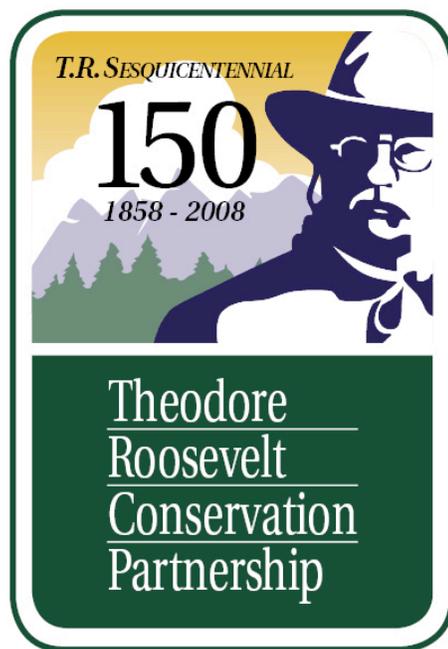




2009

# Theodore Roosevelt Conservation Partnership Policy Recommendations





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## Introduction

Inspired by the legacy of Theodore Roosevelt, the TRCP is a coalition of organizations and grassroots partners working together to preserve the traditions of hunting and fishing. By building consensus among our individual and organizational partners, we work to advance policy solutions on natural resource management issues of common concern. Please visit our website at [www.trcp.org](http://www.trcp.org) to learn more about the TRCP's mission, partners, and staff.

The following document contains short- and long-term suggestions for each of our seven major policy initiatives. We look forward to working with the Obama administration to expeditiously address immediate problems of great concern to the nation's sportsmen-conservationists.

The TRCP also looks forward to moving beyond immediate concerns to explore new ideas that can benefit fish, wildlife and their habitat and ensure a brighter future for the American outdoor way of life.



## DEPARTMENT OF AGRICULTURE

### Agriculture Conservation Policy

#### *Farm Service Agency Programs*

#### **Conservation Reserve Program**

The Conservation Reserve Program (CRP) stands as our nation's largest and most successful conservation program on private lands. Through CRP, farmers and ranchers are making a real difference in the protection and enhancement of the environment. This vital program is extremely important to sportsmen as millions of acres of wetland, grassland, and forest habitats benefiting many fish and wildlife species have been conserved. Enrollment in CRP has continued to decline in recent years, however, as millions of acres have come out of the program due to contract expirations, limited opportunities to enroll new lands, and heavy competition from other land uses.

#### **Short-term Action**

- The TRCP encourages the new administration to make a strong and competitive CRP a priority. Steps should be taken to ensure continued enrollment opportunities, including regularly-scheduled (at least once per year) general sign-up periods, continuous sign-up opportunities, and additional sign-ups for the Conservation Reserve Enhancement Program (CREP).

#### **Long-term Action**

- The payment structure for CRP should be modernized to compete with the many land use challenges that face landowners. We support establishment of an annual CRP rental-rate review and adjustment process to ensure these rates are competitive and accurately reflect local rates.

#### **“Open Fields” Funding and Implementation**

The Voluntary Access and Habitat Incentive Program, or “Open Fields,” was authorized by Congress for the first time ever in the 2008 Farm Bill. This new program provides for \$50 million in federal money over the next four years to the states to enhance or create voluntary hunter-access programs on private lands. Landowners can voluntarily enroll their land in one of these state-access programs and receive a small financial incentive in exchange for opening it to the public for hunting, fishing and other outdoor recreation.

#### **Short-term Action**

- We urge full support from the new administration to implement Open Fields.

**Long-term Action**

- We recommend full funding of the program over the next four years in the new administration's budget requests as well as appropriate apportionment of those funds from the Commodity Credit Corporation.

**Hunting Access Incentive on CRP**

In October 2008, the USDA announced a new incentive payment for CRP to encourage landowners to provide public access to these lands with the goal of doubling public access over the next five years. This \$3-per-acre payment would be eligible on lands enrolled in CRP and in an existing state access program. The sportsmen's conservation community strongly supports this added incentive and urges the new administration to establish the information-sharing process with the states and begin the disbursement of this new incentive as quickly as possible.

**Short-term Action**

- We encourage the new administration to support this new access-payment option within the CRP.

**Long-term Action**

- We recommend that the new administration explore ways to expand these access incentives to other private lands in agricultural production.

**Farmed Wetlands Enhancements**

The Farmable Wetlands Program allows landowners and operators to enroll small wetlands and adjacent buffers in the continuous signup of the CRP. This program provides financial incentives to landowners and agricultural producers for up to 15 years, while helping to improve water quality, protect and enhance wetland functions and values, and enhance wildlife habitat. We are concerned, however, that demands for alternative land uses will force agricultural producers to once again begin farming these important wetlands and that many of the values they have provided will be lost.

**Short-term Action**

- We urge the new administration to expand the use of this program to protect important wetlands and adjacent buffers throughout the U.S., particularly in the Prairie Pothole Region, Lower Mississippi Alluvial Valley, and the Playa Lakes Region of the Southwest.

**Long-term Action**

- We recommend that the new administration provide willing landowners with the option to protect and enhance these important wetlands and adjacent buffers into a program with permanent (perpetual) or at least long-term (30-year contracts or easements) protections.



## *Natural Resources Conservation Service Programs*

### **Native Prairie Protections**

One of the great ecological disasters of modern times is unfolding as an ethanol-fuelled gold rush engulfs the Great Plains and risks destroying what is left of North America's most endangered ecosystem, our native prairies. Once covering about 1 billion acres, the last few millions of acres of native prairie are being ploughed up to produce corn, soybeans, wheat, and a variety of other agricultural crops. As a result, native grassland birds and other wildlife that depend on these prairie habitats are declining faster than any other groups of wildlife in North America. Sportsmen and conservationist are concerned that little is being done by the federal government to protect these remaining native prairies and the wildlife they support.

#### **Short-term Action**

- We recommend that the new administration establish financial incentives and enhancement payments within the Environmental Quality Incentives Program (EQIP), the Conservation Stewardship Program (CSP), and the Wildlife Habitat Incentive Program (WHIP) to encourage farmers, ranchers and other agricultural producers to preserve and enhance native prairies.

#### **Long-term Action**

- We urge the new administration to work with Congress to modify and expand the Grassland Reserve Program with a primary focus of encouraging private landowners to preserve and enhance native prairies.



## *U.S. Forest Service Programs*

### **Aspen Management**

Aspen forests are considered to be second only to riparian and wetland areas in their contribution to biological diversity. The habitats provided by aspen are important to many species of game and non-game forest wildlife. Aspen forests help to sustain sport hunting traditions as they provide critical habitats for game wildlife in the Eastern and Western United States. Sportsmen and conservationists are concerned that aspen stands in our national forests are unhealthy as a result of a lack of active management.

#### **Short-term Action**

- We recommend that the new administration direct the Forest Service to develop aspen management plans for each national forest that would provide active management for all aspen forests.
- We urge the new administration to establish a task force of public and private partners that would identify and prioritize aspen forests located on lands administered by the U.S. Forest Service that require immediate treatment based on their value as important habitats for wildlife and sport hunting.

#### **Long-term Action**

- The TRCP recommends that the new administration request adequate funding in the annual budget recommendation to Congress that would for the implementation of the aspen management plans completed by each national forest.

### **National Forest Roadless Area Management**

Our nation's public lands encompass almost 193 million acres of national forests, including approximately 58.5 million acres of "inventoried roadless areas." Defined as areas within national forests and grasslands that encompass more than 5,000 contiguous acres without roads (see [trcp.org/issues/roadless.html](http://trcp.org/issues/roadless.html)), roadless areas provide important range for elk, bighorn sheep, and mule deer, plus clean water for wild trout, salmon, and other desirable fish species.

Currently, our national forests contain more than 386,000 miles of classified roads. Continuing to build more roads could impair vital habitat for fish and wildlife. Roads can result in reduced hiding cover for big game, often resulting in shorter hunting seasons and decreased hunter opportunity. Too many roads also can diminish the quality of fish spawning habitat, curtailing opportunities for anglers.

Since 2001, sportsmen have benefited from the 2001 Roadless Area Conservation Rule, a federal public lands management policy that provides balanced guidelines for roadless area management with an eye toward conserving the valuable qualities of these areas. This 2001 rule was adopted following more than 600 public meetings and 1.7 million citizen comments nationally, with more than 95 percent of comments advocating roadless area conservation. Yet despite strong support



from wide-ranging interests, including sportsmen, the national roadless rule has been a victim of challenges from corporate special interests.

Overall, the 2001 roadless rule has been a balanced and successful conservation policy, with only seven miles of roads built since its implementation eight years ago. The next administration can ensure that the public will continue to enjoy the backcountry characteristics of these irreplaceable roadless forests for generations to come.

**Short-term Action**

- Publicly affirm the administration's support of the 2001 roadless rule.
- Issue a directive that restricts commercial road building, logging and other industrial projects within national forest roadless areas until the future of the 2001 roadless rule is determined by the federal courts.
- Uphold and defend the 2001 roadless rule in court. Specifically, drop the U.S. Justice Department appeal of the 9<sup>th</sup> District Court decision to reinstate the 2001 rule and initiate an effort to reverse the 10<sup>th</sup> District Court decision to enjoin the 2001 roadless rule.
- Restore roadless protections for the Tongass National Forest in Alaska.

**Long-term Action**

- Support and actively promote congressional legislation that codifies national roadless area conservation. Such legislation should specify prohibitions on road building, timber cutting and other industrial development within roadless area boundaries.



## DEPARTMENT OF COMMERCE

### Marine Recreational Fisheries Conservation

Recreational fishing is deeply engrained in America's traditions and cultural heritage. It is a pastime passed down through generations. Not only is it one of the most popular outdoor recreational activities in the country, but it is also a powerful and major contributor to local economies and conservation efforts nationwide. Recreational saltwater fishing drives an enormous economic engine. The annual contributions provided by the more than 14 million saltwater anglers to the national, regional and local economies cannot be denied:

- More than \$16 billion in total angler expenditures
- Generation of more than \$34 billion in total economic activity
- Support of nearly 360,000 full- or part-time jobs
- Provides more than \$13.5 billion in income
- Contribution of more than \$3.4 billion and \$5.4 billion in federal and state tax revenues, respectively
- If fishing were ranked as a corporation, it would be listed #47 on the 2007 Fortune 500 List of America's largest companies based on total sales

The Partnership was very pleased to see the acknowledgement in your interview with *Sport Fishing* magazine of the need for a smarter approach to marine fishery management that accurately and appropriately factors in impacts of recreational fishing. As you said, recreational fishermen indeed have not shirked from embracing necessary measures to achieve long-term stock sustainability. We stand ready to work with you and your team at the Department of Commerce to find those measures that match the various problems confronting our marine fisheries system.

#### Short-term Action

- Support the National Oceanic and Atmospheric Administration (NOAA) Marine Recreational Information Program (MRIP). The purpose of the registry is to gain better data on who is fishing and what is being caught so that policy makers can increase their understanding of saltwater fishing's relationship to fisheries conservation.

#### Long-term Action

- Support recreational angling access to America's waters. It is a long-standing policy of the federal government to allow public access to public lands and waters for recreational purposes consistent with sound conservation. This policy is reflected in the principles of our wildlife refuges, national forests, national parks and wilderness areas, and should be promoted throughout the country. Traditional fisheries management practices align with these principles in that recreational anglers are subject to season limits, bag limits, and size limits, among others, to ensure conservation of fish populations.
- Support funding for fish and wildlife adaptation in climate change public policy. America's anglers are likely to be among the first to experience the impacts of climate



- change. Their fishing opportunities in those places where they have enjoyed past successes and great memories are likely to be altered. How we address the challenges of global climate change now will dictate the angling opportunities for future generations. In adapting to climate change, securing funding for wildlife management will be critical. The proper tools and resources will enable wildlife management agencies to take steps to monitor fish and wildlife resources and mitigate the effects of climate change.
- Create an open process for the designation of no-take areas, a clear management objective for the closure, and use sound scientific research during the process. Marine Protected Areas (MPAs) –both "no take" and other types – can serve a positive function as a management tool in protecting spawning areas, helping restore populations with little connectivity to stocks in nearby unprotected areas, and in protecting critical habitat, which can be damaged by certain fishing methods. The majority of fish stocks in need of protection, however, are too mobile to receive more benefit from permanent no-take areas than from traditional management techniques. Executive Order 13474 was issued in September 26, 2008 to ensure this approach was used for the implementation of any no fishing zones under any federal authority. We believe this EO is consistent with the position you laid out in your *Sport Fishing* interview.
  - Instead of looking to MPAs to serve as an umbrella of protection for our marine resources, the TRCP suggests that policies should be put in place that focus on developing appropriate catch levels, both for commercial and recreational fisherman, to maintain sustainable stock levels. Further development of individual fishing quotas (IFQs) and the development of a buyout program of economically marginalized commercial fishing fleets should take precedence over the creation of an institutionalized MPA system. IFQs combined with a reduction in the overall impact from commercial fishing will have a greater long-term impact on fish stock populations than blanket closures of selected portions of the marine environment to fishing of any type.
  - When looking at proposals to allow for offshore oil and gas drilling, consider the following concerns: Impacts to the spawning of certain fish species most important to America's saltwater anglers; Habitat degradation as a result of spills and drilling tailings; and Seismic airgun survey impacts on marine life.





## ENVIRONMENTAL PROTECTION AGENCY

### Wetlands and Clean Water Protections

The United States loses roughly 80,000 acres of natural wetlands each and every year. To make matters worse, recent Supreme Court decisions (*SWANCC*, 2001; *Rapanos*, 2006) have weakened the federal protections for our nation's wetlands and waters provided by the Clean Water Act. These decisions removed protections for isolated wetlands and intermittent and ephemeral streams respectively. In fact, the EPA estimates that approximately 20 million acres of wetlands and streams are no longer protected as a result. Moreover, joint guidance issued by the EPA and Corps of Engineers in 2007 did little to clear up any of the confusion over what waters are protected and what are not.

These wetlands and streams have a tremendous impact on the lives of all Americans and provide numerous societal benefits. In addition to providing essential habitat to numerous plant, fish and wildlife species that benefit sportsmen, wetlands also serve critical flood control functions, recharge groundwater, filter pollutants from drinking water sources and help control erosion.

#### **Short-term Action**

- The TRCP urges the new administration to direct the EPA and Corps of Engineers to revisit the guidance issued in 2007 for reviewing permit applications and assessing what waters are jurisdictional under Clean Water Act protections. We support regulations that most strictly adhere to the original intent of the Clean Water Act and ones that provide the greatest amount of protections for our nation's wetlands, rivers, lakes, and streams.

#### **Long-term Action**

- The TRCP also supports legislative action to directly remedy the confusion created by the courts. We have supported similar legislation in past Congresses that seek to clearly define "waters of the United States" and restore those federal protections that have been lost. We urge the new administration to work with Congress to pass such legislation that will accomplish this and sign it into law in 2009.



## DEPARTMENT OF THE INTERIOR

### Energy Development on Public Lands

Energy development on public lands has become one of the most controversial subjects facing federal land managers today. The BLM's mismanagement of lands and resources in Wyoming and Colorado has heightened public awareness of the necessity of balancing production of domestic energy reserves with the needs of fish and wildlife and fulfilling the promise that our public lands will continue to support traditional sporting activities. Striking a balance between energy and wildlife resources is one of the greatest challenges facing the next administration. The first step toward resolution of these conflicts is revision of the current BLM paradigm that allows development to proceed without regard to impacts and is based on a promise that those impacts will be studied and mitigated at a later date.

#### Short-term Action

The following administrative actions could immediately begin to heal a broken process and redirect us toward multiple use of the public's lands:

- Temporarily suspend federal mineral leasing in important and crucial wildlife habitats (e.g., big-game crucial winter ranges and migration corridors, wetlands/floodplains, and core areas for prairie grouse). These areas should be identified and set aside in coordination with state wildlife management agencies.
- Temporarily suspend the practice of granting relief from wildlife protection measures for energy development activities (i.e., waivers, modifications and exceptions) and update BLM policy concerning how and when such relief may be afforded (e.g., Farmington, N.M. field office). The BLM also must ensure and document coordination with state wildlife management agencies when evaluating requests for relief.
- Establish a BLM resource advisory council for Wyoming (one of the few states that does not have a such a council).
- Consistent with other programmatic evaluations recently completed for wind energy, oil shale, and tar sands, assess oil and gas development potential on public lands throughout the West, and prioritize energy production potential to avoid conflicts with fish and wildlife resource values. Develop a matrix and interim policy that allows for development to continue in certain areas but protects sensitive areas.
- Assess all new (2007-2008) resource management plans and forest plans for recently adopted changes that will significantly hinder multiple-use management and/or would result in unacceptable impacts to fish/wildlife.
- Establish a process for immediate review and implementation of federal land use plans and major energy projects to ensure compliance with the spirit and intent of Executive Order 13443 (Facilitation of Hunting Heritage and Wildlife Conservation).
- Immediately initiate rule-making proceedings for sage grouse (and other prairie grouse) as requested by the TRCP, North American Grouse Partnership and The Wildlife Society in their petition for rule-making dated June 27, 2008, and still pending before the Department of the Interior. This rule is critical to the long-term survival of the sage



- grouse and to minimizing the risk of litigation concerning its status as threatened or endangered.
- Establish an interagency agreement between the BLM and state fish and wildlife agencies establishing, clarifying, and strengthening the level of coordination and collaboration among agencies during review of energy development plans and projects.
  - Prohibit the practice of using or transferring funding intended for fish and wildlife management (or other renewable resource management) to energy programs and/or activities.
  - Make permanent the fee (currently \$4,000) for applications for permit to drill and dedicate a portion of these monies to wildlife management and mitigation.

### **Long-term Action**

- The next administration must re-examine policies regarding energy development on public lands, including the interpretations the 2005 Energy Policy Act and related laws as a mandate to promote energy development at the expense of other public resources. The balance articulated in the Federal Land Policy and Management Act can be restored to public lands. Restoration of the “multiple-use, sustained yield” mandate must come from the top down. It must begin in Washington and be conveyed to all state directors within the BLM, who then must be tasked with ensuring their local field offices carry out the mission as Congress originally envisioned.
- The TRCP supports legislative action to recommit the public lands agencies to manage their lands for multiple use, ensuring the sustainability of abundant and diverse fish and wildlife populations and recreational opportunities. The TRCP also supports legislation that would make industry accountable for the costs of oil and gas development on our public lands. As such, the TRCP advocates for a public lands provision in energy legislation that will make industry pay its fair share of the cost for permitting and habitat restoration on public lands that are drilled for oil and gas. In addition, the TRCP supports creation of a dedicated funding source for state and federal fish and wildlife agencies to ensure the long-term health of fish, wildlife, and water resources on our public lands.

The TRCP supports responsible energy development but believes a better way exists to manage energy resources on public lands. Conflicts with wildlife and our fishing and hunting heritage can be minimized. But this new approach must start in Washington, and it must start now.



## DEPARTMENT OF THE INTERIOR

### Hard-rock Mining Reform

The 1872 Mining Law, which governs hard-rock mining (gold, copper, silver, etc.) on America's public lands, was signed into law more than a century ago. While the economies, cultures, and politics of the West have changed since 1872, the mining law has not. More than 270 million acres of federal land are open to hard-rock mining under the law, mostly in the Rocky Mountain West. Because the law has never been meaningfully reformed, many of America's most treasured public lands are at risk, including important wildlife habitat and hunting areas, valuable fisheries, popular recreation sites, vital municipal water supplies and sensitive roadless areas.

Since 1872, certain modifications have been made to the law. But these basic doctrines remain public law:

- Public lands are available for private mineral claims;
- Miners on public lands are entitled to exclude the public from their claims;
- Mining takes precedence over all other uses on public lands including hunting and fishing;
- The public receives no payment for this private use of the lands or the value of the minerals removed; and
- Miners can eventually own both the minerals and the land for a nominal fee.

#### Short-term Action

- Publicly affirm support for hard-rock mining reform and work with congressional leaders to make it a priority for the 111<sup>th</sup> Congress.

#### Long-term Action

- Support congressional efforts to reform the 1872 Mining Law, with provisions that would end mining's priority status on public lands, thus balancing mining with other public land uses such as hunting, fishing, timber harvest, and water quality; recover a reasonable royalty on minerals taken from public lands similar to royalties that oil, gas, coal, and timber interests already pay; establish an abandoned mine clean-up fund, with a portion of those funds dedicated to fish and wildlife habitat restoration to address impacts of past mining; and finally prohibit patenting or sale of public lands, keeping public lands in public hands for all Americans to use and enjoy.



## DEPARTMENT OF TRANSPORTATION

### Transportation Legislation

Not usually thought of as a vehicle for conservation, the legislation commonly called the “Highway Bill” can have immediate and lasting benefits for America’s fish and wildlife populations. When forging the 2005 Highway Bill, our leaders had the foresight to include an unprecedented \$2 billion in projects that benefited American sportsmen by benefiting our fish and wildlife. Critter-friendly culverts, invasive species control, refuge roads, trails, and highway construction mitigation all received much-needed funding boosts. An even greater opportunity exists this year, as a new stands poised to advance.

#### **Short-term Action:**

- Publicly affirm the need to include significant funding for fish and wildlife conservation in the next Highway Bill, while making it clear to Congress that expanded fish passage and wildlife collision reduction measures are to be considered matters of urgent national priority.
- Challenge Congress to identify regional roadside conservation efforts that merit an increased national investment, empowering struggling local economies and infrastructure alike.

#### **Long-term Action:**

- Spur and support congressional efforts to pass a new Highway Bill.



## INTERNAL REVENUE SERVICE

### Tax Incentives for Conservation Easements

Conservation easements allow landowners to receive fair compensation for development rights without having to sell their farm and ranches. Easements also are valued by the sportsmen's community because many encourage access for hunters and anglers. In the 2008 Farm Bill, Congress extended provisions in the tax code that widened the availability of conservation easements, making them attractive to a far broader swath of the public. But these incentives last only through the end of 2009. If they are not made permanent soon, a powerful tool for protecting the landscapes on which we hunt and fish may be lost forever.

#### **Short-term Action:**

Endorse making the enhanced tax incentive for conservation easement donations permanent via recommendations in the coming year's budget proposal.

#### **Long-term Action:**

Support legislation making the enhanced tax incentive permanent before it expires at the end of 2009.



## INTERAGENCY

### Climate Change

America's anglers and hunters enjoy a profusion of outdoor pursuits, including tarpon fishing in the Florida Keys, stalking elk in the Rocky Mountains, hunting waterfowl in the hardwood bottoms of Louisiana, fishing for eastern brook trout in the Appalachians, and chasing pheasants in the Great Plains. The country's diverse habitats and conservation actions by hunters, anglers and conservationists of the last century have delivered abundant and widely distributed populations of fish and game. Global climate change threatens to disrupt generations of plant and animal adaptations and the health and well-being of animals and their habitats. Gradually increasing worldwide temperatures will result in changes in amounts and patterns of precipitation, frequency and intensity of weather events; distribution and duration of drought; levels of snowpack and when they melt; runoff and flooding patterns; and the timing of animal and plant life-cycles. These factors alone and combined can affect plant growth, structure and distribution, as well as species' abilities to reproduce and survive.

As shown in a new report, *Seasons' End* ([www.seasonsend.org](http://www.seasonsend.org)), the geographic ranges of fish, wildlife, and their habitats shift. Species like moose, elk, mule deer, and pronghorn will have to adapt to changes in forage and alter their migration patterns. Changing water quality and quantity will affect aquatic ecosystems and fisheries. Wetland losses in the Prairie Pothole Region will severely reduce waterfowl productivity in North America's duck-breeding "factory." Invasive species, parasites, and disease-causing organisms may flourish in warmer temperatures, profoundly affecting the habitat and survival of upland game birds. Combined with increasing human populations and the impact our demands have on the environment, these natural-world changes threaten to take an unprecedented toll on our landscapes.

Sportsmen likely will be the first to experience the repercussions of climate change as declining populations of game species result in shortened seasons and fewer hunting permits. If fishing or hunting exists in the lifetime of our children and theirs, it may take on an entirely new face. How we address the challenges of global climate change now will dictate whether future generations will continue to enjoy our time-honored sporting traditions.

Sportsmen and conservationist believe that wildlife management agencies must monitor species now to detect and adapt to changes in abundance and distribution as a result of climate change. They also believe that these government agencies must work to mitigate the effects of such change by protecting critical habitat and adapting management programs that conserve fish and wildlife populations. Consequently, congressionally mandated State Wildlife Action Plans, implementation of which currently are funded by State Wildlife Grants, are being revised to serve as the fundamental set of strategies to help fish and wildlife adapt to and survive climate change.

**Short-term Action**

- The TRCP recommends that the new administration increase the annual appropriation to the U.S. Fish and Wildlife Service for the State Wildlife Grants Program to fund the full implementation of congressionally mandated State Wildlife Action Plans.

**Long-term Action**

- The TRCP recommends that the new administration work with Congress to introduce and sign into law climate-change legislation that generates substantial new funding for a National Adaptation Program;
- A new National Adaptation Fund should include substantial funding for state and tribal fish and wildlife agencies and federal environmental and land-management agencies to help fish and wildlife adapt to climate change by carrying out activities in accordance with the state natural resources adaptation plans.
- New funding for state and tribal fish and wildlife agencies should be allocated through the existing Wildlife Conservation and Restoration Account of the Pittman-Robertson Wildlife Restoration Act.