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## Humboldt County, Nevada



Humboldt County Courthouse  
50 West Fifth Street Room 205  
Winnemucca, Nevada 89445

March 4, 2024

To: U.S. Fish and Wildlife Service  
5275 Leesburg Pike, MS: PRB (JAO/3W)  
Falls Church, VA 22041-3803

From: The Board of County Commissioners  
Humboldt County  
Courthouse Room 205  
50 W. 5<sup>th</sup> Street  
Winnemucca NV 98445

Submitted via: <https://www.regulations.gov/commenton/FWS-HQ-NWRS-2022-0106-0001>

RE: Proposed Rulemaking: National Wildlife Refuge System: Biological Integrity, Diversity, and Environmental Health

Docket number: FWS-HQ-NWRS-2022-0106

RIN: 1018-BG78

Dear Director Williams,

The U.S. Fish and Wildlife Service (FWS or “the Service”) is proposing to write new regulations at 50 CFR § 29.3 (the “proposed rule”) and related policy revisions to Service Manual 601 FW 3 to further implement the biological integrity, diversity, and environmental health (BIDEH) provision<sup>1</sup> of the National Wildlife Refuge System Improvement Act (“Improvement Act” or “Act”) of 1997 at 16 U.S.C. § 168dd(a)(4)(B).<sup>2</sup>

The Board of Commissioners of Humboldt County, Nevada (the “Board” or “County”), takes an active interest in this rulemaking due to the Sheldon National Wildlife Refuge. The Sheldon National Wildlife Refuge (or “Sheldon Refuge”) occupies 572,896 acres of federal land in northwest Nevada, the majority of which are in Humboldt County. The Refuge has long been a valued resource in the region for hunting, fishing, and other forms of recreation, as well as (until 1994)

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<sup>1</sup> The BIDEH provision states: “In administering the System, the Secretary shall [...] ensure that the biological integrity, diversity, and environmental health of the System are maintained for the benefit of present and future generations of Americans...” 16 U.S.C. § 168dd(a)(4)(B).

<sup>2</sup> National Wildlife Refuge System Administration Act of 1966 (Administration Act; 16 U.S.C. 668dd– 668ee), as amended by the National Wildlife Refuge System Improvement Act of 1997 (Improvement Act; Pub. L. 105–57).

livestock grazing.<sup>3</sup> In our experience, Refuge management decisions can profoundly impact County interests, including wildfire risk on the greater landscape, hunting, fishing, and recreational access, ecologically and economically important activities like grazing, control of invasive species on the greater landscape, regional species conservation projects, and the economic stability and cultural character of Humboldt County. In short, management decisions on the Sheldon Refuge—and the regulations and policies that shape them—affect the public health, safety, and welfare in our community.

It is deeply troubling to this Board that in its rush to provide a one-size-fits-all “consistent approach” to managing refuges, the proposed rule elevates select provisions of the Improvement Act (like BIDEH at 16 U.S.C. § 168dd(a)(4)(B)) while suppressing and contravening others (like the supremacy of refuge purposes at 16 U.S.C. § 168dd(a)(4)(D)). The FWS has apparently forgotten that not all refuges can be managed under a blanket set of BIDEH requirements because different refuges have unique “refuge purposes” which refuge managers must prioritize consistent with the Improvement Act. *Id.* For example, some refuges (like Sheldon) have historic refuge purposes that specifically include agricultural activities like livestock grazing which, under the Improvement Act, must be prioritized even above the agency mission.<sup>4</sup> The proposed rule attempts to overwrite this statutory requirement. Instead, it would unlawfully subordinate all agricultural activities (even if they are a refuge purpose) to a host of blanket and practicably insurmountable BIDEH requirements—effectively banning the FWS from implementing any agricultural refuge purpose. In other words, the proposed rule invents novel, extra-statutory standards for carrying out agricultural refuge purposes that are inconsistent with, and undermine, Congress’s requirement that carrying out a refuge’s purposes (regardless of whether they support wildlife or agriculture) shall be the refuge manager’s highest priority.

As a separate matter, the proposed rule would also effectively ban discretionary agricultural activities which, even if not included in a refuge’s purpose, serve as critical tools for fuels management, invasive species control, and habitat enhancement.

Beyond questions of agriculture and grazing, we are also alarmed that the proposed rule issues a biased, rigid, and sweeping interpretation of Congress’s broad mandate to manage refuges for general BIDEH. This unwarranted interpretation forms a web of priorities and prohibitions which will frustrate refuge managers’ flexibility and latitude to address complex landscape-scale issues such as wildfire resistance and resilience, invasive vegetation management, and conservation-oriented predator control (among other actions) in the most timely and effective manner. The proposed rule’s sweeping BIDEH mandates also have the potential to interfere with priority wildlife-dependent recreation such as hunting and fishing activities.<sup>5</sup> We therefore submit the following

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<sup>3</sup> As stated in the Humboldt County Public Lands Resource Management Policy Plan, the County maintains that the current prohibition of livestock grazing on the Sheldon Refuge is inconsistent with 16 U.S.C. § 168dd(a)(4)(D).

<sup>4</sup> “In administering the System, the Secretary shall . . . ensure that the mission of the System described in paragraph (2) and the purposes of each refuge are carried out, except that if a conflict exists between the purposes of a refuge and the mission of the System, the conflict shall be resolved in a manner that *first protects the purposes of the refuge*, and, to the extent practicable, that also achieves the mission of the System.” 16 U.S.C. § 168dd(a)(4)(D).

<sup>5</sup> Under Executive Order 12996, “wildlife-dependent recreation” as it pertains to the System is defined as: hunting, fishing, wildlife photography and observation, and environmental interpretation and education. Amendments to the National Wildlife Refuge System Administration Act state it is the policy of the United States that:

comments to ensure FWS regulations are consistent with the Improvement Act and allow for flexible refuge management decisions that support landscape-scale public health, safety, and welfare concurrent with protecting valued wildlife and habitat.

### 1. Primary Comment:

Humboldt County's primary comment is that the current rulemaking and companion policy should be abandoned because they are inconsistent with and undermine key provisions of the Improvement Act. Tangentially, the proposed rule and companion policy would create confusion, do more harm than good, and are unnecessary for implementation of the Improvement Act. Failing abandonment of this unnecessary rulemaking, any regulation that is adopted must remedy these substantial shortcomings. Our subsequent comments (below) expand on and give context to this recommendation.

### 2. The Proposed Rule would improperly restrict or ban agricultural refuge purposes which have priority under the Improvement Act.

Background:

The Improvement Act lays out the policies and administrative mandates under which the national wildlife refuge system (the "System") and its component refuges are managed. Foremost among these is the System's mission "to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans." 16 U.S.C. § 668dd(a)(2). Through the mission, Congress made clear its general intent that the System be managed to prioritize wildlife and habitat over other values.

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"[C]ompatible wildlife-dependent recreation is a legitimate and appropriate general public use of the System." 16 U.S.C. § 668dd(a)(3)(B) (emphasis added).

"[C]ompatible wildlife-dependent recreational uses are the priority general public uses of the System and shall receive priority consideration in refuge planning and management." 16 U.S.C. § 668dd(a)(3)(C) (emphasis added).

"[W]hen the Secretary determines that a proposed wildlife-dependent recreational use is a compatible use within a refuge, that activity should be facilitated..." 16 U.S.C. § 668dd(a)(3)(D) (emphasis added).

Further, in administering the System, the Secretary shall:

[P]rovide increased opportunities for families to experience compatible wildlife-dependent recreation, particularly opportunities for parents and their children to safely engage in traditional outdoor activities, such as fishing and hunting." 16 U.S.C. § 668dd(a)(4)(K) (emphasis added).

Congress has further determined that:

"When managed in accordance with principles of sound fish and wildlife management and administration, fishing, hunting, wildlife observation, and environmental education in national wildlife refuges have been and are expected to continue to be generally compatible uses." Public Law 105-57, Sec. (2)(6).

However, the Improvement Act also recognizes that each individual refuge has specific “refuge purposes”<sup>6</sup> set forth in the refuge’s establishing documents that differ from one refuge to another. As a general policy, the Improvement Act stipulates that “each refuge shall be managed to fulfill the mission of the System, **as well as** the specific purposes for which that refuge was established...” 16 U.S.C. § 668dd(a)(3)(A).

Finally, Congress also recognizes that the System mission and the purposes of an individual refuge may sometimes diverge, and that meeting the dual requirements of fulfilling both the mission and a refuge’s purpose may not always be straightforward, or even possible. In such instances, Congress gives clear instruction that it is an individual refuge’s purpose(s) that must take precedence:

“In administering the System, the Secretary shall ... ensure that the mission of the System described in paragraph (2) and the purposes of each refuge are carried out, except that if a conflict exists between the purposes of a refuge and the mission of the System, the conflict shall be resolved in a manner that ***first protects the purposes of the refuge***, and, to the extent practicable, that also achieves the mission of the System.”

16 U.S.C. § 668dd(a)(4)(D) (emphasis added).

In short, Congress makes a special provision for ensuring that fulfilling the unique, historical reasons for the creation of each refuge (the “refuge purposes”) are prioritized in refuge management decisions, even surpassing the FWS’s responsibility to fulfill the System mission.

Humboldt County is aware that the Sheldon Refuge was created with a historical dual wildlife / agriculture refuge purpose. The majority of the Refuge (~539,000 acres) was established under an Executive Order<sup>7</sup> “for the conservation and development of natural wildlife resources **and** for the protection and improvement of public grazing lands and natural forage resources.” More specifically, according to the Sheldon Refuge’s refuge purpose statement:

- ❖ the natural forage resources on the Sheldon Range “shall first be utilized for the purpose of sustaining in a healthy condition a maximum of three thousand five hundred (3,500) antelope, the primary species, and such nonpredatory secondary species in such numbers as may be necessary to maintain a balanced wildlife population...”

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<sup>6</sup> “The terms ‘purposes of the refuge’ and ‘purposes of each refuge’ mean the purposes specified in or derived from the law, proclamation, executive order, agreement, public land order, donation document, or administrative memorandum establishing, authorizing, or expanding a refuge, refuge unit, or refuge subunit.” 16 U.S.C. § 668ee(10).

<sup>7</sup> The Sheldon National Wildlife Refuge (“Sheldon Refuge”) was established under three separate executive orders. Executive Order 7522, issued in 1936 by President Franklin D. Roosevelt, created the Charles Sheldon Antelope Range which constitutes the vast majority (539,000 out of 573,000 acres) of what is now the Sheldon Refuge. By contrast, the purpose of the ~31,000-acre Charles Sheldon Wildlife Refuge (“Little Sheldon”) established under E.O. 5540 in 1931 (and expanded under E.O. 7364 in 1936) was “as a refuge and breeding ground for wild animals and birds” (and subsequently in 1936: “...to further effectuate the purposes of the Migratory Bird Act...”) and did not include grazing as one of the purposes for that much smaller parcel. In 1978, the ~31,000-acre Charles Sheldon Wildlife Refuge (“Little Sheldon”) and the 539,000-acre Charles Sheldon Antelope Range were combined (PLO 5634) and renamed the Sheldon National Wildlife Refuge. Therefore, the two units that today make up the Sheldon National Wildlife Refuge have distinct refuge purposes, as established under three distinct E.O.s.

- ❖ “[A]ll the forage resources within this range or preserve shall be available, except as herein otherwise provided with respect to wildlife, for domestic livestock...”

This dual wildlife / agriculture refuge purpose is also recognized in the refuge Comprehensive Conservation Plan (CCP), which states that the Sheldon Refuge was:

- ❖ “...set apart for the conservation and development of natural wildlife resources and for the protection and improvement of public grazing lands and natural forage resources... EO 7522 dated December 21, 1936.” (emphasis added).

Sheldon National Wildlife Refuge Final Comprehensive Conservation Plan and Environmental Impact Statement, August 2012, p. 1-7.

While this dual wildlife / agricultural refuge purpose may not be palatable to current FWS leadership, it is a sound conservation approach and, more to the point, is protected by a Congressional mandate that the FWS does not have the authority to overwrite, i.e. provided the Sheldon Refuge’s specific wildlife quotas are met, if a conflict (real or perceived) exists between the agricultural component of Sheldon’s refuge purpose and the wildlife prioritizing mission of the System, “the conflict shall be resolved in a manner that ***first protects the purposes of the refuge.***” 16 U.S.C. § 668dd(a)(4)(D) (emphasis added).

The Proposed Rule:

The FWS’s proposed rule at 16 CFR § 29.3(d)(6) does not acknowledge the fact that a refuge can have agricultural refuge purposes. Nor does it acknowledge that under the Improvement Act refuge purposes have *priority* over the System mission; while the rulemaking notes that “[t]he law states that each refuge must be managed to fulfill both the Refuge System mission and the specific purposes for which that refuge was established” (89 FR 7364) the FWS guilefully omits any mention of the *priority* Congress gives refuge purposes over the System mission in 16 U.S.C. § 668dd(a)(4)(D). Ignoring these facts, the proposed rule instead singles out agriculture as a special management activity “having a particular propensity to affect BIDEH”<sup>8</sup> therefore requiring almost total prohibition, irrespective of whether the agricultural activity is a refuge purpose or not:

“*Agricultural uses.* We prohibit the use of agricultural practices unless they are determined necessary to meet statutory requirements, fulfill refuge purposes, and ensure biological integrity, diversity, and environmental health, and where we cannot achieve refuge management objectives through natural processes.” 89 FR 7352.

This provision creates a four-part test that would have the practical effect of a blanket ban on agriculture. It also invents novel criteria (e.g. meeting the FWS’s new definition of BIDEH; being authorized only upon failure of “natural processes”) that a refuge purpose—like grazing on the Sheldon Refuge—is not subject to under the Improvement Act. To the contrary, Congress did not impose restrictions or criteria on carrying out refuge purposes, agricultural or otherwise, in the Improvement Act and the FWS cannot invent them where they do not exist.

The FWS’s attempt to overwrite this critical provision of the Improvement Act is all the more apparent in its spurious claim that in the Act, Congress really recognized *three* competing priorities

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<sup>8</sup> 89 FR 7346.

(the System mission, refuge purposes, *and* BIDEH) in refuge management, and tasked the **FWS** with sorting out the ensuing confusion:

“In the statute’s requirements for administering the Refuge System, Congress elevated ensuring the maintenance of BIDEH **to a similar level of importance as ensuring that the Refuge System mission and refuge purposes** are carried out, **challenging the Service to implement these integral directives together** to provide the greatest conservation benefits for fish and wildlife.” 89 FR 7346-7. (Emphasis added.)

In the proposed rule’s creative interpretation, the Act’s BIDEH clause (to “ensure that the biological integrity, diversity, and environmental health of the System are maintained for the benefit of present and future generations of Americans... 16 U.S.C. § 668dd(a)(4)(B)) somehow emerges from the “challenging” confusion carrying more weight than even the System mission; i.e. while the Act clearly subordinates the System mission to refuge purposes without exception, under the proposed rule, the BIDEH provision would trump (agricultural) refuge purposes.

This creative interpretation has no basis in fact. Congress recognizes two, and only two, competing directives when it states that “each refuge shall be managed to fulfill the mission of the System, **as well as** the specific purposes for which that refuge was established...” 16 U.S.C. § 668dd(a)(3)(A). And again, Congress recognizes two, and only two, competing directives in its clear instruction that conflicts will be resolved in favor of refuge purposes:

“In administering the System, the Secretary shall ... ensure that the mission of the System described in paragraph (2) and the purposes of each refuge are carried out, except that if a conflict exists between the purposes of a refuge and the mission of the System, the conflict shall be resolved in a manner that **first protects the purposes of the refuge**, and, to the extent practicable, that also achieves the mission of the System.”

16 U.S.C. § 668dd(a)(4)(D) (emphasis added).

#### Summary:

In the proposed rule, the FWS claims to be providing much needed interpretation of inconclusive “challenging” statutory language that creates competing responsibilities that the FWS itself has been tasked with resolving—which they do (not surprisingly) in favor of prioritizing BIDEH above even the System mission or refuge purposes. But the Improvement Act requires no such tortured interpretation; it is perfectly clear. The Act recognizes only two primary administrative responsibilities—carrying out the System mission and the refuge purposes—and provides plain instruction that any conflicts between these shall preserve the refuge purposes first. The FWS’s proposed regulation seeks to overwrite this provision through elevating BIDEH as a value superior to (agricultural) refuge purposes. But the FWS cannot simply invent new restrictions on agricultural refuge purposes when Congress has imposed no such restrictions under the Improvement Act, and further, given that Congress elevates carrying out refuge purposes (agricultural or otherwise) to the highest management priority. “[A] regulation does not trump an otherwise applicable statute.” *See, e.g. United States v. Maes*, 546 F.3d 1066, 1068 (9<sup>th</sup> Cir. 2008); *United States v. Doe*, 701 F.2d 819, 823 (9<sup>th</sup> Cir. 1983). (“Where an administrative regulation conflicts with a statute, the statute controls.”)

#### Remedy:

The FWS cannot overwrite existing statute in its proposed rule. Nor can it selectively implement statute so as to ignore, or worse, contravene, Congressional mandates. The FWS's proposed rule does both. We therefore recommend the FWS abandon the current rulemaking. Failing that, any regulation pertaining either to BIDEH or agricultural activities must acknowledge in regulatory and guidance documents the priority of refuge purposes (agricultural or otherwise) over the System mission.

### **3. The Proposed Rule undermines flexible, effective refuge management.**

Beyond the blanket BIDEH mandates in sections (a)-(c), section (d) of the proposed rule imposes additional restrictions on specific management activities that, according to the FWS, “especially influence BIDEH.” 89 FR 7348. These include predator control, invasive species management, pesticide use, agricultural uses, and mosquito control. Under the proposed rule—

“these activities and uses **are all subject to the underlying conservation principle** that defers to natural processes and favors management that mimics natural processes.” 89 FR 7348.

We find that this restrictive mandate is unnecessary and will cause more harm than good. Reflexively deferring to “natural processes” as a rigid conservation principal is a dangerous management approach when (as in Humboldt County) wildfire and invasive vegetation are now primary drivers of habitat loss as well as being a profound human health and safety risk. Refuge managers should have full flexibility to use any reasonable tool<sup>9</sup> at their disposal to mitigate fuel loading and invasive vegetation (particularly near human habitation and private property) and restore burned landscapes regardless of whether such activities meet the proposed rule’s standard as “natural.” This applies particularly (though not exclusively) to managed livestock grazing and farming, which can serve as a critical fuels reduction and habitat management tool. By hampering refuge managers’ ability to make timely decisions based on the specific conditions and threats to a given refuge or refuge area, the proposed rule sacrifices long-term fuels and vegetation outcomes for short-term optics and ideals.

Similarly, in Humboldt County predator control is an essential component of special status species conservation (as with the Greater Sage-grouse) when predator populations are substantially out of balance (as with ravens). In order to participate in the timely, meaningful conservation of special status species with other federal, as well as state and local partners, refuge managers should not be bound by an artificial and idealistic deference to “natural processes” but should have the latitude to use any reasonable means to reestablish a thriving ecological predator / prey balance on a given refuge.

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<sup>9</sup> Refuge management flexibility to manage fuels is necessary to implement interagency policy for wildland fire prevention:

“Fire Management and Ecosystem Sustainability: The full range of fire management activities **will be used** to help achieve ecosystem sustainability, including its interrelated ecological, economic, and social components. “Full range of fire management activities” may include any vegetative management treatment.” Guidance for Implementation of Federal Wildland Fire Management Policy. Interagency Wildland Fire Leadership Council, Feb. 13, 2009, p. 10. (Emphasis added.)

Remedy:

Any regulation implementing the Improvement Act should allow refuge managers the latitude and flexibility to address ecological imbalances including, but not limited to, fuel loading, invasive vegetation, and predator control, in a manner that is appropriate and effective to the specific refuge and circumstances. Because the proposed rule requires deference to “natural processes” and “mimicking natural processes” in all management decisions, it fails to allow managers the flexibility necessary for timely and effective refuge management decisions. The proposed rule should therefore be abandoned. Failing this, the proposed rule should be substantially amended to include such flexibility.

**4. The Proposed Rule has the potential to undermine wildlife-dependent recreational activities<sup>10</sup> like hunting and fishing.**

The proposed rule at § 29.3(c) creates novel, sweeping BIDEH management directives that have the potential to restrict, or even foreclose on, heritage refuge recreational activities such as hunting and fishing. Under the Improvement Act, “compatibility” is the unique standard to which wildlife-dependent recreational activities (including hunting and fishing) are held. According to the Act—

“The term “compatible use” means a wildlife-dependent recreational use [...] that, in the sound professional judgment of the Director, **will not materially interfere with or detract from the fulfillment of the mission of the System or the purposes of the refuge.**” 16 U.S.C. § 668ee(1).

Under the Improvement Act, wildlife-dependent recreational activities that meet the above two-fold compatibility standard are given priority:

“[C]ompatible wildlife-dependent recreation is a legitimate and appropriate general public use of the System.” 16 U.S.C. § 668dd(a)(3)(B) (emphasis added).

“[C]ompatible wildlife-dependent recreational uses are the priority general public uses of the System and shall receive priority consideration in refuge planning and management.” 16 U.S.C. § 668dd(a)(3)(C) (emphasis added).

“[W]hen the Secretary determines that a proposed wildlife-dependent recreational use is a compatible use within a refuge, that activity should be facilitated...” 16 U.S.C. § 668dd(a)(3)(D) (emphasis added).

Further, in administering the System, the Secretary shall:

[P]rovide increased opportunities for families to experience compatible wildlife-dependent recreation, particularly opportunities for parents and their children to safely engage in traditional outdoor activities, such as fishing and hunting.” 16 U.S.C. § 668dd(a)(4)(K) (emphasis added).

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<sup>10</sup> Under Executive Order 12996, “wildlife-dependent recreation” as it pertains to the System is defined as: hunting, fishing, wildlife photography and observation, and environmental interpretation and education.



Congress has further determined that:

“When managed in accordance with principles of sound fish and wildlife management and administration, fishing, hunting, wildlife observation, and environmental education in national wildlife refuges have been and are expected to continue to be generally compatible uses.” Public Law 105-57, Sec. (2)(6).

Notably, the FWS’s proposed BIDEH rule invents an additional management standard that exceeds the Improvement Act’s two-fold compatibility test for hunting and fishing. The proposed rule would only allow—

“Compatible, refuge-approved recreational hunting and fishing opportunities that do not compromise maintaining biological integrity, diversity, and environmental health on the refuge...” 89 FR 7352.

It is clear that the proposed rule’s novel BIDEH management directives have the potential to restrict hunting and fishing activities (though the vagueness of the rule with respect to hunting and fishing gives no specific information as to how BIDEH directives would apply to hunting and fishing). What is unclear is what authority the FWS has to augment the two-fold compatibility standard Congress has established for permissible hunting and fishing use of refuges in this proposed rule. As we noted above, the Improvement Act nowhere acknowledges BIDEH as a *third* standard that refuge uses must meet. By imposing new, additional conditions on hunting and fishing refuge uses beyond the Act’s two-fold compatibility test, the proposed rule exceeds the limits of statute and could improperly restrict Congressionally prioritized wildlife-dependent recreational activities that substantially contribute to Humboldt County’s economy, customs, and community character.

Remedy:

Any regulation implementing the Improvement Act must defer to Congressionally mandated compatibility standards for authorizing hunting, fishing, and other wildlife-dependent recreational activities, as well as Congressional directives prioritizing such activities when they meet the Improvement Act’s two-fold compatibility test. The proposed rule improperly seeks to add additional BIDEH restrictions and criteria to hunting and fishing activities not recognized in the Improvement Act. For this reason, the proposed rule should be abandoned. Failing this, the proposed rule must be substantially amended to defer to Congress’s two-fold compatibility test and prioritization of compatible hunting and fishing refuge uses.

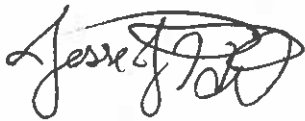
## 5. Summary:

The FWS’s proposed rule attempts to rewrite the Improvement Act by papering over the inconvenient truth that the Improvement Act explicitly preserves and prioritizes the historic purposes for which individual refuges were created, which in some cases (as on the Sheldon Refuge) include agricultural use. This is impermissible. It is not for the FWS to pick and choose which provisions of the Improvement Act to implement and which to ignore, or to otherwise revise or edit the laws Congress writes. The agency must implement Congress’s laws without bias or favor, but the proposed rule fails to do so. Further, by imposing blanket BIDEH management criteria,

including mandatory deference to natural processes, the proposed rule inappropriately constrains refuge managers' ability to make timely and effective management decisions regarding fuels control, invasive vegetation, predator control, and other factors that affect the public health, safety, and welfare as well as wildlife and habitat. Finally, the proposed rule's vague and sweeping BIDEH mandates could improperly restrict hunting, fishing, and other wildlife-dependent recreational activities that have been recognized by Congress as priority public refuge uses. For these reasons Humboldt County recommends that the proposed rule and the companion BIDEH policy document be abandoned. Failing this, they must be substantively rewritten to correct these shortcomings.

Humboldt County appreciates the opportunity to provide these comments on the FWS's proposed rule. If the FWS has questions or would care to discuss these comments further, please contact County Manager Don Kalkoske or County public lands consultant Andy Rieber.

Sincerely,

A handwritten signature in black ink, appearing to read "Jesse Hill", with a stylized flourish at the end.

Jesse Hill, Chairman  
Humboldt County Board of Commission