

# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Washington D.C. 20240

### DIRECTOR'S ORDER NO. 219

#### Subject: USE OF NONTOXIC AMMUNITION AND FISHING TACKLE

Sec. 1 What is the purpose of this Order? The purpose of this Order is to establish procedures and a timeline for expanding the use of nontoxic ammunition and fishing tackle on Service lands, waters, and facilities and for certain types of hunting and fishing regulated by the Service outside of Service lands, waters, and facilities.

Sec. 2 What is the legal authority for this Order?

- a. Bald and Golden Eagle Protection Act (16 U.S.C. 668a-d).
- b. Migratory Bird Treaty Act (16 U.S.C. 703-712).
- c. National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd-668ee).
- d. National Wildlife Refuge Recreation Act (16 U.S.C. 460k-460k-4).
- e. Endangered Species Act (ESA) (16 U.S.C. 1531-1543).
- f. Fish and Wildlife Act 1956 (16 U.S.C. 742a-742j).
- g. Migratory Bird Conservation Act (16 U.S.C. 715-715r).
- h. Emergency Wetlands Resources Act of 1986 (16 U.S.C. § 3901b, 100 Stat. 3583).

Sec. 3 What is the Service's overall policy? It is the Service's policy to:

- a. Require the use of nontoxic ammunition and fishing tackle to the fullest extent practicable for all activities on Service lands, waters, and facilities by January 2022, except as needed for law enforcement or health and safety uses, as provided for in policy.
- b. Collaborate with state fish and wildlife agencies in implementing this policy.

#### Sec. 4 What are the effects of lead on fish or wildlife health?

- a. Exposure to lead ammunition and fishing tackle has resulted in harmful effects to fish and wildlife species. According to the U.S. Geological Survey, lead poisoning is a toxicosis caused by the absorption of hazardous levels of lead in body tissues. Ingested lead pellets from shotgun shells have been a common source of lead poisoning in birds. The Service recognized the problem of avian exposure to lead shot used for waterfowl hunting and enacted restrictions in 1991 and hunting and waterfowl populations have thrived since.
- b. The use of lead ammunition continues for other forms of hunting, presenting an ongoing risk to upland or terrestrial migratory birds and other species that ingest spent shot directly from the ground or as a result of predating or scavenging carcasses that have been killed with lead ammunition and left in the field. Many states have enacted nontoxic shot and ammunition requirements to address this concern.
- c. Ingestion of lead fishing sinkers and other fishing tackle have been documented in waterbirds. Six states currently restrict the use of lead fishing tackle under certain circumstances to protect wildlife health.

#### Sec. 5 What steps will the Service take to phase in the use of nontoxic ammunition and fishing tackle?

- a. The Service will continue to support targeted research to understand the human, fish, and wildlife health benefits of using nontoxic ammunition and fishing tackle.
- b. The Service will continue to work with states and other partners on education efforts regarding the benefits and effectiveness of nontoxic ammunition and fishing tackle.
- c. To ensure the public experiences a consistent approach to nontoxic ammunition and fishing tackle requirements, over the next 24 months, each Regional Director, in coordination with relevant Assistant Directors, should work with individual states, regional state fish and wildlife associations, and tribes to identify opportunities to expand existing state, Federal, or tribal requirements for use of nontoxic ammunition and fishing tackle on Service lands, waters and facilities.
  - i. Where states have enacted nontoxic ammunition or fishing tackle requirements for certain forms of hunting and fishing on state lands such requirements should be expanded to national wildlife refuges in those states through amendments to state or Service regulations, as appropriate.
  - ii. Where states have enacted nontoxic ammunition or fishing tackle requirements for certain forms of hunting and fishing that apply to state, private, and Federal lands throughout their states, Regions should ensure these requirements are enacted and enforced on Service lands, waters, and facilities in those states.
  - iii. Where individual Federal land units administered by other Federal agencies including the National Park Service, the National Forest Service, the Bureau of Land Management, the Department of Defense, or other agencies, have enacted requirements for the use of nontoxic ammunition or fishing tackle, Regions should adopt such requirements on Service lands, waters and facilities in the same states as those units through amendments to Service hunting and fishing regulations, as appropriate.
  - iv. Where individual tribes have enacted requirements for the use of nontoxic ammunition or fishing tackle, the Regions should adopt such requirements on Service lands, waters and facilities in the same states as those

tribal lands through amendments to Service hunting and fishing regulations, in consultation with the appropriate tribe and state.

d. When available information indicates negative impacts of lead ammunition or fish tackle on sensitive, vulnerable or Service trust resources, the appropriate Regional Director, in coordination with the appropriate Assistant Director(s), will take steps to expeditiously require the use of nontoxic ammunition or fishing tackle to the fullest extent practical under Service jurisdiction to benefit such species or resources.

e. The Assistant Director, Migratory Birds, in consultation with National Flyway Councils and individual states, will establish a process to phase in a requirement for the use of nontoxic ammunition for recreational hunting of mourning doves and other upland game birds.

Sec. 6 When is this Order effective? This Order is effective immediately. It remains in effect until we incorporate it into the Fish and Wildlife Service Manual, or until we amend, supersede, or revoke it, whichever comes first. If we do not amend, supersede, or revoke it, the provisions of this Order will terminate on July 31, 2018.

/sgd/ Daniel M. Ashe  
DIRECTOR

Date: January 19, 2017