



August 22, 2023

U.S. Fish and Wildlife Service
5275 Leesburg Pike
Falls Church, VA 22041

Dear U.S. Fish and Wildlife Service,

The Congressional Sportsmen's Foundation (CSF) writes today regarding the 2023 – 2024 Station-Specific Hunting and Sport Fishing Regulations (Docket Number: FWS–HQ–NWRS–2023–0038), also known as the Hunt Fish Rule. CSF appreciates the efforts of the U.S. Fish and Wildlife Service (FWS) to expand hunting and fishing opportunities under the proposed 2023 – 2024 Hunt Fish Rule. However, CSF urges FWS to seek additional opportunities to expand access under the Hunt Fish Rule, such as synthesizing state and federal Sunday hunting regulations. Additionally, CSF is concerned with the scientifically unneeded lead ammunition and fishing tackle restrictions contained in the same proposed rule.

As noted above, CSF appreciates FWS expanding hunting and fishing opportunities on three different National Wildlife Refuge System (NWRS) units, spanning 3,000 acres. Access is often cited as the number one reason why sportsmen and women no longer participate in our time-honored traditions of hunting and fishing, and we believe this proposed rule helps address the challenge of access. The NWRS annually supports 2.65 million hunting days and 7.95 million fishing days, making these public lands one of the most important access venues for sportsmen and women. The link between hunting, fishing, and the NWRS is an unmatched partnership that has led to one of the most successful public land networks in the country for recreational access and fish and wildlife conservation. In recognition of this partnership, Congress passed the National Wildlife Refuge Improvement Act of 1997, which further solidified the connection of hunting and fishing within the NWRS by providing clarity and guidance on how the NWRS should be managed and utilized for the public.

While we are thankful to see FWS continue to expand access for sportsmen and women, there are still significant access opportunities and challenges that remain unaddressed by the recent Hunt Fish Rules. We are concerned that the reach of the Hunt Fish Rule seems to be declining in recent years. For example, in 2021, FWS expanded access across 2.1 million acres over 90 NWRS units. In 2022, the Hunt Fish Rule expanded 54,000 acres hunting and fishing opportunities across 19 NWRS units. Unfortunately, the 2023 – 2024 proposed Hunt Fish Rule marks the most limited expansion since the Hunt Fish Rule effort was first undertaken by FWS. CSF recognizes that FWS has expanded access across millions of acres of the NWRS, but we maintain that there are significant opportunities in existence that would be unmatched in their importance for sportsmen and women, such as Sunday hunting.

We strongly encourage the Service to drop the proposed rules to prohibit Sunday hunting on the Chincoteague National Wildlife Refuge (NWR) and the Eastern Shore of Virginia NWR. These non-science-based proposals to forbid hunting, which are originally rooted in efforts to limit activities on the “Lord’s Day”, are anachronistic. Additionally, they are contrary to President Biden’s directive in Section 214 of Executive Order 14008 to “improve access to recreation” and the goal, agreed to by the U.S. Department of the Interior as a signatory to the Interagency Memorandum of Understanding on Promoting Equitable Access to Nature in Nature-Deprived Communities (MOU), to “expand *equitable* [emphasis added] access to...green and blue spaces.” Sunday hunting restrictions are Blue Laws with no basis in wildlife management and are biased against hunters, as they are the only user-group that would be prohibited access to the refuges on Sundays.

Following the Commonwealth of Virginia’s repeal of the state law prohibiting Sunday hunting on public lands in 2022, it is disappointing to see the Service double-down on antiquated Sunday hunting prohibitions. Last year, in response to the Virginia Department of Wildlife Resources’ request to open Sunday hunting on refuges, the Service opened Sunday hunting on Wallops Island NWR and “committed to continued collaboration and coordination” which contradicts the current rule proposal that does not include additional Sunday hunting expansions in Virginia. This stands in stark comparison to another MOU signatory, the U.S. Department of Agriculture, which opened Sunday hunting on all of its National Forest System lands in Virginia. The hunting conservation community has worked for years to roll back restrictions against Sunday hunting to increase access and opportunity for sportsmen and women, and we urge the Service to reconsider these proposals that would reduce recreational access to nature by instituting a religious-based barrier to accessing green and blue spaces.

Additionally, we encourage you to consider opening Sunday hunting on the following refuges where Sunday hunting is not prohibited by state law: Alabama (Wheeler NWR), Delaware (Bombay Hook NWR, Prime Hook NWR), Maryland (Blackwater NWR), New Hampshire (Great Bay NWR), North Carolina (Alligator River NWR, Cedar Island NWR, Currituck NWR, Great Dismal Swamp NWR, Mackay Island NWR, Mattamuskeet NWR, Pea Island NWR, Pee Dee NWR, Pocosin Lakes NWR, Roanoke River NWR, Swanquarter NWR), Pennsylvania (Cherry Valley NWR, Erie NWR), Rhode Island (Block Island NWR, John H. Chafee NWR, Ninigret NWR, Sachuest Point NWR, Trustom Pond NWR), South Carolina (Cape Romain NWR, Carolina Sandhills NWR, Ernest F. Hollings ACE NWR, Pinckney Island NWR, Santee NWR, Savannah NWR, Waccamaw NWR), and Virginia (Back Bay NWR, Chincoteague NWR, Eastern Shore of Virginia NWR, Elizabeth Alexandra Morton NWR, Featherstone NWR, Fisherman Island NWR, Great Dismal Swamp NWR, James River NWR, Mackay Island NWR, Occoquan NWR, Plum Tree NWR, Presquile NWR, and Rappahannock River Valley NWR).

Furthermore, CSF is concerned to see the proposed rule seek to codify the phase-out of lead ammunition and fishing tackle within certain NWRS units. As FWS is aware, science-based fish and wildlife conservation and management is a centerpiece principle of CSF and our operations. A key tenet to science-based management, which is embraced and promoted by the conservation

and academic communities, is that wildlife is managed at the population level, not the individual level, with rare exceptions. Generally, efforts to prohibit the use of lead ammunition and fishing tackle are based on concerns regarding the mortality of individual animals due to incidental ingestion. CSF is concerned that the key tenet of population level management is being ignored by the FWS in attempts to satisfy emotionally-driven appeals from those that use limited individual lead-based fish and wildlife mortality as justification for banning lead ammunition and tackle.

Efforts to restrict lead ammunition and fishing tackle often ignore many of the existing variables that must be weighed and considered when examining lead ammo and tackle as a method of take. CSF maintains that any decision that seeks to restrict the use of lead ammunition and tackle must be rooted in a science-driven process rather than based on assumptions and unsubstantiated claims that lack scientific justification. Additionally, non-lead ammunition and tackle alternatives often are much more costly than lead products and are not widely available, and as markets continue to show (primarily for ammunition), supply is still struggling to meet the demand. Manufacturing lead alternatives can often be difficult and expensive, which limits the ability of the industry to produce alternative products at a sustainable rate. Lastly, the inability to locate non-lead options, especially those that are reasonably affordable, has the potential to stave-off participation, which in return may result in loss of revenue for the state fish and wildlife agencies through the American System of Conservation Funding.

Finally, CSF is also troubled that the proposed Hunt Fish Rule states “this rulemaking does not include any opportunities proposing to increase or authorize the new use of lead beyond fall 2026”. CSF is concerned that this language will serve as a guiding principle for future Hunt Fish Rules in that any hunting and fishing opportunities that utilize lead ammunition will not be expanded. Specifically, based on the aforementioned language in the Hunt Fish Rule, CSF is concerned future Hunt Fish Rules could be limited to archery hunting and similar activities where lead products are not a method of take, or to proposals to expand fishing and hunting opportunities where lead-based products are already or will be prohibited.

In closing, CSF appreciates the efforts of FWS to increase hunting and fishing opportunities in the NWRS, however, we look forward to working together to expand additional opportunities that enhance the scope of future Hunt Fish Rules. We also strongly encourage the Service to consider the impacts that lead ammunition and tackle restrictions have on sportsmen and women and businesses and remove the phase out of the traditional ammunition and fishing tackle for certain NWRS units from the Hunt Fish Rule.

Sincerely,

A handwritten signature in black ink that reads "Jeff Crane". The signature is written in a cursive, flowing style with a long horizontal line extending to the right.

Jeff Crane
President and CEO