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October 11, 2023

Martha Williams, Director  
U.S. Fish and Wildlife Service  
1849 C Street, NW  
Washington, DC 20240

Dear Director Williams,

This letter is a follow up to the letter you received from Public Employees for Environmental Responsibility (PEER) on December 21, 2022,<sup>1</sup> which identified concerns about logging in Minnesota's Wildlife Management Areas (WMA) and Aquatic Management Areas (AMA). These areas are supported or have been acquired with Pittman-Robertson and Dingell-Johnson Grant Funding from the U.S. Fish and Wildlife Service (FWS). This funding is a major federal action with significant environmental implications, and FWS is charged with assuring that taxpayer funds are not used to harm the environment they have been pledged to protect.

Recently CURE has received information from a Freedom of Information Act (FOIA) request regarding FWS's oversight of past grants to the Minnesota Department of Natural Resources (DNR). The documents show that no Environmental Assessment was done when the Minnesota State Timber Harvest Program increased logging in these grant areas five years ago. FWS was able to produce no National Environmental Policy Act (NEPA) compliance document that covered these grants other than checklists referring to Categorical Exclusions – this despite the fact the FOIA request covered any NEPA compliance document relevant to the grants. Logging in listed wolf, lynx, and bat habitat was addressed by repeated invocations of Categorical Exclusions affirmed by DNR staff. The checklists also incorrectly indicated there was no scientific controversy about the logging practices, despite the fact that the FOIA revealed a long history of disagreement among DNR's wildlife staff and forestry staff regarding the timber harvest policy.

The FOIA response appears to show the FWS having a perspective that, because the DNR Division of Wildlife and the DNR Division of Forestry are under the same DNR Commissioner, it is the Commissioner's prerogative as to what types of habitat logging is permitted on Pittman-Robertson and Dingell-Johnson interest lands. Is there any legal

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<sup>1</sup> See [https://peer.org/wp-content/uploads/2022/12/12-21-2022\\_Minn\\_DNR\\_Pitt\\_Rob\\_Complaint2.pdf](https://peer.org/wp-content/uploads/2022/12/12-21-2022_Minn_DNR_Pitt_Rob_Complaint2.pdf).



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opinion or basis which supports this position? How is this excessive deference to DNR not a loss of control of federal funding committed to habitat management?

The implementation of this logging is causing a dramatic decline in older forests, a problem predicted and reflected in an August 2019 letter signed by twenty-eight DNR Wildlife Managers sent to DNR's leadership.<sup>2</sup> As explained by the agency's own staff, DNR is cutting the oldest available timber in designated WMAs and AMAs to satisfy timber quotas at the expense of wildlife habitat. The FOIA response shows there are at least 121 documented instances when non-managers overrode the local wildlife managers' habitat prescriptions.

Though this may seem like a local issue, it has national implications. The failure to assess environmental impacts during the past five years of DNR mismanagement of wildlife funding is a likely violation of NEPA because, even though the state agency changed and increased timber harvest, there was no additional environmental analysis to cover this sharp turn in policy. To the extent that FWS finds that these funds have been mismanaged in violation of grant terms, the applicable regulations, and NEPA, this money must be repaid consistent with the requirements of Pittman-Robertson and Dingell-Johnson. All five years of funding must be repaid.

Our proposed solution going forward for Pittman-Robertson and Dingell-Johnson grant approval is: (1) require an Environmental Assessment for impacts by the State Timber Harvest Plan; and (2) condition said grants that DNR's wildlife/aquatic managers have sign-off approval on each timber sale.

CURE is an organization that advocates for environmental protection in rural areas, including Minnesota's state-managed forests, and we have received information from both state and federal employees and retirees that supports our concerns. For nearly 50 years, Minnesota Center for Environmental Advocacy has used law and science to protect Minnesota's environment, its natural resources, and the health of its people. The MN Chapter of the Izaak Walton League has for over a century advocated for the protection and sound scientific management of our soils, air, woods, waters, and wildlife. Additionally, many individuals, organizations, and Tribes have been working to change DNR's timber policy that is fundamentally impairing the health and age of forest habitats FWS pays to have managed correctly. It is time for your agency to hear the call and assure full compliance with federal requirements.

We request that you investigate this serious matter and respond to this letter within 90 days.

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<sup>2</sup> See attached 2019 letter.

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Sincerely,

/s/ Hudson Kingston

Hudson B. Kingston

Legal Director

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