

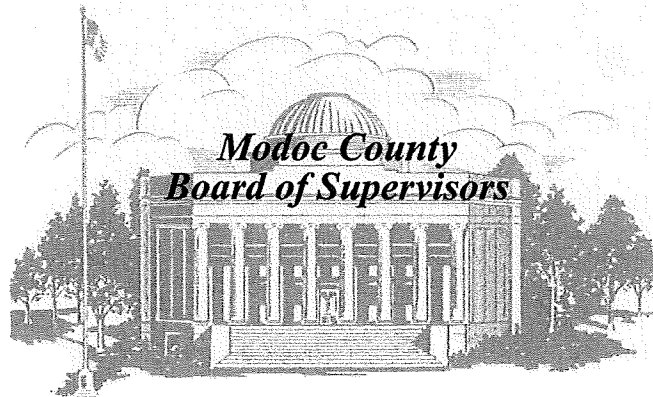
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Public Comments Processing|  
Attn: FWS-HQ-NWRS-2022-0106  
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Falls Church, VA 22041-3803

**RE: Comments: Docket No. FWS-HQ-NWRS-2022-0106**

To Whom It May Concern:

Modoc County, California (County) appreciates the opportunity to submit its position regarding the U.S. Fish and Wildlife Service's (Service) proposed new regulations regarding the biological integrity, diversity, and environmental health (BIDEH) of the National Wildlife Refuge System (Refuge System). Modoc County could be considered an epicenter for refuges "created" from productive agricultural land rich in wildlife habitat. This habitat often existed because of traditional, ecologically friendly agricultural practices. In many cases, we have seen that habitat degraded and lost through preservation-like refuge management that ceased the activities that were beneficial to wildlife. It is, through this lens, that the County analyzes the Service's proposal.

### **General Comments**

The National Wildlife Refuge System Administration Act (as amended) states refuges should be managed to meet both the purpose for which the refuge was established and the overall mission of the Refuge System. As it relates to this proposal, it is also to ensure the BIDEH are maintained for the future. As a County, we respect this mission.

However, as a practical matter, we observe the U.S. Fish and Wildlife Service is skeptical of commercial agricultural activities (haying, grazing, farming), on refuge land, even when these practices are producing desired habitat and food. Many believe there is no place for any

agriculture, other than raising a little grain for waterfowl feed, on refuges. Based on our experience interacting with the agency, it is evident that they feel great pressure from many in the environmental community to maintain these beliefs and implement them. Our primary concern with this proposal is that it will go even further in pushing managers to make decisions regarding agriculture on refuges that will be detrimental to both wildlife and our local communities.

The U.S. Fish and Wildlife Service lacks the experience or knowledge of how to properly manage agricultural practices on the refuge that benefit both the refuge and the local community. There is a natural tendency to want to “love a refuge to death” rather than see habitat maintained through agriculture. We are seeing other federal efforts to ‘preserve rather than conserve’ federal land and resources. The County urges you to rewrite this proposal in order to give local managers the latitude and the support necessary to employ beneficial agricultural activities that can provide quality habitat and maintain community backing.

We have many local examples of the ecological damage created when agricultural activities have ceased in the name of environmental purity on refuges. Within the County, we have seen quality habitat degraded by removing the haying and grazing that maintained the wetland/meadow grasses in the short, growing stages desired by grazing waterfowl. We have observed productive land invaded by noxious weeds and destructive rodents because weed and predator control were abandoned. Lack of irrigation or proper irrigation has turned wetlands into deserts, valuable meadow habitat into overgrown, waterfowl unfriendly swamps, and become breeding grounds for destructive swarms of grasshoppers. Pressure from anti-use advocates and a lack of strong support from the upper echelons have contributed to these situations.

One solution to repeating these mistakes continually is interaction with local government. County governments have direct connections with local producers who continue to produce, on nearby farms and ranches, the kind of habitat that are often what refuge wildlife need. County government also can bring university cooperative extension (natural resource advisors) scientists into the discussions that can lead to management outcomes that can benefit refuges, local communities, and nearby landowners. To this end, we are quite concerned that in the section of the Federal Register entitled “Coordination with Adjacent Landowners, State, and Tribal Partners”, you have failed to include local government. The Service’s relationship with adjacent landowners is often troubled as they see increased depredation of their private land and crops if refuge habitat is degraded or not appealing. Additionally, we are now seeing refuges, because of stagnant overgrowth, creating wildfire risks for neighbors.

In this same section of the description of your proposal, you discuss the need for a landscape perspective in order to ensure the BIDEH of the Refuge System. While we don’t disagree that there may be a need for some 30,000 feet guidance, each refuge is unique unto itself and it is far more important to address BIDEH at the refuge level. Your best facilitator for that remains local government. We strongly encourage you to not be swept up in the current one-size-fits-all, top-down direction sweeping the federal land management agencies. This approach serves all impacted poorly.

The proposed regulations direct managers to prioritize natural processes and support ecological connectivity to achieve refuge goals and objectives. The County would remind the Service that grazing, although it be by livestock rather than wild ungulates, is a natural process. It is also science-based. The only other method for removing old-growth wetland vegetation, besides haying and grazing, is burning.

The same paragraph encourages the establishment of wildlife corridors to facilitate the adaption of climate change. We have no problems with corridors within refuge boundaries. We become very concerned when the Service begins to look over the fence at neighboring properties. Refuge expansion, for whatever reason, especially without early and meaningful coordination with local government, is something the County takes very seriously. We recently were made aware of an expansion of a local refuge after a deal had already been brokered with the adjacent landowner. The Service acquired it, not because the potential acquisition had been carefully analyzed (there was no National Environmental Policy Act assessment) and found vital to the Refuge Systems mission, but because it was available. Our land use policy is that federal agencies should concentrate on better management of the land and resources they are already responsible for, rather than acquiring additional land. We see this proposal as encouraging additional acquisitions and urge that it be rewritten.

The County's belief is that much stronger engagement with local government would be greatly beneficial to both the Service and the Refuge System. We strongly urge you to rewrite this section to not only include local government as one of the entities for consultation but also highlight its importance.

We will repeat again that refuge staff often feel they are under immense pressure from many directions to curb the use of haying, grazing, and farming as tools for producing wildlife habitat and food, regardless of whether or not that food and habitat can be duplicated another way. These new proposals will likely increase that pressure under the guise of climate change. We suggest support for the desirable end results and not to be dictating the means to get there. As it relates to climate change, our observations are that the unsatisfactory condition of federal lands is not due to climate change, but rather to the failure of federal land managers to adopt appropriate management strategies to address the challenges of climate change. Those decisions should be made locally, to address site-specific conditions, rather than be a one-size-fits-all approach.

Climate change management requires an aggressive approach that needs all the tools in a refuge manager's toolbox. It means more effective and efficient use of available water, utilizing haying and grazing to produce more fire-resilient refuges as well as desired regrowth for late-season wildlife forage and appropriate upland grazing to provide species of concern with the heterogeneous mix of forages they require. These sorts of practices need policies and regulations that encourage their use if we are to have refuges with the resiliency to withstand the challenges that will come with climate change resource management. These include, but are not limited to, wildfire, flooding, and invasive weeds and insects.

## Specific Comments

Your proposal summary states that these rules/policies would provide refuge managers with a consistent approach for evaluating and implementing management actions. In the whole, that may be true, but the County reminds the Service that there is a statutory exception to that statement; the Lower Klamath and Tule Lake refuges. To paraphrase George Orwell; all refuges are equal, but some refuges are more equal than others.

Public Law 88-567 (Kuchel Act) clearly states these refuges are to be managed for waterfowl but with full consideration to optimum agricultural use. This new proposal is clearly not compatible with the Kuchel Act. The County strongly urges direction be provided that emphatically states that the management direction for these two refuges comes from the law, not this new proposal, regardless of its final form. While this might seem to be a non-issue, the refuge managers have been under constant pressure since the inception of the Kuchel Act, both from within and outside the Service, to manage in such a way to minimize the importance of the mandated farming. The County has seen several attempts over the years to sidestep the intent of the law and attempt to make the viability of agriculture on these refuges difficult or impossible.

We suggest direction be developed that clearly delineates to all decision makers on these two refuges that agriculture is not optional. We also suggest selecting personnel in management positions that have the necessary background to understand the importance of refuge farming; for the refuge, the communities, and the impacted local governments.

We fully understand that the Refuge System does not have a primary obligation to consider the impacts their operations have on the surrounding local communities. The single mission is management for wildlife and their habitat. **However, this is not the case for the Lower Klamath and Tule Lake Refuges.** Because of the legislative mandate for agricultural activity, Congress made it quite clear that this required farming was there to benefit the local community, as well as indirectly the waterfowl.

The importance of these "lease lands" to the local economy cannot be understated. These acres provide a starting place for the next generation of farmers. They are an important component of the agricultural economy of the tri-county area, contributing significantly to the overall economic health of the basin. They help local government directly through the refuge revenue sharing program as a portion of the lease money goes to the three counties. Indirectly, they help contribute to both the secured and unsecured tax rolls. While these amounts may not seem significant from the Service headquarters 2800 miles away, but they are critical for providing essential services to our citizens.

The Clear Lake National Wildlife Refuge contains one of the last known Greater Sage Grouse leks in Northeastern California. It is maintained, at least in part, by the grazing that takes place there. This managed grazing is critical for the heterogeneousness needed for proper Sage Grouse habitat. It cannot be produced any other way than by appropriate grazing. Again, we believe that this proposal provides additional pressure, on top of that already existing from the environmental community, to remove livestock from refuge land, regardless of the benefits.

The Modoc National Wildlife Refuge is almost entirely wetland. This habitat is ideal for many species of waterfowl. This habitat was primarily developed through the use of haying and grazing while it was in private hands. While these activities have continued in some form since the Service acquired the land, there has been continual pressure to change or discontinue the agricultural practices that created the desired short grass waterfowl habitat. Haying and grazing are the only mechanisms available to provide the short new-growth grasses that migrating waterfowl require for spring and fall migrations. There is no viable alternative. Because there are many that believe no commercial activity has a place on a wildlife refuge, there is constant pressure for cessation of the haying and grazing. The proposed regulations add to this pressure. They should be rewritten to provide support for local-level decision-making, ideally including the local expertise familiar with how agricultural activities can be managed to produce desired habitat.

### **Summary**

The County views the direction of this proposal as detrimental to refuge management, as it reinforces the push for the removal of agricultural practices that are already too prevalent. Using the challenge of climate change as the reason for this proposal does nothing to weaken the argument that many of the agricultural practices are the only way to maintain and enhance certain desired conditions. In fact, often climate change management would require an increased reliance on these practices as water applications must become more efficient and effective.

We again reiterate that the Lower Klamath and Tule Lake Refuges must be clearly separated from other refuges in the way they are to be managed. This proposal is in conflict with the Kuchel Act and separate guidance must be developed that fully complies with this legislation.

Finally, the County reminds the Service that local government must be a partner in refuge management. We can provide both support and local expertise for local refuge managers that will benefit all. We encourage a re-draft of this portion of the proposal.

The County appreciates consideration of our position and looks forward to an improved proposal.

Sincerely,



Shane Starr  
Chair of the Board