

PERSPECTIVE

Echoes of 1937: Recovering America's Wildlife Act would bring wildlife conservation funding full circle

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Abstract

Wildlife populations face significant threats, including habitat loss and climate change. However, the United States has faced major biodiversity crises in the past. In 1937, in response to dwindling wildlife populations, Congress passed the Federal Aid in Wildlife Restoration Act, known as “Pittman-Robertson” (PR). The law helped restore wildlife populations by establishing a federal role in funding state wildlife agencies enabling states to develop the infrastructure and expertise for effective wildlife conservation. Now, the 117th Congress is considering the Recovering America's Wildlife Act (RAWA). RAWA would provide state, tribal, and territorial wildlife agencies the funding to implement their State Wildlife Action Plans for the conservation of nongame wildlife. Herein, we explore the relationship between PR and RAWA while tracing the historical roots of PR and discussing its successes and limitations. We also demonstrate how RAWA builds upon PR and could become a generational conservation accomplishment.

KEYWORDS

conservation funding, Pittman-Robertson, RAWA, wildlife

In 1936, Jay N. “Ding” Darling observed that “whatever we may have been doing is not wildlife conservation, since we continue to have less instead of more” (Darling, 1936, p. 17). Darling, the former Chief of the US Biological Survey and a Pulitzer Prize-winning cartoonist, also served as the first President of the National Wildlife Federation. His statement from 86 years ago could describe modern wildlife conservation where climate change, habitat loss, and wildlife disease are driving alarming rates of species extinction (IPBES, 2019a, Stein et al., 2018). While many of the threats to wildlife in Darling's era have been addressed, such as poorly regulated hunting and declines in

waterfowl, today's scientists warn about worldwide challenges faced by many wildlife populations (Ceballos et al., 2020; Williamson, 1987).

In 1937, Congress heeded Darling's warning by passing the Federal Aid in Wildlife Restoration Act, known as “Pittman-Robertson” (PR). This law was critical to restoring wildlife populations by establishing a federal role in funding state wildlife agencies. PR funding allowed these agencies to develop the infrastructure and expertise needed to effectively conserve and manage wildlife (Kallman, 1987; Rutherford, 1949). Now, the 117th Congress considers the Recovering America's Wildlife Act (RAWA).

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This law would again revolutionize funding for state wildlife agencies to address modern conservation challenges. RAWA would provide states, tribes, and territories funding to implement their State Wildlife Action Plans, conservation roadmaps required by Congress for over 20 years. It is no secret that RAWA and PR are linked. RAWA proposes to amend PR in its first sentence. What is less obvious is how similar the circumstances leading to PR's passage were to the present and that RAWA could prove to be a generational conservation accomplishment.

1 | 1930'S CONSERVATION CRISIS

In February 1936 at the first North American Wildlife Conference, Darling called for a program to “rescue the wildlife population of this North American continent from extinction” (Darling, 1936, p. 16). The conference resulted from a call to action by President Franklin D. Roosevelt. Two years earlier, in 1934, the President's Committee on Wild-Life Restoration comprised Darling, Thomas Beck, and Aldo Leopold presented President Roosevelt with “A National Plan on Wild-Life Restoration.” The report chronicled “incontrovertible evidence of a critical and continuing decline in our wild-life resources” and offered solutions based primarily upon increasing federal holdings of “submarginal lands” (Beck et al., 1934, pp. vi–vii).

Although reliable estimates of wildlife declines from this era are not available, considerable evidence chronicles concerns about wildlife populations (Trefethen, 1975; Organ & McCabe, 2018). Leopold's 1930 report to the American Game Conference noted a loss of “[game]stock, range and even species” (Williamson, 1987, p. 2). Additionally, westward expansion of agricultural lands and loss of wetland habitat coincided with severe drought to compromise US waterfowl populations (Trefethen, 1975). The President's Committee was troubled by these declines in waterfowl and also recommended restoration of upland game birds, songbirds, and game animals (Beck et al., 1934). Other scholars noted that “drought, panic and poverty” of 1930's Dust Bowl “whipped wildlife habitat destruction and poaching to a peak” (Williamson, 1987, p. 2).

2 | 1930'S RESPONSE TO THE CONSERVATION CRISIS

The President's Committee's report successfully brought wildlife issues to lawmakers' attention, prompting Congress to quickly “revitalize and expand” the existing federal waterfowl refuge program (Cart, 1972, p. 116). Additionally, the group's recommendation of using an existing federal tax on “arms and ammunition” for conservation funding would soon become a cornerstone of

Pittman-Robertson (Beck et al., 1934, p. 2). This idea, however, did not originate with the committee; Leopold had suggested using taxes from sportsmen to fund game management in 1930 (Organ, 2018).

In 1936, the organization that would become the Association of Fish and Wildlife Agencies also recommended using the arms and ammunition tax to support wildlife restoration (Organ, 2018; Rutherford, 1949). Darling and his colleagues revived this idea at the Second North American Wildlife Conference in 1937. In his address, Darling described how the “nuisance tax,” collected from sportsmen and deposited into the general treasury, “never comes out for wildlife or conservation” (Darling, 1937, p. 245). He suggested introducing a bill “earmarking that money for conservation purposes” noting the opportunity for “coordination and cooperation between federal and state governments” (Darling, 1937, p. 245).

On June 17, 1937, Senator Key Pittman (D-NV) introduced S.2670 before the US Senate followed a few days later by a companion bill in the House of Representatives submitted by Representative Absalom Willis Robertson (R-VA). Three months later, Congress passed Pittman-Robertson without opposition. The bill was signed into law by President Roosevelt on September 2, 1937 (Rutherford, 1949). PR directed revenue from a federal excise tax on firearms and ammunition through the US Biological Survey to state wildlife agencies, establishing federal and state conservation collaboration. State funding was based upon land area and the number of hunting license holders, and states were required to cover 25% of the cost of federally approved PR projects (PR Act 16 USC 669-669i; 50 Stat. 917). PR also required states to dedicate revenue from hunting license sales to their wildlife agencies, providing a significant additional funding source. PR funds were for “wildlife restoration by the acquisition of lands and waters,” habitat enhancement, and research (Rutherford, 1949, p. 11). Though PR's framework persists today, the law now includes federal tax revenue from handguns and archery equipment and allows state spending for other purposes such as hunter education. Notably, in 1955, PR was amended to permanently authorize transfer of tax receipts, avoiding Congressional appropriation and ensuring dedicated funding for states (Organ, 2018).

3 | PR SUCCESSES AND LIMITATIONS

If PR was successful in funding wildlife conservation, why is RAWA needed? PR has contributed over \$19 billion in direct conservation revenue to state and territorial wildlife agencies and is widely regarded as one of the most significant pieces of legislation in US conservation history (Crafton, 2019; Organ, 2018). Decades before the

passage of the Endangered Species Act of 1973, populations of many now-common species such as white-tailed deer (*Odocoileus virginianus*), elk (*Cervus canadensis*), and wild turkeys (*Meleagris gallopavo*) had declined dramatically, and the outlook for their persistence was bleak. Much of the credit for the recovery of these species is given to PR's reliable funding of state wildlife agencies (Trefethen, 1975). For instance, in the early 1900s, white-tailed deer declined to less than 500,000 animals in the continental United States (Adams & Hamilton, 2011). Through regulations and habitat restoration by state wildlife agencies, white-tailed deer have rebounded to over 30 million (Adams & Hamilton, 2011).

Additionally, within 10 years of PR's enactment, states acquired nearly 900,000 acres of land for conservation, and they now manage more than 40 million acres with PR support (Rutherford, 1949; The Wildlife Society, 2017). Most importantly, PR funding enabled state wildlife agencies to transition their programs to science-based wildlife and habitat management (Organ & McCabe, 2018; Regan & Williams, 2018). Though the "arms and ammo" tax revenue is a funding cornerstone, PR's impact on agency budgets from state hunting license sales is equally important. These agencies generally rely more heavily on license receipts than direct PR funding (Organ, 2018). The critical role of hunting license revenue in state wildlife budgets is no accident. A provision of PR prohibits states from diverting state hunting license revenue away from their state wildlife agencies.

This "antidiversion" provision was added by House sponsor Robertson. The congressman first read the draft PR legislation during lunch with Carl Shoemaker, the original author of the bill. Robertson, a former state wildlife commissioner, read Shoemaker's bill and penciled-in the phrase ensuring that state hunting license receipts would be used only to fund state wildlife departments rather than being diverted to nonwildlife purposes (Williamson, 1987). This provision, when combined with the underlying excise tax on guns and ammunition, cemented hunters and shooting enthusiasts as the primary funding source for state wildlife conservation. In the absence of PR (and the companion Dingell-Johnson Sport Fish Restoration Act of 1950), it is unlikely that state wildlife agencies would possess their modern conservation capacity and expertise. However, this user-pay, user-benefit funding model has led to criticisms that state wildlife agencies often are too beholden to hunters and anglers and disproportionately allocate resources to game species (Decker et al., 2016; Feldpausch-Parker et al., 2017).

Although states employ nongame species conservation programs, they do so on a significantly smaller scale than for game conservation (Decker et al., 2018). However, state wildlife agencies now realize that to maintain relevance

and political support and to meet their broad conservation mandates they must be inclusive of all wildlife stakeholders (Decker et al., 2016). This discussion inevitably leads to a realization: wildlife conservation is far more complex and costly than envisioned eight decades ago. In retrospect, for conserving whole ecosystems, PR's funding was never enough.

4 | PRESENT CONSERVATION CRISIS

The 2019 Global Assessment Report on Biodiversity and Ecosystem Services offers warnings similar to those of Darling from 1936: "The overwhelming evidence ... presents an ominous picture. The health of ecosystems on which we and all other species depend is deteriorating more rapidly than ever" (IPBES, 2019a, 2019b, p. 1). The Global Assessment Report is produced by the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), an independent intergovernmental body assembled by 94 governments and affiliated with the United Nations. Compiled by hundreds of experts from around the world, the report cautions that one million plant and animal species are at risk of extinction globally. The group predicts an accelerated rate of species extinction "which is already tens to hundreds of times higher than it has averaged over the past 10 million years" (IPBES, 2019a, p. 12). IPBES also highlights extensive habitat loss and declines in both genetic diversity and species abundance along with the effects of climate change (Ceballos et al., 2020; IPBES, 2019a).

Similarly, scientists estimate that 3 billion North American birds have been lost since 1970 (Rosenberg et al., 2019). Researchers have also documented numerous extinctions in the United States and identified hundreds of species that are considered possibly extinct. As recently as September 2021, the US Fish and Wildlife Service proposed removing 23 species from protection under the Endangered Species Act due to apparent extinction (US Department of Interior, 2021). Although proven methods exist to address this modern biodiversity crisis, "total [US] spending over the past 15 years has covered only about one-third of species' recovery needs" (Stein et al., 2018, p. 8). At the state level, most federally allocated funding is directed to the conservation of the relatively small suite of game species, while the much larger group of nongame animals go largely underserved (Brown, 2021; Decker et al., 2018).

5 | PRESENT RESPONSE TO THE CONSERVATION CRISIS

Like their Congressional predecessors in 1937, Representatives Debbie Dingell (D-MI), Jeff Fortenberry (R-NE) and

a bipartisan group of House colleagues introduced RAWA before the US House of Representatives on April 22, 2021 (H.R.2773). On July 15, 2021, Senators Martin Heinrich (D-NM) and Roy Blunt (R-MO) introduced a companion version of RAWA in the US Senate (S.2372). These filings mark the fourth iteration of RAWA before Congress. While previous versions of the bill enjoyed significant legislative backing in the US House of Representatives, strong, bipartisan support in the US Senate was not reached. However, the current bill has made significant progress in both houses of Congress. RAWA directs nearly \$1.4 billion per year to state wildlife agencies largely utilizing PR's existing allocation framework including the 25% state match requirement (H.R.2773, S.2372). The bill proposes to supplement traditional PR funding of state wildlife agencies, so excise funding from arms and ammunition and revenue from hunting licenses will remain. Notably, RAWA's primary purpose is to "recover and manage species of greatest conservation need" by enabling state and tribal wildlife agencies to implement their State Wildlife Action Plans (H.R.2773; S.2372).

The impetus for RAWA occurred in 2016 after a report by the Blue Ribbon Panel, a group of 26 leaders from industry, sportsmen's groups and conservation organizations, assembled by the Association of Fish and Wildlife Agencies. The panel concluded that Congress should allocate "up to \$1.3 billion annually" to state wildlife conservation, funded through existing federal tax revenue (Blue Ribbon Panel, 2016, p. 7). The panel arrived at this figure by estimating the shortfall between available state wildlife agency funding and the amount needed to implement the agencies' State Wildlife Action Plans for over 12,000 animals in need of conservation.

Bolstering the panel's recommendation, a 2018 report from the National Wildlife Federation, The Wildlife Society and the American Fisheries Society called RAWA's funding for state wildlife conservation a "once in a generation opportunity" for scaling-up the nation's conservation capacity (Stein et al., 2018, p. 25). The current version of RAWA derives funding from existing federal revenue from environmental fines and penalties, and directs an additional \$97.5 million annually to tribal wildlife agencies. Hundreds of business and conservation organizations along with over 1700 scientists have urged RAWA's passage (Bies, 2019).

6 | HOW RAWA BUILDS ON PR'S SUCCESSES

RAWA would provide funding on the scale needed for ecosystem-level conservation throughout the United States. The annual influx of over \$1 billion would allow

state wildlife agencies to implement their State Wildlife Action Plans (Blue Ribbon Panel, 2016). By 2005, all US states and territories had developed State Wildlife Action Plans marking "the first time in conservation history, [that] the United States has coast-to-coast conservation planning coverage for fish and wildlife" (Decker et al., 2018, p. 153). The State and Tribal Wildlife Grants Program, an ambitious but chronically underfunded federal initiative now over 20 years old, seeks to prioritize resources to species of greatest conservation need to avoid "emergency room" listing under the Endangered Species Act (Stein et al., 2018, p. 9). Notably, this program was created to help state wildlife agencies "in developing and implementing programs of benefit to wildlife and their habitats, particularly species not hunted or fished" (Decker et al., 2018, p. 152; US Fish & Wildlife Service, 2020, p. 13)

In 2000, Congress established the State Wildlife Grants Program and a year later the Tribal Wildlife Grant Program. As noted, the primary purpose of both programs was to benefit nongame fish and wildlife, the animals who, by the nature of PR (and Dingell-Johnson) funding sources, have not received the same level of conservation effort as their game counterparts. In their over 20-year life spans, these programs have hinted at what is possible in interrupting the march from threatened to endangered to extinct for wildlife populations across the country—from restoring Trumpeter Swans (*Cygnus buccinator*) to Montana's Black-foot Valley to protecting River Otters (*Lontra canadensis*) in Washington, DC (Decker et al., 2018; US Fish & Wildlife Service, 2020). Unfortunately, since 2000, cumulative program funding has amounted to about \$1 billion dollars, spread over 50 states, numerous tribal agencies, and territories, which has allowed limited implementation of these comprehensive plans (US Fish & Wildlife Service, 2020). However, given adequate funding, these agencies possess the expertise and infrastructure to manage the over 12,000 species of greatest conservation. RAWA would provide the level of funding necessary to meaningfully implement State Wildlife Action Plans, offering over 20 times the historical rate of funding on an annual basis (US Fish & Wildlife Service, 2020). Additionally, since this revenue would be supplemental to but decoupled from traditional hunting-shooting-based PR funding sources, RAWA's passage would potentially encourage a broader base of stakeholders in state wildlife conservation. RAWA's focus on species of greatest conservation need creates new responsibilities for state wildlife agencies. Diverse groups, such as nonhunting outdoor enthusiasts, will likely be drawn to the decision-making table, ensuring broader species protection. This influx of funding for State Wildlife Action Plans is, above all, why RAWA can build upon and surpass the success of PR.

Describing RAWA's "ounce of prevention" approach to conservation, National Wildlife Federation President Collin O'Mara explained: "Simply put, it's more effective and less costly to recover at-risk wildlife before a species is on the brink of extinction" (O'Mara, 2019, p. 1). Similarly, Sara Parker Pauley, the Director of the Missouri Department of Conservation, recently summarized: "[Hunting and fishing revenues] haven't provided the necessary funding for everything that's at stake now ... Game species may be doing ok, but we are losing the battle on this nongame side, and losing the battle on habitat" (Brown, 2021). The fact that over 80 years of PR tax revenue has now reached approximately \$19 billion in total funding to state wildlife agencies demonstrates the significance of RAWA's allocation of an additional \$1.4 billion annually.

By almost any measure, the conservation paradigm heralded by PR has succeeded in developing a wildlife research and management infrastructure allowing states to address pressing conservation needs. Eighty years ago, faced with the potential to forever lose iconic wildlife species, lawmakers heeded the calls of scientists and passed PR. Today, with the benefit of decades of scientific advancement, it has again become clear that more conservation funding is needed (Blue Ribbon Panel, 2016). If Congress passes RAWA, it may indeed prove to be a "once in a generation" law that brings US conservation funding into the 21st century.

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