



Cornerstone of U.S. Conservation

THE PITTMAN-ROBERTSON ACT CELEBRATES 75 YEARS

By John McDonald



Credit: Aine McDonald

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We can readily identify many key points in history that set in motion a course of events and led to the world as we know it. Many of us have our own mental lists. Mine includes the British surrender at Yorktown, ratification of the Constitution, Lee's surrender to Grant at Appomattox, the Wright brothers' flight at Kitty-hawk, and the New York Yankees' purchase of Babe Ruth from the Boston Red Sox. Such historic turning points are so familiar that they may seem as if they were inevitable. Yet nothing *had* to happen the way it did, and many now-historic events once had far-from-certain outcomes. But had they not come to pass, the world we live in would be very different.

The 1937 passage of the Federal Aid in Wildlife Restoration Act, better known as the Pittman-Robertson Act (or P-R), is the same type of landmark event, as it altered the course of conservation history in the United States. Without P-R, it is no exaggeration to say that wildlife populations, habitats, and the agencies that manage them would be dramatically different. Some might not exist at all. After 75 years, it's instructive to explore the origins of the P-R Act, how it functions, and how its benefits extend far beyond the scope of the individual projects it supports.

Birth of Conservation Funding

Conservation efforts straddling the turn of the 20th century focused on captive breeding and stocking, wildlife and land protection measures, and providing law-enforcement tools to enable that protection. States created game and fish departments, established or tightened hunting seasons and bag limits, and hired game wardens. On the federal level, conservation leaders such as Theodore Roosevelt pushed to establish the first National Wildlife Refuges, Forests, and Monuments and to pass such landmark legislation as the Lacey Act of 1900, which made it a federal offense to transport illegally taken game across state lines.

The application of science to wildlife management really began after the First World War. Studies

such as Herbert Stoddard's work on bobwhites in Georgia, Aldo Leopold's game surveys, and ruffed grouse investigations in New York by A.A. Allen and Gardiner Bump set the stage for development of the 1930 American Game Policy. That policy outlined many points regarding conservation needs, such as the need to acquire land as wildlife habitat, to conduct research to find facts on both the biology of game animals and their response to management, to establish a wildlife management profession, and to provide adequate, equitable, and secure funding to enable it all.

Funding for conservation had been noted as a priority years earlier, prompting Congress to pass a 10 percent federal excise tax on sporting arms and ammunition in 1918, with the intent to fund the implementation of the 1918 Migratory Bird Treaty Act. However, no funds seem to have been spent on that purpose; instead, the funds went to the general Treasury. Later, Congress repealed all excise taxes, but President Hoover reinstated them in 1932 in the depths of the Great Depression, including the arms and ammunition tax, with funds allocated for general purposes. Those new excise taxes were set to expire in 1938.

Against the backdrop of the Depression, but with a fear of dwindling wildlife populations, the U.S. House of Representatives Special Committee on Conservation of Wildlife Resources and the U.S. Senate Special Committee on Wildlife Resources got to work to attempt to implement the recommendations of the American Game Policy. Their efforts in the mid-1930s led to the creation of the Cooperative Wildlife Research Unit system—a partnership between land grant universities, what was then the Bureau of the Biological Survey, and the shooting industry-sponsored Wildlife Management Institute—to provide faculty-level scientists to conduct research and train graduate students in wildlife management. The federal Duck Stamp Act passed in 1934 provided funding for the acquisition of National Wildlife Refuges. But the key members of both committees, and their partners in industry and academia, knew that a



wider-reaching measure was required to achieve broad conservation objectives at the state level.

The real driver of this work was conservationist Carl Shoemaker, who worked for the Senate Committee and was previously a newspaper man and the Chief of the Oregon Fish and Game Commission. Working with people like J.N. “Ding” Darling, Shoemaker was instrumental in establishing the first North American Wildlife Conference in 1936, one outcome of which was the creation of the National Wildlife Federation. During the second conference in March 1937, Shoemaker met with attendees from across the country who shared the view that more needed to be done to ensure adequate funding for wildlife conservation. They looked to a 1920s proposal for a federal hunting stamp for inspiration, but rather than come up with a new funding source, they concentrated on redirecting the existing 10 percent excise tax on sporting arms and ammunition (though it was due to expire in a year).

Shoemaker wrote the first draft of what would become the Federal Aid in Wildlife Restoration Act shortly after the March 1937 conference. The principles he devised were simple and equitable: redirect the then 10 percent (soon after raised to 11 percent) excise tax to a fund dedicated to wildlife conservation, and create a 3-to-1 federal-state match arrangement, with funds allocated to the participating states by a simple formula based 50 percent on the amount of land area of a state relative to the rest of the states, and 50 percent based on the number of hunting license holders in a state relative to other states. No state would get more than 5 percent of the funds or less than ½ percent. It was also to be a reimbursement program, where states spent money on approved projects and received up to 75 percent of the costs back from the excise tax funds. That structure is still in place 75 years later.

With a draft in hand, Shoemaker met with the leaders of the Sporting Arms and Ammunition



Carl Shoemaker



Credit: International News Service
Key Pittman



Credit: United States Congress
A. Willis Robertson

Manufacturers Institute in New York City to gauge their support—because they would be paying the tax and passing it along to their customers. They endorsed the plan, and Shoemaker set about finding willing legislators to sponsor and introduce the bill. On the Senate side, Key Pittman from Nevada—chair of the Special Committee on Wildlife Resources—was a natural sponsor and signed on in short order. For the House sponsor, Shoemaker looked to Representative A. Willis Robertson from Virginia, the chair of the House Special Committee on Conservation of Wildlife Resources and a former chairman of the Virginia Game and Inland Fisheries Commission.

Robertson’s background in Virginia politics as a legislator and chair of the Commission gave him keen insight into some of the potential pitfalls of Shoemaker’s draft legislation. After reading the draft, Robertson added an amendment—the now famous “29 words”—that have been so important in protecting the funds that fish and wildlife agencies rely on. His addition was simply: “... and which shall include a prohibition against the diversion of license fees paid by hunters for any other purpose than the administration of said State fish and game department. ...” (Kallman/USFWS 1987).

That key phrase cut out the possibility of state legislatures using license funds to top off the general treasury, because to receive funds, each participating state had to pass legislation assenting to the provisions of the Wildlife Restoration Act. Further, the prohibition on diversion extended to anything purchased with license dollars, such as land. The penalty for such diversion was to be cut off from the federal matching funds. Robertson knew that this was the only way to ensure that stable funding would actually be available to fish and wildlife agencies. To this day, there are multiple attempts each year by state legislatures and executive offices to divert license funds or property acquired with them to other purposes, and the real chance of losing the federal funds is often the only thing that prevents those diversions from occurring.

With sponsors in place, the bill was introduced into both the House and Senate on July 20, 1937. After

Conservationist Carl Shoemaker was the primary force behind creation of the Federal Aid in Wildlife Restoration Act, landmark legislation that ensures conservation funding in the United States. Backed by Nevada Sen. Key Pittman and Virginia Rep. A. Willis Robertson, the act quickly passed in 1937 and later became known as the Pittman-Robertson Act—still essential for state conservation efforts.



Coyote Research in Virginia

By Rob Bock

In recent years, the coyote (*Canis latrans*) has seen a dramatic range expansion into the forests of the Virginia and West Virginia Appalachian region. With its ability to inhabit numerous types of habitats, coyotes have become a dominant large predator in eastern forest ecosystems. Despite this, the coyote's impact on such environments has been largely understudied, and the ecological consequences remain unclear.

To learn more about this predator's impact on Virginia wildlife and habitats, researchers from Virginia Tech and the Virginia Department of Game and Inland Fisheries (DGIF) last year secured \$300,000 in Pittman-Robertson Act (P-R) funds to form a joint research project called the Virginia Appalachian Coyote Study (VACS).

The VACS team—led by Virginia Tech Associate Professor Marcella Kelly, doctoral student Dana Morin, and master's student David Montague—collects and analyzes scat samples to evaluate dietary composition and to assess the genetic diversity of coyote populations. These data provide clues about the coyote's role in Appalachian ecosystems.

Preliminary analysis of scat samples from coyotes, bobcats, and bears during the summer of 2011 indicates that deer were present in two-thirds of coyote and bobcat scats, and 36 percent of bear scats. Because all three animals compete for the same prey, researchers must learn more about interspecies dynamics and the coyote's ecological impact. "Understanding how these three predators relate to each other within the study area will be important for figuring out overall management and potential and real impacts to prey populations," Morin says.

As part of this project, the team is also tracking coyote movements with GPS satellite collars to estimate range, population sizes, and population growth rates. Early data indicate that individual coyotes can move large distances—up to 35 miles, in one instance—in search of suitable habitat.

The VACS program uses its P-R funding to cover equipment, personnel, lodging, and other operational needs. The state's matching funds (as mandated by the P-R system) are in the form of in-kind services from Virginia Tech. The DGIF's Forest Wildlife Science Team Lead Dave Steffen says Virginia Tech's services and campus resources "provide a very cost-effective expenditure of P-R funds that ensure that their use is targeted completely toward the research objectives." The project is also being conducted with the collaborative support and funding from other groups, including the U.S. Forest Service, The Nature Conservancy, the University of Idaho's Laboratory for Ecological, Evolutionary, and Conservation Genetics, U.S. Department of Agriculture APHIS Wildlife Services Program, and the West Virginia Department of Natural Resources.

The study's authors hope that the results of the study will help mitigate the growing number of human-coyote conflicts, as coyotes have a penchant for preying on livestock and indirectly competing with human hunters for larger game. It's a fitting goal for a project that was created with funds provided by the Pittman-Robertson Act.

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Credit: Robert Alonso

Virginia Appalachian Coyote Study researcher Dana Morin prepares to collect a tissue sample from a 7-year-old female coyote captured and collared in Virginia's Appalachian region. Morin collected the coyote's DNA to determine information about its movement behavior.

much debate and lobbying, it passed the House on August 17th. The Senate followed suit, and President Franklin Roosevelt signed it on September 2, 1937. Consider that. This landmark piece of legislation—the foundation of wildlife conservation in the United States—went from introduction to passage in less than two months. Within a year, 43 of 48 states had passed the necessary assent legislation to participate, and eventually all states were enrolled.

From Passage to Action

Implementation of the P-R Act was entrusted to the U.S. Fish and Wildlife Service (FWS). Service Director Ira Gabrielson made Albert Day the first chief of the new aid program. After many consultations with state agency directors and others in the conservation world, three types of state projects were deemed eligible for funding: purchase of land for wildlife rehabilitation, development of land to make it more suitable for wild birds and mammals, and research projects designed to solve problems that inhibit wildlife restoration ([Kallman/USFWS 1987](#)). Day and Gabrielson also added a policy that required state agency personnel hired to work on P-R projects to be "trained and competent" to carry out the work, and reserved the right to approve or disapprove those hires. Like the diversion rule, this policy had the effect of minimizing political meddling and cronyism in the business of conservation.

Although the P-R Act directed the excise tax on sporting arms and ammunition into a newly created Wildlife Restoration Trust Fund and established an apportionment formula, Congress still had to appropriate those funds. But it typically did



not dispense all of the revenues collected, as was its prerogative. Further, there were attempts to kill the excise tax and thus the P-R program, but all were beaten back by a coalition of sportsmen's groups, state agencies, and industry. After a 1950 repeal attempt, language was added to the 1951 appropriations bill that bestowed "permanent, indefinite" appropriation status on the excise tax funds. That status—still in effect in 2012—means that any revenues collected through the excise tax are automatically distributed the following year with no Congressional appropriation necessary. Thus, even in the absence of a federal budget (i.e., a government shutdown), P-R funds keep flowing to the states. This permanent appropriation status provides a predictability and stability to state agency budgets that is unknown to funding programs that are subject to annual appropriations, and whose budgets can therefore potentially "zero out."

Various amendments to the P-R Act have occurred over the years. A 1970 amendment added a 10 percent excise tax to handguns and earmarked 50 percent of those revenues to hunter-education programs. A 1972 amendment, championed by archery legend Fred Bear, added the 11 percent excise tax to archery equipment. The 2000 Federal Aid Improvement Act further amended the law to create the Multi-State Conservation Grant Program and the Enhanced Firearm and Bowhunter Education and Training Program. But the basic core of the P-R program has remained fairly constant over its 75-year history: to provide funding to states to conserve birds and mammals.

Notice that I did not write "game" birds and mammals. Although P-R is often thought of as a program for hunted species, and more money surely has been devoted to game species, there is no prohibition on using P-R funds to aid non-game species of birds and mammals, and many states do spend significant funds on non-game species. Further, the purchase and management of habitats benefits whole suites of species—bird, mammal, and beyond—regardless of the underlying objectives of the project. These wildlife populations and the lands on which they live are enjoyed by all citizens, regardless of whether they hunt or shoot. Thus, what has often been portrayed as a "user-pay user-benefit" program is now more appropriately regarded as a "user-pay public-benefit" program, as the benefits of sustainable wildlife populations and protected habitats are shared by all.

Funds Fostering Progress

Each year, the total P-R funding pool and the amounts allocated to individual states and territories vary widely. In FY 2012, a total of \$371,274,752 was available, with individual amounts ranging from just over \$2.2 million to nearly \$17 million. In addition to the original three types of P-R projects, funding eligibility has expanded to include more diverse wildlife research and surveys like human dimensions work, disease monitoring, public hunting access programs, wildlife management area operations and maintenance, shooting range construction and enhancement, and hunter education. Examples just within the 13 states of FWS's Northeast Region include:

- In 2011, Maine spent \$27,397 in P-R funds and \$14,725 in state matching funds to research the federally threatened Canada lynx. The work involved trapping and radio-marking animals to estimate home-range use, monitoring reproduction, estimating trends in snowshoe hare populations, and conducting snow-tracking surveys for lynx outside the study area.
- In FY 2011, Massachusetts spent \$505,000 in P-R funds, plus \$126,250 in state matching funds, to manage its more than 130,000 acres of wildlife management areas. This included habitat inventories, marking boundaries, and creating early successional forest habitat.
- In 2012-2013, Vermont will use \$129,000 in P-R funds, matched with \$43,000 in state funds, to conduct research on its moose population, including collecting age and reproductive data from hunter-killed moose, conducting aerial surveys, and monitoring hunter effort.

All P-R projects are reviewed by FWS program staff to ensure they are consistent with the purposes of the Act and "substantial in character and design," meaning they use the best available techniques and are providing useful information for management. Several specific types of projects are ineligible, including purely promotional public relations activities, law enforcement, and any project designed to generate revenue. On the revenue question, states are allowed to make money from activities funded through the P-R program—such as habitat management that involves a timber sale—but the main purpose of the project, as determined in the FWS review, must be to benefit birds or mammals and not to make money for the agency. Further, any funds so generated have to be spent on the grant that generated them in the next fiscal year or on



another P-R grant if the original one ends. This ensures that clever writing and accounting don't circumvent the purposes of the act and use P-R funds to generate money for a state's general treasury.

Since its inception, the P-R program has provided more than \$13 billion (in 2010 dollars) to states in direct funding to support conservation, entailing at least \$3.25 billion in state matching funds or contributions. Those P-R funds have helped purchase, protect, or improve hundreds of thousands of acres of wildlife habitat, and supported projects in wildlife restoration research across the country. The program has also protected billions of dollars in hunting-license fees that otherwise may not have been spent on conservation if they were deposited in state general funds, and likewise protected millions of additional acres of land acquired with license funds.

It is almost impossible to imagine a bill similar to the P-R Act passing today or being given permanent

and indefinite appropriation status. Indeed, the State Wildlife Grants program—a result of the Teaming With Wildlife movement and designed specifically to provide funds to states for species of all taxa in greatest need of conservation—was modeled on the P-R program, but is an annual appropriation, so the total funding available and match rate have varied considerably. It's also worth noting that the total amount of P-R funding amassed over 75 years is a flyspeck in relation to overall federal spending—just 0.19 percent of the FY 2012 budget—a sober reflection of our nation's commitment to conservation.

That reality should not, however, diminish the significance of the P-R Act. Its accomplishments for conservation are the great and enduring legacy of one simple piece of legislation. It's hard to imagine U.S. conservation history without it. ■

This article has been reviewed by subject-matter experts.



For more information about the 75th anniversary of the Wildlife and Sport Fish Restoration Act, go to wsfr75.com.



Credit: Shawn Espinosa/NDOW

A field crew with the Nevada Sage-grouse Conservation Project works on a fence designed to prevent livestock and feral horses from trampling a sagebrush meadow in Nevada's Desatoya Mountain Range. The meadow is important for the birds' brood rearing.

Greater Sage-grouse Research in Nevada

By Jessica P. Johnson

Nearly \$352,000 in annual Pittman-Robertson funds drive a comprehensive list of greater sage-grouse (*Centrocercus urophasianus*) conservation projects in Nevada that affect approximately 7,000 acres of sage-grouse habitat across the state annually. A popular game bird, the sage-grouse garners additional financial support from hunting license sales, sporting organizations, and an upland game stamp, which together contribute \$120,000 annually in matching state funding.

As residential and energy developments spread across the West, sage-grouse habitat is rapidly shrinking. For the ground-dwelling bird, there is no replacement for sagebrush (*Artemisia* spp.), which it uses for shelter, a place to perform elaborate mating displays, brood rearing, and, in winter months, nearly 100 percent of its diet. "Sage-grouse are an indicator of sagebrush ecosystem health," says Shawn Espinosa, an upland game staff specialist with the Nevada Department of Wildlife (NDOW). "And as the sage-grouse goes, so go many other species that depend on that habitat."

Espinosa leads the Nevada Sage-grouse Conservation Project (NSCP), a P-R funded joint effort of state conservation planning groups, federal natural resource agencies, and the University of Nevada, Reno, that monitors populations and evaluates potential human impacts on habitat. The NDOW oversees seven of the NSCP's sagebrush habitat restoration projects involving exotic plant species removal, fence construction to prevent damage by grazing livestock and feral horses, and repairs to streams and riparian habitat. Funds also contribute to research on sage-grouse habitat requirements, the effects of road and energy facility construction, and sustainable hunting practices.

In 2010, the U.S. Fish and Wildlife Service (FWS) determined that the greater sage-grouse warrants protection under the Endangered Species Act, but listing has been delayed until 2015. If the FWS decides to list the bird—in effect making it a non-game species—Espinosa worries that the NSCP will have a hard time coming up with funding from traditional sources. "It's going to be hard to defend spending sportsmen dollars to fund a non-hunted species," he says.

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