



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Washington, D.C. 20240



In Response Reply to:  
FWS/D/068621

Memorandum

AUG 02 2018

To: Service Directorate

From: Gregory J. Sheehan  
Principal Deputy Director 

Subject: Withdrawal of Memorandum Titled, "Use of Agricultural Practices in Wildlife Management in the National Wildlife Refuge System" (July 17, 2014)

For the past 100 years in America there have been many successful measures to advance wildlife conservation through the development of trained wildlife professionals and their proven efforts to restore and enhance wildlife populations. No other country has been as successful as the United States at building robust fish and wildlife populations that can be enjoyed in a sustainable manner by hunters, anglers, and watchers. The efforts that were undertaken by these wildlife professionals were based on their ability to use active and adaptive management techniques that best reflected the localized needs of the species. Normal human expansion in our nation will continue to eliminate wildlife habitats that have previously been relied upon for successful wildlife restoration. Therefore, our professional wildlife managers will need to work more diligently than ever to ensure that those remaining important places have the best available food resources and other important conditions to ensure they can persist.

Throughout the expansion of the National Wildlife Refuge System (NWRS), many refuges were acquired for the purposes of specifically benefiting and enhancing waterfowl and other migratory bird species. Further, in recognition of the need to provide adequate forage for waterfowl and migratory birds many refuges currently, and historically, maintain active farming practices that produce a variety of crops to support birds and other species.

For many years, the U.S. Fish and Wildlife Service (Service) Joint Ventures have carefully worked with the North American Waterfowl Management Plan to determine population targets and needs. These population targets are then translated into daily energy demands which are expressed as duck energy days. Despite the intense level of planning and coordination there are still instances where a State or regional area does not meet its habitat objectives and the energetic impact of losing private farm land cannot be readily alleviated by increasing production on State or Federal areas under current management practices. Additionally, some National Wildlife Refuge lands are no longer able to provide the amount or quality of food that they once did due to changes in cooperative farming practices within the Refuge system.

Realizing that farming practices will continue into the foreseeable future within the NWRS to adaptively fulfill the energetic needs as identified, we must ensure that we are appropriately

making use of farm practice innovations as we actively manage farmed areas. Genetically modified organisms (GMO's), and more specifically GMO seeds have been developed and proven effective in contributing to the maximization of crop production.

On July 17, 2014, a memorandum was issued by the Chief of the National Wildlife Refuge System stating that certain agricultural practices, particularly the use of genetically engineered crop seeds and the use of neonicotinoid pesticides across the NWRS, would be phased out in refuges. In some cases the phasing out of those practices was appropriate and expedient.

There may be situations, however, where use of GMO crop seeds is essential to best fulfill the purposes of the refuge and the needs of birds and other wildlife as described above. A blanket denial of GMOs does not provide on-the-ground latitude for refuge managers to work adaptively and make field level decisions about the best manner to fulfill the purposes of the refuge.

Therefore, by this memorandum, I am withdrawing the July 17, 2014 memorandum in full, thereby reversing the decision to universally ban the use of genetically modified crops on refuges. The NWRS will now determine the appropriateness of the use of those crops on a case-by-case basis, in compliance with all relevant and controlling legal authorities (including NEPA) and Service policies.<sup>1</sup> Review of those authorities should be done in conjunction with the Solicitor's Office.

In addition, I am withdrawing the 2014 memorandum's restrictions with regard to neonicotinoid pesticides that are often used in conjunction with GMO seed, but that may, or may not, be needed to fulfill needed farming practices. Consideration of their use should also be decided on a case-by-case basis, in compliance with all the appropriate authorities noted above.

Refuges that may consider the options of GMO seed use include, but are not limited to: Tule Lake, Upper and Lower Klamath, Crab Orchard, Wheeler, Eufaula, Bald Knob, Cache River, White River, Wapanocca, Big Lake, Overflow, Felsenthal, Merced, San Joaquin River, Sacramento River, Bombay Hook, Prime Hook, Upper Ouachita, Lacassine, Catahoula, Tensas River, Red River, Grand Cote, Lake Ophelia, Bayou Cocodrie, Blackwater, Clarence Cannon, Mingo, Tallahatchie, Coldwater River, Dahomey, Yazoo, Panther Swamp, Hillside, Morgan Brake, Theodore Roosevelt, Holt Collier, St. Catherine Creek, Alligator River, Pocosin Lakes, Mattamuskeet, Bosque del Apache, Valle de Oro, Montezuma, Sequoyah, Bear Valley, Klamath Marsh, Clear Lake, Santee, Reelfoot, Chickasaw, Hatchie, Lower Hatchie, Tennessee, and Cross Creeks, through the appropriate processes described above, of GMO seed use practices.

For any additional questions or concerns regarding this directive, please contact the Service's National Wildlife Refuge System Chief, Ms. Cynthia Martinez at [Cynthia\\_martinez@fws.gov](mailto:Cynthia_martinez@fws.gov).

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<sup>1</sup> NOTE: Pursuant to the 2011 settlement agreement reached in *Delaware Audubon Soc'y et al., v. Salazar* (D. Del. Compl. filed 2010), GMO use may not resume in Region 5 until NEPA review is completed, plaintiffs are afforded 60-days notice, and provided a draft of the farming agreement at least 30 days prior to execution.