Office with the U.S. Department of the Interior.

Jody Holzworth, Acting Director - Lands, Minerals & Geology, U.S. Forest Service

Status of BLM Aquatic Restoration Categorical Exclusion to expedite riparian and wetland habitat restoration activities on BLM public lands

The Bureau of Land Management requested time to brief the Council. Melissa Dickard, HQ Senior Riparian Specialist for the BLM led the presentation related to BLM efforts to develop a suite of actions for implementing aquatic restoration under the proposed aquatic restoration categorical exclusion for commonly occurring aquatic restoration activities. Activities include: improving structural complexity, improving connectivity, protecting resources, and improving riparian function. Dickard indicated that the Council on Environmental Quality (CEQ) would review the proposed cat ex in Spring 2024. The Federal Register Notice and 30-day public comment period will occur, post CEQ review. The full presentation can be found on the HWCC website.

Update on the BLM proposal to modernize and streamline how the agency notifies the public of temporary closure and restriction orders

BLM requested time to brief the Council on the issue. Kevin Oliver, Chief – Division for Recreation and Visitor Services for BLM led the briefing. The proposed rule was drafted to improve the process of issuing emergency closures and temporary restrictions on use of public lands. Aspects of BLM's current closure and restriction regulations (43 CFR 8364.1(c)) limit the agency's ability to respond in a timely manner to emergencies and other unforeseen events. BLM designs temporary closure and restriction orders to apply for the shortest duration and to cover the smallest area necessary to protect persons, property, and public lands and resources. This proposed rule is intended to address short-term closures and restrictions. Long-term closures and restrictions generally must be accomplished through the land use planning process. The Notice of Proposed Rulemaking published on November 21, 2023 and the public comment period closes January 22, 2024. The full presentation can be found on the HWCC website.

Update on Bipartisan Infrastructure Law/Inflation Reduction Act implementation

The Council requested an update on the spend down of IRA and BIL funding by the Fish and Wildlife Service. Chris Nolin, Budget Officer for the Service, briefed the Council on the status of implementation by the FWS. Nolin's comments can be found in the meeting transcript.

Motion to Adjourn meeting

Motion: Dan Forster

Second: Lucas Martinez

Motion Approved

ADJOURN

DRAFT

WILDLIFE HEALTH SUBCOMMITTEE

Concept Outline: USFWS Lead-Free Ammunition Voluntary Incentive Pilots

The U.S. Fish and Wildlife Service (the Service) prepared this concept document in response to recommendations from the Hunting and Wildlife Conservation Council, a federal advisory committee. The purpose of this concept document is to set out key elements and factors to consider in the design and implementation of a pilot program on units of the National Wildlife Refuge System (Refuge System) for providing direct incentives and related informative messaging that encourage hunters who currently use lead ammunition to voluntarily choose to switch to using lead-free ammunition. This overarching concept document will guide the Service in the development of the pilot program and the operation of multiple pilot sites in Fall 2024. At each pilot site, located within the Refuge System, the pilot effort will be conducted in cooperation with State wildlife agencies and other partners. The Service, with partner support, will direct the implementation of incentives for participating hunters and collect data to evaluate the effectiveness of the pilot program. As the pilot project concept is novel and being tested for the first time, individual pilots will likely not include all possible program elements, not draw on all funding sources, and/or not receive assistance from every type of potential partner organization discussed in this document. However, the Service will take all these factors and considerations into account in shaping viable and effective pilots suited to the individual refuges. Over time, we will test additional incentive and messaging options to improve the program outcomes. An overarching goal of this pilot program will be to determine an implementation model and best practices for incentivizing voluntary use of lead-free ammunition that can be replicated by the Service and other land and wildlife managers. The desired outcome is that this pilot program effort will result in a proven model to guide actions by the Service and others in addressing the risk of lead exposure and its impacts to wildlife health resulting from the use of lead ammunition for hunting.

Most Desirable Pilot Elements

- **Tests multiple incentives** (discount coupon, free ammunition voucher, raffle prizes, free ammunition, etc.) to maximize effectiveness.
- **Tests variations on messaging strategies**, including who should communicate the message, to determine which are most effective for reaching, informing, and engaging hunters and other members of the community.
- **Collects data** on use of lead-free ammunition, as well as human dimensions data about *why* incentives and messaging were or were not effective.
- **Evaluates collected data** to quantify the impact on reducing the risk of wildlife exposure to lead and to inform incentives and messaging that are better tailored to reach, inform, and benefit hunters. Also, pilots should be structured so that we also collect data from comparable control sites and thus can evaluate whether (and which of) our incentives are having a statistically significant impact.

- **Scales up for wider implementation.** Pilots should be designed to produce a model that the Service and our partners can implement more broadly while retaining the same effectiveness in reaching, informing, and benefitting hunters. Thus, we will geographically distribute pilot sites, work with representative hunter populations, and use incentives and delivery methods that are feasible at a larger scale.
- **Includes low-income and subsistence hunters.** All hunters face cost and availability barriers to adopting lead-free ammunition, but these categories of hunters are most impacted by the cost and availability differences between lead and lead-free ammunition. This, and good government principles, makes them the most critical groups for an effective incentive program to reach. Site selection and pilot design should ensure our incentives are tested on these subsets of hunters.
- **Includes sites with regulatory lead phase-outs.** This will allow us to incorporate data on how incentive programs perform at sites phasing out lead ammunition by 2026 in comparison with sites that are not phasing out lead use. This will allow us to compare the performance of regulation and voluntary incentives in combination to voluntary incentives alone.¹ It is also a limited-time opportunity with several stations in the process of phase outs now.

Pilot Design Considerations

Partners

- Need for Partners – The Service is committed to a collaborative approach to these pilots. Partners are an essential pre-requisite of our pilots and critical to every aspect of our pilot program from design to implementation to messaging.
- HWCC and/or Working Group – These pilots are directly responsive to the HWCC’s recommendation that the Service collaboratively pursue voluntary approaches to addressing the issue of lead poisoning in wildlife. We will work closely with these partners and seek their input throughout the development of the voluntary incentive pilots.
- State Agencies – The position of the applicable state agency is a critical consideration for siting and design of any pilot. Service collaboration with State agencies is essential for the Service’s actions generally and in the case of these voluntary incentive pilots specifically. The Service should work with State agencies and invite their input for the overall pilot project and, in particular, collaborate with the States in which each pilot site is located.

¹ As discussed in: Schulz, J. H., S. Tottoni, S. A. W. Stanis, C. J. Li, M. Morgan, D. M. Hall, E. B. Webb, and R. M. Rotman. 2023. Policy comparison of lead hunting ammunition bans and voluntary nonlead programs for California condors. *Wildlife Society Bulletin* 47:e1448. <https://doi.org/10.1002/wsb.1448>.

- Tribal Governments – We will consider how we may be able to partner with Tribes on pilots. We will endeavor to identify potential pilot sites near interested Tribes and to coordinate with them, including incorporating their input on pilot designs.
- Hunter NGOs – These groups are ideal messengers to hunters and are critical supporters of efforts that support hunters and hunting access. We should be seeking collaborative partnerships with these groups whenever possible.
- Ammunition Manufacturers – We should seek to collaborate with manufacturers on these pilots.
- Ammunition Retailers – We should consider how we might work with both national chains and small local retailers on incentives that will reach the hunters who use our pilot site refuges.
- Conservation/Environmental NGOs – These organizations vary in their views on hunting generally and their relationships with the hunting community. Some partner closely with or are directly engaged with the Service on wildlife conservation matters, including lead poisoning in wildlife, while others may only be interested parties related to the issue of lead. We may be able to work with organizations in this group that recognize hunting as a conservation tool but oppose the use of lead ammunition, as they would have an interest in assisting hunters with voluntarily transitioning to lead-free ammunition that reduces the potential for lead poisoning in wildlife.
- Friends Groups – Friends groups at individual refuges are best positioned to work with both refuge staff and hunters to facilitate pilot implementation and are consistently great partners on funding and operational needs. A strong Friends group is an important consideration in siting our pilots.
- Academic Institutions and Researchers – We should consider partnering with academics and other researchers, including proximity of our pilot sites to research institutions. Such a partnership could aid our funding and implementation of pilots, but is especially valuable in the additional capacity and expertise it provides for data collection and evaluation.
- Hunter Influencers – We should consider some manner of partnering with hunter influencers for messaging purposes. Their promotion of the choice to use lead-free and support for these voluntary efforts on one or more pilot sites would be valuable in reinforcing that the goal is not to reduce access to hunting on the NWRS.

Funding

- Sources – There is a clear need for funding to execute any pilots, and funding is the most likely source of limitations on the quality of our pilots and the data collected. We must consider all of the possible funding sources available to the Service and advise partners to consider all avenues available to them for securing funding.
- Cost Estimates – We should be estimating costs as a component of the pilot design to assess feasibility relative to our goals. These estimates will be very important in making our case for funding.

- Scalability – We should be designing the pilots to efficiently utilize funding and focus on building informative, viable pilots that contribute to a scalable and successful program.
- Longevity – We should also be thinking in terms of the longevity of the long-term implementation model. We want to identify funding sources that can continue at larger scales and in the longer term, but also designing and making data-informed improvements in the interest of long-term cost-effectiveness.

Logistics

- Phased Roll Out – Recognizing that there are many things we want to achieve with our pilots and many challenges to overcome, we anticipate needing to group aspects of the pilot program into different phases and build upon a simpler initial set of pilots. For example, we could launch with four refuges and one partner and one type of incentive and over time add additional refuges that expand the geographic distribution and add other desirable features, control refuges, additional partners, and different incentives and messaging strategies.
- Delivery of Incentive – We should think about the logistics of how we will deliver the incentives to meet hunter needs and program goals.
- Data Collection – We should consider how we will collect data that allows us to measure the impact of the pilot and that can be incorporated into the design of the pilot and selection of pilot sites. We want data that can be extrapolated and that provides insights on how to improve our ability to reach, inform, and benefit hunters.
- Compliance – The Service and our partners must ensure compliance with the many laws and regulations that apply to operating these pilots. For example, there are limitations on and procedures for our ability to solicit and use funds; our ability to solicit input from interested parties and form partnerships with external organizations; and our interactions with the public generally and our collection of information from the public specifically, even if it is voluntary.

Sites

- Station Capacity – We must factor in existing capacity at potential pilot sites. This includes considering how station capacity that goes to pilots could impact other programming at the station.
- Particular Activities – We may want to target particular hunting activities for a variety of reasons, such as working with a species-focused NGO partner; seeking particular hunter categories through mentored, youth, or subsistence hunts; narrowing in on permitted hunts, mentored hunts, or other hunts with a known number of hunters, to reduce participant fatigue and improve both data collection and comparability across sites.
- Geographic Distribution – We likely want to distribute our pilots throughout the country as much as possible to expand messaging reach, investigate regional variation, and inform scalability. We want to eventually work toward a model (or set of models) for voluntary incentives that works for hunters across the country.

- Controls – We should consider collecting data at both pilot sites and paired, comparable control sites. If there is another site that is very similar in terms of location, landscape, hunting activities, hunter demographics, and other variables, then it becomes much easier to evaluate the statistical significance of our results at the pilot site – and thus easier to make the case for scaling up strategies and incentives that we find to be effective.
- Impact – We may want to favor stations where success with incentives will have the most conservation impact, other things equal. The biggest example of increased impact is where lead-susceptible and T&E species are present. Pilots at stations where there are greater numbers of bald and golden eagles, stations within California condor range, and stations with T&E species (especially if they are raptors or other scavengers) would mean more conservation benefits during the pilot implementation.

Hunting Activities

- Hunter Demographics – We should aim for the hunting activities in our pilots to be hunts where the participating hunters are either (1) demographically very representative of the overall hunter population nationwide, (2) demographically very representative of the overall hunter population in that particular region of the country, or (3) demographically representative of a particular subpopulation of hunters that we want our pilots to reach (e.g., low-income hunters, subsistence hunters, Indigenous hunters, Amish hunters).
- Interactions – We should favor hunting activities with more interaction between those administering the hunts and the hunters, such as permitted hunts.
- Number of Hunters – We should favor hunting activities with a known number of hunters participating, to improve the quality and comparability of our data.
- Species – We might favor incentives for specific hunts based on the target species. This could allow us to focus on species hunts that line up with more common types of ammunition. It could also facilitate partnerships with species-specific hunting groups.
- Ammunition Types – We should favor incentives directed at ammunition types that are more popular and versatile, at least initially. This should improve the cost-effectiveness, reach, and impact of our pilots.

PUBLIC LANDS SUBCOMMITTEE

The Honorable Deb Haaland
Secretary
Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

Dear Secretary Haaland:

The Hunting and Wildlife Conservation Council (Council) is writing to recommend that the Bureau of Land Management (BLM) establish land tenure teams in strategic locations to enhance access to public lands that are landlocked and those that currently have fragmented ownership patterns, the so-called “checkerboard” public lands in the Western United States.

The 245 million acres of federal public lands administered by the BLM are vital for public access to outdoor recreation. However, a lack of access is consistently cited as a primary reason people stop hunting.¹ Unfortunately, due to fragmented land ownership patterns (the aforementioned “checkerboard”) —approximately 8.87 million acres of BLM lands in the West are landlocked and difficult to access.² This issue is particularly prevalent in specific regions such as eastern Montana and eastern Wyoming, where a considerable portion of BLM lands lack available public access. For instance, roughly a third of the 2.7-million-acre Miles City BLM Field Office in eastern Montana is landlocked, with limited to no public access available, and some of these isolated parcels are sizable. This lack of access not only deprives the public of enjoying their lands but also contributes to conflicts and tensions between the public and private landowners.

By consolidating small, inaccessible parcels into larger contiguous blocks and acquiring access to isolated parcels, the BLM could alleviate tensions between public and private landowners while simultaneously expanding public access for hunting and other recreational activities.

Fortunately, the BLM possesses various tools to address this issue. The agency has long had the authority to conduct land exchanges with private landowners. Additionally, the permanent reauthorization of the Land and Water Conservation Fund in 2019 allocated a minimum of 3 percent annually for expanding recreational access on federal lands, and Congress has recently appropriated \$60+ million annually for these purposes. Moreover, the permanent reauthorization of the Federal Land Transaction Facilitation Act in 2018 allows the proceeds from land disposals to be used for strategic acquisitions.

Regrettably, few of these authorities are being utilized to strategically open public access and consolidate disjointed public lands. To the Council’s knowledge, there are no instances of the

¹ Responsive Management. Issues Related to Hunting Access in the United States (2010): <https://responsivemanagement.com/wp-content/uploads/2018/10/Issues-Related-to-Hunting-Access-in-the-United-States-January-2010.pdf>

² Theodore Roosevelt Conservation Partnership & onX. (2018). Landlocked: Unlocking Public Lands in the West. Retrieved from <https://www.trcp.org/wp-content/uploads/2019/02/TRCP-onX-Landlocked-Report-8-26-2018.pdf>

BLM opening access to its priority list created in response to Sec. 4105 of the Dingell Act (<https://www.blm.gov/about/laws-and-regulations/dingell-act/biennial-summary>).

It is imperative that more action be taken to address these challenges. Therefore, the Council respectfully recommends that the BLM establish land tenure teams in strategic locations dedicated to opening public access through targeted fee title and easement acquisition, implementation of FLTFA, and strategic land exchanges. These teams should be comprised of agency personnel trained in land transactions and prioritize unlocking Sec. 4105 priority areas. Furthermore, the Council urges the BLM to collaborate closely with local communities and sporting groups, landowners, state fish and game agencies, tribal governments, and other relevant state officials.

Finally, as the BLM works to increase public access through FLTFA land transactions and exchanges, the Council request that the agency keep already accessible parcels in public hands as much as practicable as consistent with Secretarial Order 3373, "Evaluating Public Access in Bureau of Land Management Public Land Disposals and Exchanges (2019)."

The Council is eager to assist in unlocking BLM lands, Thank you for your consideration of this matter. The Council looks forward to working with the DOI and BLM to assist in increasing access to these access-restricted public lands. Should you have questions or need more information, please contact Doug Hobbs, the Council's Designated Federal Officer, at doug_hobbs@fws.gov or (703) 358-2336.

Sincerely,

The Honorable Deb Haaland
Secretary
Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

Dear Secretary Haaland:

The Hunting and Wildlife Conservation Council (Council) writes regarding the Bureau of Land Management's proposal for utility-scale solar energy development across 11 western states, referred to as the Western Solar Plan. Specifically, the Council is concerned about potential conflicts that may arise with crucial big game winter range and seasonal migrations in the agency's preferred alternative. We respectfully request that modifications be made to the final plan to avoid these conflicts.

Federal public lands managed by the BLM serve as vital habitats for numerous fish and wildlife species, and landscapes that support activities such as hunting, fishing, recreational shooting, and various outdoor recreational pursuits for millions of Americans. These lands are managed for multiple-use and sustained yield, including wildlife habitat and energy development.

While the Council appreciates the necessity of periodically updating BLM land use plans, we feel it is important that this process seeks to minimize conflict with other resource values when seeking to facilitate solar deployment in suitable locations. We are concerned that as currently proposed, the Solar Draft Programmatic Environmental Impact Statement (PEIS) could inadvertently direct development toward crucial habitats for mule deer, pronghorn, elk, and bighorn sheep, including herds that have been researched and mapped by states in cooperation with DOI through implementation of Secretarial Order 3362. Revered big game populations such as the Kaibab mule deer herd in Arizona, the Muddy Mountains desert bighorn sheep herd in Nevada, and the Pioneer Reservoir mule deer herd in Idaho could suffer from the proposed plan.

In the draft PEIS, the preferred alternative (Alternative 3) would allocate 22 million acres for utility-scale solar development across the 11 western states. According to the BLM, 4 million of these available acres encompass big game winter range, and 1.8 million available acres are identified as big game migrations.

It is important to note that solar facilities are mandated to be high fenced (7 ft) by the National Electric Safety Code to prevent unauthorized access by humans. Perimeter fences around individual solar facilities can span 5,000 acres or more, posing a complete barrier to public access and big game movements. Unfortunately, limited research has been conducted on the immediate or cumulative impacts of solar development on ungulate movements. A study in Wyoming focused on the impact of a solar development on a pronghorn herd and the results showed significant consequences.¹

¹ Sawyer, H., Korfanta, N. M., Kauffman, M. J., Robb, B. S., Telander, A. C., & Mattson, T. (Year). Trade-offs between utility-scale solar development and ungulates on western rangelands. *Frontiers in Ecology and the Environment*, Volume(Issue), Pages. DOI: <https://doi.org/10.1002/fee.2498>

Once severed, the loss of big game habitats may be irreversible, and the design features outlined in the draft PEIS are unlikely to adequately mitigate impacts. Given the scarcity of knowledge, the Council urges the BLM to exercise caution in expanding solar development until the necessary investments in research are made to inform site selection decisions. Furthermore, we encourage the BLM to work with state and tribal fish and wildlife agencies in determining crucial habitats and migration corridors for development exclusion.

The draft PEIS concludes that 700,000 BLM acres are necessary to fully achieve the agency's solar deployment objectives. However, these objectives could be better achieved by fully utilizing existing infrastructure with solar energy generation (e.g., rooftops, parking lots) outside of BLM's jurisdiction, although suitable sites on BLM lands do exist. Even if acreage needs exceed expectations, the BLM could exclude the 5.8 million acres of winter range and migration corridors from availability and still accomplish its utility-scale solar development objectives.

To mitigate conflicts and uphold our western wildlife populations and outdoor traditions, the Council strongly urges the BLM to exclude from availability these habitats in the final Western Solar Plan. Thank you for your consideration of this matter. If you have any questions or need more information, please contact Council Designated Federal Officer Doug Hobbs at doug_hobbs@fws.gov, or on (703) 358-2336.

Sincerely,

CONSERVATION FUNDING SUBCOMMITTEE

HWCC Discussion Draft: 05/17/2024

The Honorable Deb Holland
Secretary
Department of the Interior
1849 C Street, N.W.
Washington, DC 20240

The Honorable Tom Vilsack
Secretary
U.S. Department of Agriculture
1400 Independence Avenue, S.W.
Washington, D.C. 20250

Dear Secretary Holland and Secretary Vilsack:

On behalf of the Hunting and Wildlife Conservation Council, I want to thank each of you for the work that your respective Departments and agencies are undertaking to benefit wildlife and their habitat and the American citizens that enjoy them.

As you know, this Council along with many conservation organizations, have strongly supported the historic conservation investments provided to your departments through the Infrastructure Investment and Jobs Act (IIJA), known also as the Bipartisan Infrastructure Law or “BIL” and the Inflation Reduction Act (IRA). Over the last 2 years, this Council has provided recommendations for priority uses of this funding as well as suggestions for increasing the efficiency and pace of putting the money to work for the intended purposes.

As we near the halfway point of the period authorized for the expenditure of this historic funding, we are encouraged by many of the investments, partnerships, programs, and collaboration that have been implemented to ensure that we maximize the impact and have lasting results. However, we remain concerned about some aspects of implementation and offer the following recommendations to improve delivery of remaining BIL and IRA related funding and programs.

Enhanced coordination and collaboration among Federal agencies

The broad and extensive funding opportunities provided through BIL and IRA span numerous federal agencies and programs. Consequently, there is the opportunity to achieve transformational change at the landscape level if there is deliberate coordination among agencies to coordinate projects across boundaries. The Council is concerned that agencies are funding a large number of projects without an overarching coordinated vision or plan. The lack of a coordinated approach has resulted in a complex network of funding opportunities that grantees need to knit together to address the full scope of a project. This adds to the administrative burden for both grantees and the agencies and reduces the potential for transformational outcomes. We recommend the use of existing landscape and watershed-scale plans to guide federal investments of BIL and IRA funds to maximize impact for fish and wildlife conservation.

Further, enhanced coordination amongst Federal agencies that receive funding for similar and related purposes is essential to maximize potential for landscape and watershed scale conservation. We encourage your respective agencies to better coordinate your funding and programs, government wide, for enhanced successful conservation outcomes. The Interagency Fish Passage Task Force, under the leadership of the U.S. Fish and Wildlife Service, is an excellent example of an effort to facilitate the development of shared priorities and outcomes in other areas.

Address Federal Agency Workforce Capacity

A recurring theme that Council members have heard when working with the Federal agencies is a lack of staff capacity and technical expertise needed to effectively deploy the resources granted by unprecedented amounts of BIL and IRA funding. The lack of staffing ranges from foresters and range managers that can implement projects on the ground to grants and agreements specialists that approve contracts with outside partners for delivery of projects and services.

Despite efforts to accelerate hiring for key agency positions and the utilization of approved hiring flexibilities, agencies still face challenges in ensuring they can promptly deploy the funding, maintain staffing and resource capacity, produce reliable information, and establish appropriate program controls. To address this challenge, the Council recommends expanding initiatives such as OPM's Talent Surge Executive Playbook, Schedule A authority, and the Intergovernmental Personnel Act Mobility Program to address staffing and technical expertise challenges. As staff are acquired, agencies should require regular training and continuing education for new and existing employees to ensure all staff are familiar with current policies and procedures. This will reduce the inconsistency in interpretation and application that is currently experienced by many partners. Additionally, we strongly encourage the use of federal contractors with a demonstrated ability and track record for managing large project portfolios, who can navigate the planning and federal review processes, and deliver federal funds to on-the-ground projects in an efficient and environmentally beneficial manner.

The Council further recommends the continued and expanded use of partnership agreements between federal agencies and conservation partners. Cooperative agreements, shared stewardship agreements, and MOUs (e.g., Mule Deer Foundation, Trout Unlimited, The Nature Conservancy, and the National Wildlife Turkey Federation), and other formal methods of collaboration with state, territorial, tribal, and local governments as well as the NGO, research, and university sectors have proven effective. These types of agreements often allow an agency to execute priority projects quickly and efficiently, foster innovation, and encourage critical collaboration among partners.

Address Capacity and Provide Process Improvements for Grantees

Lack of capacity and non-federal funding at state, territory, local agencies, and NGOs has been identified as a major barrier to delivering cost-effective projects. The principal challenges include (a) the ability for grantees to provide the match required for funding opportunities, (b) the lack of sufficient workforce, skilled personnel, and expertise necessary to write a competitive grant proposal, and (c) the overall capacity to manage compliance required by federally funded projects. We encourage a standardized and coordinated grant administration process across the federal government to make it easier for communities and organizations to apply for grants. This

process should be designed to reduce barriers to accessing federal resources for underserved communities.

To further utilize outside partners, grants and agreements should minimize the required non-federal match, which is an insurmountable barrier for many potential partners. Further, agencies should recognize that staffing is essential to project implementation and allow funding for staffing to be included – including for administrative staffing needed to ensure required compliance. Finally, when working at the scale made possible by these historic investments, most grantees require advanced funding to be able to maintain operations without interruption. Some internal agency policies are onerous for the grantees to abide by. For example, the U.S. Forest service currently only allows an advance of funds for 30 days for project expenses and will not allow an additional advance to the grantee until that funding has been completely expended. This greatly increases the reporting workload on both the grantee and the agency. We recommend that the advance period be increased to a minimum of 90 days and allow for a rolling advance so that additional funds can be requested when the balance gets below a certain threshold.

Environmental Review Process Improvements

Council members have heard anecdotal reports from project collaborators that federal environmental review and permitting processes present a consistent bottleneck to timely implementation of projects. These delays are a significant threat to success if they are not addressed. Improving the permitting process is a critical component of BIL and IRA implementation to deliver faster science informed decisions that maintain or enhance environmental outcomes. The Council sees significant opportunity for streamlining permitting for projects with significant environmental benefits, such as wetlands restoration, nature-based climate resiliency projects, outdoor recreation opportunities, and work that restores habitat or ecological function.

The Council recommends the expanded use of programmatic NEPA reviews for conservation and restoration initiatives, as well as the responsible use of Categorical Exclusions to enhance and restore priority habitats and certain nature-based solutions. Measures like these and others can save agencies time and resources and provide an opportunity for federal agencies to dramatically increase the efficiency and predictability of the NEPA review process, while still satisfying their obligation to assess the environmental effects of major federal actions under NEPA. In addition, permit processing time could be decreased through training of agency staff on permitting authorities to create more consistency and ease uncertainties with processing.

Sharing Success Stories

While much conservation success can be achieved through implementation of BIL and IRA funded projects, this historic investment is only a start on what is needed to address the conservation needs of this country. To ensure the current impact is understood, and to demonstrate the positive return on the investment of federal funds, it is critical that the agencies share success stories with the public. The same partners that are helping to implement the projects also have tremendous ability to help share those success stories to a broader audience. The Council recommends that your agencies continue and increase efforts to work closely with grantees and partner conservation organizations to amplify the success stories through their

communications their networks and communications platforms. These organizations can often communicate more effectively about the important conservation work occurring across the landscape to a broad segment of the American public, expanding its understanding of the collective benefits that BIL and IRA projects provide.

Thank you for your consideration of this matter. The Council looks forward to working with you to improve the implementation of these important federal investment activities. Should you have questions or need more information, please contact Doug Hobbs, the Council's Designated Federal Officer, at doug_hobbs@fws.gov or (703) 358-2336.

DRAFT

**HUNTING & RECREATIONAL SHOOTING
SUBCOMMITTEE**

The Honorable Deb Haaland
Secretary
Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

Dear Secretary Haaland:

The Hunting and Wildlife Conservation Council (HWCC) and its predecessors have consistently prioritized keeping federal lands open to public hunting and recreational/target shooting. This dedication extends to collaborating with land managers to ensure that these activities are conducted ethically, with a profound respect for both natural and cultural resources, as well as structural improvements. The Council recommends that the Bureau of Land Management (BLM) establish clear criteria for the closure of areas for recreational shooting in alignment with the intent of Sec. 4103 of the Dingell Act.

The Council acknowledges the efforts made by the BLM in Arizona and New Mexico to develop formal shooting ranges that represent a reversal of a previous policy that prohibited land improvement for recreational/target shooting even if such improvements improved safety and responsible recreational shooting. Many of the non-governmental organizations represented by this Council have worked for years with the BLM, as well as the U.S. Forest Service, to ensure that the federal lands they manage remain open to these pursuits in a responsible manner.

However, recent BLM draft management plans raise concern about the future of recreational/target shooting, a historically and popular use of these lands. We believe that the BLM's land management plans are being driven toward greater closing of national monuments to recreational shooting, resulting in hundreds of thousands, if not millions of acres, proposed for closure. Two recent examples are prominent. The first is the one-half million-acre Sonoran Desert National Monument (SDNM), in Arizona. As a result of an out of court settlement, the BLM agreed to amend a recreational shooting management plan (that included the involvement of our predecessor councils), and to adopt the preferred alternative of the plaintiffs, the closure of 99% of the monument to recreational/target shooting.

The second draft management plan of concern is for Bears Ears National Monument (BENM), in Utah. As a management alternative, this plan proposes closing the entire 1.3 million-acre monument to recreational/target shooting. The Council is concerned is that these two draft plans signal the intention of the BLM to use monument designation, and the Wilderness Act to close lands to all recreational shooting, even where specific recreational/target shooting or hunting activities are legally permissible – for example, hunting in designated Wilderness areas.

Moreover, there appears to be a trend within the agency to close large areas of public lands as a de facto “offset” for the establishment of shooting ranges. While we laud the BLM's effort to actively manage recreational/target shooting by building ranges, we do not support the closure of public lands, except for those lands surrounding a shooting range for safety purposes or where otherwise expressly prohibited.

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We refer to Section 4103 of the Dingell Act that requires closures to be the "smallest area for the least amount of time that is required for public safety, administration and compliance with applicable laws." We do not believe that this requirement is being applied in these draft management plans. Therefore, we request that the BLM engage in discussions with the Council to develop criteria to fulfill the Dingell Act's language to ensure that closures are consistent with the intent of Congress.

We welcome an opportunity to discuss our concerns with you and the Director of the BLM. Should you have questions or need more information, please contact Doug Hobbs, the Council's Designated Federal Officer, at doug_hobbs@fws.gov or (703) 358-2336.

Sincerely,

Collin O'Mara
Chair

John Devney
Vice Chair

Cc: Tracy Stone-Manning, Director of the BLM