



December 21, 2022

Director Martha Williams
U.S Fish and Wildlife Service
1849 C Street, NW
Washington, DC 20240

RE: Minnesota Department of Natural Resources Pittman-Robertson Funds

Dear Director Williams:

I am writing to you on behalf of Public Employees for Environmental Responsibility (PEER) regarding the U.S. Fish and Wildlife Service's (FWS) recent interactions with the Minnesota Department of Natural Resources (MN DNR) regarding forest management on Minnesota's Wildlife and Aquatic Management Areas (WMAs and AMAs). We are concerned that what has been represented as an "agreement" between MN DNR and FWS does not assure compliance with FWS's conditions for awarding MN DNR a habitat grant as authorized under the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. §669) or the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. §777).

The 2021 action by FWS to ensure that the MN DNR is completing planned habitat projects through timber harvest on Minnesota's WMAs and AMAs lands was commendable. Section 669 of Pittman-Robertson mandates that state wildlife-restoration projects must be for the "restoration, rehabilitation, and improvement of areas of land or water adaptable as feeding, resting, or breeding places for wildlife." Unfortunately, the MN DNR has demonstrated through its timber cordage mandates on the state's WMAs and AMAs that it has lost control of forested habitat work on these lands and that habitat is not the sole, or even principal, reason for timber harvest on WMAs and AMAs.

In 2021, FWS held up a two-year \$26.4 million block grant for habitat management on Minnesota's WMAs because the MN DNR had failed to meet key conditions regarding its forestry program that imposed cull quotas and left decision-making on conservation impacts in the hands of foresters and not wildlife biologists. Key conditions that FWS imposed included the requirement that prior to timber harvest activities on DNR properties, the agency must produce documentation to ensure that –

- The timber harvest activities primarily benefit wildlife are for wildlife restoration needs and are consistent with the purposes of the Pittman-Robertson Acts;
- Planned timber harvest activities exclude areas with high fish and wildlife value and irreplaceable forest types except as required for wildlife restoration purposes;

- Ancillary developments (such as access roads and landings) to timber harvest activities are designed, developed, and eventually restored using methods that preserve the natural processes critical to the fish and wildlife the property supports; and
- The agency has control of all phases of planned timber harvest activities rather than contract loggers.

Earlier this month, MN DNR announced that it had agreed to “action items” in a December 5, 2022, meeting with FWS Regional Director Charlie Wooley (see Attachment) and suggested that this agreement resolved the matter of the withheld grant. Yet, these action items do not meet the conditions laid out by FWS and, for the most part, contain no identifiable actions but are merely reaffirmations of MN DNR’s good intentions. More importantly, these agreements do not meet the standards for compliance with Pittman-Robertson.

Based on reports we have received from MN DNR personnel, actual conditions on the ground have not changed, and DNR-mandated “timber cord quotas” still prevail, demanding fixed timber production regardless of consequences to wildlife and habitat. In other words, these forestry operations are being done not for the benefit of wildlife and habitat but primarily for purposes of timber production.

PEER urges that the FWS take more direct action to enforce the Pittman-Robertson requirements and dispel any notion that compliance has been achieved by MN DNR’s vacuous “action items.”

If full compliance is not achieved, FWS should withhold any unallotted Federal Aid funds. In short, MN DNR should not be permitted to set timber harvest targets on lands set aside for fish and wildlife that are not demonstrably linked to established, well-defined fish and wildlife habitat goals.

By failing to tie such goals directly to each forest stand on WMAs and AMAs, it is evident that fisheries and wildlife managers in Minnesota are deprived of essential control of managing forested habitats on lands designated for fish and wildlife management resulting in unacceptable long-term negative impacts.

The FWS has a vital responsibility as a trustee for these wildlife lands that receive management through federal aid grants to ensure the MN DNR is only cutting timber to meet fish and wildlife habitat goals. If FWS awards the state grant money through the Pittman-Robertson or Dingell-Johnson Acts without securing such compliance, your agency would be vulnerable to legal challenges to end these precedent-setting violations



of the laws involved. PEER would prefer to commend you for continuing to do the right thing rather than legally contest you for shirking your statutory responsibilities.

If you have any questions or would like any additional information, please do not hesitate to contact me. In addition, if you and your staff would benefit from speaking with current or former MN DNR staff who can verify these developments, we stand ready to assist in facilitating those interviews.

Sincerely,

Tim Whitehouse
Executive Director

Attachment

Cc:

Charlie Wooley, FWS Regional Director

Jim Hodgson, FWS Regional Grants Manager

Paul Rauch, FWS Assistant Director, Wildlife and Sport Fish Restoration

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Sarah Strommen, Minnesota DNR

Bob Meier, Minnesota DNR

David Olfelt, Minnesota DNR Director of Division of Fish and Wildlife