



March 4, 2024

Shannon Estenoz  
Assistant Secretary for Fish and Wildlife and Parks  
Department of the Interior  
1849 C Street NW  
Washington, D.C. 20240

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

***RE: "National Wildlife Refuge System; Biological Integrity, Diversity, and Environmental Health" Docket No. FWS-HQ-NWRS-2022-0106***

Dear Assistant Secretary Estenoz and Director Williams,

The Montana Stockgrowers Association (MSGA), Montana Association of State Grazing Districts (MASGD), and the Montana Public Lands Council (MPLC) submit the following comments regarding the U.S. Fish and Wildlife Service's (USFWS) proposed rulemaking and policy revisions to ensure Biological Integrity, Diversity, and Ecological Health (BIDEH) on National Wildlife Refuge System (NWRS) Lands.

Since 1884, MSGA has been dedicated to finding proactive solutions to the most difficult challenges facing Montana's ranching families. MSGA represents landowners who run cattle on private, state, and federal lands in Montana and have a significant and interminable commitment to long-held traditions of resource management that keep lands and wildlife healthy.

Since the earliest settlement of the West, and particularly Montana, the main responsibility of the Montana Public Lands Council has been to develop and coordinate unified policy positions and regulatory actions that most effectively represent Montana public lands grazing users. MPLC is a leading state organization in monitoring, initiating and coordinating actions on priority public lands issues in the state.

Of all the western states, Montana alone has a statutory network of State Grazing Districts, cooperative areas of diverse ownership that allow for the greatest use of range forage while conserving limited natural resources. Grazing districts are non-profit, cooperative associations of ranchers and farmers who raise cattle.

### **The value of livestock grazing for healthy lands.**

We represent producers who graze livestock on public land across the state of Montana and our organizations work to protect grazing lands and permits. As such, we voice serious concerns regarding the proposed NWRS BIDEH policy revision because of the important and positive impact of cattle grazing on NWRS lands. Montana is home to many national wildlife refuges, including the well known Charles M. Russell National Wildlife Refuge, and our organizations include producers who have grazed cattle on refuge lands for generations. There is a mutually beneficial relationship between wildlife habitat and cattle grazing, one that is tended to by producers who prioritize land, soil, and habitat health. Further, cattle grazing is especially valuable in terms of fuel load reduction for fire prevention efforts. In the proposed policy revisions it is stated that agricultural uses are, “prohibited unless 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.” MSGA, MPLC, and MASGD are extremely concerned with the language that illustrates cattle grazing as a secondary or last ditch effort for management if natural processes do not work. As written, it appears that cattle grazing could legally be removed from NWRS lands and other species introduced to the landscape instead. Our organizations request that the final rule text includes explicit assurances that existing cooperative agriculture agreements will not be amended to preclude domestic livestock species like cattle and that cattle will not be indirectly, or directly, forced off allotments.

### **Translocation of species not currently present on refuge lands.**

This rule change includes the ability for the agency to translocate species to the refuge, and consequently, increase their presence on surrounding lands. The proposed Service Manual revisions state “[The NWRS] may allow the introduction of a species outside its current range to avoid extinction or extirpation; restore a species; reestablish a specific ecological function lost to extinction or extirpation; or, in accordance with § 17.81(a) of this chapter, when necessary to meet statutory requirements, fulfill refuge purposes, and ensure biological integrity, diversity, and environmental health.” While we recognize that the USFWS has the authority to manage refuge acres for the benefit of wildlife, including federally protected species, we request the agency to include extensive public engagement, concerted efforts to mitigate depredation and appropriate coordination between state and federal agencies to ensure proper compensation for depredation losses, before translocating predator species to refuge lands. We further ask for the same diligence and public engagement process when the agency is considering the

introduction of non-predator species translocation. It's important to note that when species are translocated to a wildlife refuge, there is a legitimate probability that these species will migrate off the refuge at one point or another, thereby affecting the communities, lands, and livestock operations of the surrounding areas.

### **Impact to local communities.**

Not only will the above stated changes affect the communities surrounding the 580 NWR's in the United States, so will USFWS intent to "acquire lands when necessary." As land is absorbed into wildlife refuges it is removed from production and from the available private land base. Young and beginning producers, as well as producers looking to expand their operations in order to remain sustainable are already strapped in terms of access to land. Removing more acreage from the available land base will only exacerbate this issue, increasing the already climbing rate of producers leaving the industry. Without these ranches, employment will decrease, the tax base will decrease and rural communities will suffer, as will local, state, and federal economies. Additionally, food and fiber production will continue to decrease, driving prices up for consumers and creating avoidable commodity shortages. While we understand that there are many factors at play in this situation, regulations such as the one proposed often have a domino effect on the livestock industry. We encourage the USFWS NWRS to utilize every other possible option to meet statutory requirements, fulfill refuge purposes, and ensure biological integrity, diversity, and environmental health, before ever considering land acquisition. This includes entering into new cooperative agriculture agreements to continue to ensure productive acres remain as such.

### **Economic Analysis and NEPA Review**

The current rulemaking and revisions package is currently being viewed under the assumption these changes do not constitute as a major rule under 5 U.S.C. 804(2). Our organizations believe that there is the potential for a significant economic and environmental impact nationally if the rules are adopted. The rule changes open up a host of questions yet to be answered surrounding cattle grazing, protected species, land values and access on and around wildlife refuges. It would be prudent to study the potential economic impacts if all rules and policy revisions are carried out. It is noted that a NEPA process would be triggered on a case-by-case basis. We request clarification on what those cases would be and why a preliminary, overarching NEPA analysis should not be implemented before passage of the rule changes. Producers who graze cattle on national refuges take land health very seriously and manage resources for healthy soils and clean water. As land stewards, ranchers work hard to keep the location an excellent habitat for wildlife, knowing that wildlife and livestock have a mutually beneficial relationship when all are managed correctly. It is unwise to minimize a valuable tool for land health, fire suppression, and economic viability from the management of wildlife refuge lands.

MSGA, MASGD and MPLC appreciate USFWS for reviewing our comments and evaluating our concerns as your agency works through the rulemaking process surrounding biological integrity, diversity, and environmental health on refuge lands.

Sincerely,

Ellie K. Brighton

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