



May 25, 2023

Via email: Conte_Vermont_HuntComments@fws.gov

Silvio O. Conte National Fish and Wildlife Refuge
5396 VT Route 105
Brunswick, VT 05905

Re: Safari Club International Comments on the Silvio O. Conte National Fish and Wildlife Refuge Hunting and Fishing Plan and Supplemental Environmental Assessment

Dear Sir or Madam,

Safari Club International (SCI) appreciates the opportunity to provide comments on the April 2023 Recreational Hunting and Fishing Plan for the Silvio O. Conte National Fish and Wildlife Refuge (Conte NFWR) for New Hampshire and Vermont (Hunt/Fish Plan) and Supplemental Environmental Assessment (EA). SCI and its members support the expansion of hunting opportunities across the National Wildlife Refuge System (Refuge System) for recreational, management and conservation purposes. SCI recommends that the U.S. Fish and Wildlife Service (Service) follow an appropriate process of public notice and comment in adopting any proposed revisions to the Hunt/Fish Plan. Further, SCI recommends that the Service align the refuge regulations as closely as possible to state law. For that reason, SCI recommends that the Service adopt Alternative B in the Supplemental EA and amend the Hunt/Fish plan accordingly.

Safari Club International

Safari Club International, a nonprofit IRC § 501(c)(4) corporation, has approximately 50,000 members and advocates worldwide, many of whom hunt on lands throughout the Refuge System, including the Conte NFWR. SCI's missions include the conservation of wildlife, protection of the hunter, and education of the public concerning hunting and its use as a conservation tool. SCI has long been an active supporter of hunting opportunities on National Wildlife Refuges. For example, SCI participated as a Defendant-Intervenor in the almost decade-long litigation concerning the Service's compliance with National Environmental Policy Act (NEPA) requirements regarding the opening of hunting opportunities on Refuge System lands. Aided by SCI's input, a federal district court upheld the legality of the Service's NEPA compliance concerning the Service's Environmental Assessments analyzing the impacts of hunting on over 70 refuges throughout the Refuge System, including the Conte NFWR. In the last few years, SCI has submitted multiple comments in support of the opening of hunting opportunities on the Conte NFWR.

2023 Hunt/Fish Plan and Supplemental EA

As an initial matter, SCI urges the Service to apply a better process to implement the changes contained in the Hunt/Fish Plan. The 2023 Hunt/Fish Plan, Supplemental EA, and this comment opportunity are a response to litigation filed against the Service challenging the process used to adopt the previous plan. Despite the implicit recognition that its process was insufficient, the Service is now seeking abbreviated public comment on a Hunt/Fish Plan and Supplemental EA that remain flawed. Rather than starting over with a new plan and EA, the Service views the illegally adopted limitations as the status quo preferred alternative, and suggests that reversion to previous hunting regulations would be a change and expansion of hunting opportunity on the Conte NFWR. In effect, the documents now being considered for public comment are not in line with the Service's normal process. SCI urges the Service to reconsider its process and possibly start over with this planning.

The three issues addressed in the Hunt/Fish Plan and Supplemental EA are:

1. Whether hunters using more than two dogs for hunting must obtain a special use permit to do so.
2. Whether in the Putney Mountain Unit, dogs may be used for hunting species other than ruffed grouse.
3. Whether the annual dog training season should run from June through September or be truncated to begin in August, and whether hunters must obtain a special use permit to train their dogs.

For all three, SCI urges the Service to align hunting and dog training on the Conte NFWR with relevant state regulations, which would comply with federal law and fulfill the intent of multiple Executive and Secretarial Orders.

The nation's wildlife refuges have long provided important hunting opportunities to the public. The importance of hunting and the need to provide enhanced hunter access is enshrined in federal law. First, in 1996, the President publicly affirmed the Service's obligation to provide hunting opportunities on Refuge System lands in Executive Order (EO) 12996, "Management and General Public Use of the National Wildlife Refuge System":

Section 2. *Guiding Principles.* To help ensure a bright future for its treasured national heritage, I hereby affirm the following four guiding principles for the management and general public use of the Refuge System:

- (a) *Public Use.* The Refuge System provides important opportunities for compatible wildlife-dependent recreational activities involving hunting, fishing, wildlife observation and photography, and environmental education and interpretation.

EO No. 12996, 61 Fed. Reg. 13647 (Mar. 28, 1996). EO 12996 prioritized hunting as a public use of refuges and provided several "*Directives to the Secretary of the Interior*" to facilitate this priority, including to:

(a) recognize compatible wildlife-dependent recreational activities including hunting . . . as a priority general public use of the Refuge System through which the American public can develop an appreciation for fish and wildlife . . .

(b) provide expanded opportunities for these priority public uses within the Refuge System when they are compatible and consistent with sound principles of fish and wildlife management, and are otherwise in the public interest.

. . .

(d) provide increased opportunities for families to experience wildlife-dependent recreation, particularly opportunities for parents and their children to safely engage in traditional outdoor activities, such as fishing and hunting . . .

Id. Building on EO 12996, Congress afforded statutory priority to hunting on refuges via the National Wildlife Refuge System Improvement Act of 1997 (Improvement Act). Like the EO, the Improvement Act declared that “compatible wildlife-dependent recreational uses are the priority general public uses” of the Refuge System “and shall receive priority consideration in refuge planning and management,” and listed hunting first in defining a “wildlife-dependent recreational use.” 16 U.S.C. §§ 668dd(a)(3)(c), 668ee(2). The Improvement Act similarly directed the Secretary, through the Service, to “provide increased opportunities for families to experience compatible wildlife-dependent recreation, particularly opportunities for parents and their children to safely engage in traditional outdoor activities, such as fishing and hunting.” 16 U.S.C. § 668dd(a)(4)(K).

The legislative history leading to the Improvement Act’s passage discussed the many positive benefits that hunters and hunting provide on Refuge System lands. For example, Congress recognized that “hunters and anglers are the unquestioned leaders when it comes to wildlife and fisheries restoration and conservation. America’s hunters and anglers have contributed well over \$6 billion to wildlife and fisheries restoration over the past 60 years . . . And with this legislation, hunters and anglers are again leading the conservation movement.” 143 Cong. Rec. H7646-02 (Sept. 23, 1997) (statement of Rep. Tanner). The amount contributed by hunters and anglers, in Pittman-Robertson funds alone, is now more than \$20 billion. That does not include Duck Stamp and other contributions which directly support the mission and acquisition of Refuge System lands.

In 2006, the Service published a policy recognizing the priorities identified by the President and Congress. The Service’s policy stated that the Service “will provide visitors with quality hunting, fishing, wildlife observation and photography, and environmental education and interpretation opportunities on units of the National Wildlife Refuge System.” Final Wildlife-Dependent Recreational Uses Policy Pursuant to the National Wildlife Refuge System Improvement Act of 1997, 71 Fed. Reg. 36418 (June 26, 2006).

In 2007, the President further encouraged federal agencies “to facilitate the expansion and enhancement of hunting opportunities and the management of game species and their habitat.” EO No. 13443, “Facilitation of Hunting Heritage and Wildlife Conservation” (Aug. 16, 2007). Among other things, EO 13443 directs the Secretary to “[m]anage wildlife and wildlife habitats

on public lands in a manner that expands and enhances hunting opportunities, including through the use of hunting in wildlife management planning.”

In keeping with this tradition, the Secretary has directed agencies within the Department of the Interior to collaborate with state, tribal, and local governments, “to ensure that hunting and fishing regulations for Department lands and waters complement the regulations on the surrounding lands and waters to the extent legally practicable.” Secretarial Order No. 3356, “Hunting, Fishing, Recreational Shooting, and Wildlife Conservation Opportunities and Coordination with States, Tribes, and Territories” (Sept. 15, 2017). The Order further directs the Service to “align [hunting] programs, season, and methods of take permitted on all Department-managed lands and waters with corresponding programs, seasons, and methods established by state, tribal, and territorial wildlife management agencies to the extent legally practicable.” *Id.*

Rather than fulfilling the mandate of the Improvement Act and advancing the Presidential and Secretarial mandates to identify opportunities for increased access for hunting opportunities and harmonize hunting and fishing regulations with regulations on surrounding areas when possible, the Hunt/Fish Plan and Supplemental EA offer little more than speculation as to why these increased hunting restrictions are needed on the Conte NFWR. The Service concludes that hunting with or training dogs “may” affect certain species, but provides no evidence that the use of dogs does or will adversely impact those species. SCI urges the Service to fulfill its mandates, adopt Alternative B in the Supplemental EA, and align its regulations with state regulations.

Thank you again for the opportunity to comment on this important planning process. If you have any questions or need anything further, please contact Bee Frederick, SCI State and Local Liaison, at bfrederick@scifirstforhunters.org.

Sincerely,



Sven Lindquist
President, Safari Club International

CC: Wendi Weber
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