



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington D.C. 20240



In Response Reply to:
FWS/WSFR/074841

Ms. Collette L. Adkins Carnivore
Conservation Director Center for
Biological Diversity
P.O. Box 595
Circle Pines, MN 55014-0595

Ms. Adkins:

Thank you for your letter of May 3, 2021, regarding your concerns with Idaho Senate Bill (SB) 1211. The U.S. Fish and Wildlife Service's (Service) Wildlife and Sport Fish Restoration policy experts in conjunction with the U.S. Department of the Interior's Solicitor's Office have reviewed your concerns and have determined that the enactment of SB 1211, signed by the Governor on May 6, 2021, does not provide a basis for the Secretary, as delegated to the Director of the Service, to find the State of Idaho ineligible for participation in the Wildlife Restoration Program.

The prerequisites for a State's participation in the Wildlife Restoration Program as set out in the Federal Aid in Wildlife Restoration Act, at 16 U.S.C. 669 et seq. (the Wildlife Restoration Act), require that the State shall have passed laws, "...governing the conservation of wildlife which shall include a prohibition against the diversion of license fees paid by hunters for any other purpose than the administration of said fish and game department." Our evaluation of a State's laws governing wildlife, as referred to in the regulations implementing the Wildlife Restoration Act at 50 C.F.R. 80.11(b), do not extend beyond the narrow questions of loss of control and the diversion of State license revenue. We do not find that either of these requirements are violated by the language of SB 1211. Under the Wildlife Restoration Act, there is no role for the Secretary of the Interior to evaluate the conservation value of State wildlife management programs funded solely with State license revenue. When the Service takes action to fund projects and programs through the awarding of grants, the appropriate environmental review takes place under the National Environmental Policy Act (NEPA.)

Thank you for sharing your concerns with the Service.

Sincerely,

Martha Williams
Principal Deputy Director
Exercising the Delegated Authority of the Director
U.S. Fish and Wildlife Service