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Public Comments Processing
Katherine Harrigan
Senior Policy Advisor
United States Fish and Wildlife Service
5275 Leesburg Pike
MS: PRB (JAO/3W)
Falls Church, VA 22041-3803

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

Dear Ms. Harrigan:

The California Farm Bureau appreciates the opportunity to provide comments on the United States Fish and Wildlife Service's (Service) proposed regulations and policy updates concerning the biological integrity, diversity, and environmental health (BIDEH) of the National Wildlife Refuge System (Refuge System).

California Farm Bureau (CAFB) is California's largest farm organization, comprised of 56 county Farm Bureaus currently representing approximately 28,000 agricultural, associate, and collegiate members in 56 counties. Farm Bureau strives to protect and improve the ability of farmers, ranchers, and foresters engaged in production agriculture to provide a reliable, safe, and affordable supply of food and fiber through responsible stewardship of our natural resources.

The current proposals would add new regulations and update existing policy relative to the BIDEH of the Refuge System, subjecting management activities and uses to significant new management directives. CAFB opposes the addition of these regulations and related changes to policy as the proposal is prescriptive, unnecessary, and would considerably burden Refuge System wildlife and habitat management. The various statutes and executive orders that have established refuges contain legally delineated uses in many cases. Additionally, the Service already has authority to deem an unnamed use compatible if the use is based on sound professional judgement and will not materially interfere with or detract from the fulfillment of the refuge's mission or purpose. We are also very concerned that this proposal lacks local collaboration and cooperation as many local refuge managers were unaware of the proposal

prior to its release. For these reasons, CAFB offers the following comments for the Service's full consideration:

Native Predator Control

With some exceptions, the proposal would prohibit native predator control unless it is determined necessary to meet statutory requirements, fulfill refuge purposes, and ensure BIDEH. The Service may implement lethal predator control only when all other feasible methods have been fully evaluated and such control is considered the only practical means of addressing a specific, significant conservation concern and ensuring BIDEH.

As proposed, the policy and regulations do not include a definition of "native predator". It is also unclear if a species introduced as part of "conservation translocations" would be considered a "native predator" for the purposes of these proposals. We must also emphasize that activities that take place on the Refuge System also impact neighboring landowners and communities. We therefore urge the Service to address how refuge managers will coordinate with state agencies, local governments, and neighboring landowners on predator control issues. Additionally, controlling wildlife damage is a critical factor in maintaining the productivity of American agriculture. For this reason, we urge the Service to clarify the term "property" to be inclusive of agricultural livestock. Authorized hunters and trappers should also be allowed to control predators with overpopulation.

Conservation Translocations

The proposal states that the Service 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 when necessary to meet statutory requirements, fulfill refuge purposes, and ensure BIDEH.

The proposal fails to explain if, and how, conservation translocations interact with regulations for Endangered Species Act (ESA) listed species under the Service's ESA 10(j) rule. Currently, the proposed rule and the 10(j) rule mirror one another, stating that establishment of experimental populations may be necessary to address threats from climate change. Additionally, both the proposed rule and policy note that a conservation translocation is discretionary by using "may allow" language. However, the proposal also seems to mandate conditions under which an experimental population should be reintroduced beyond the conditions existing in the 10(j) rule by stating that a conservation translocation could exist "when necessary to meet statutory requirements, fulfill refuge purposes, and ensure biological integrity diversity and environmental health." We urge the Service to clarify whether or not conservation translocation populations would be considered experimental populations on the Refuge System and therefore treated as ESA threatened species for purposes of ESA Section 7 consultation.

Use of Genetically Engineered Organisms (GEOs)

The proposal would prohibit the use of genetically engineered organisms unless their use is determined necessary to meet statutory requirements, fulfill refuge purposes, and ensure BIDEH. As proposed, the Service's policy update states that "GEOs can have unpredictable and unintended effects on species and ecosystems" and the "proposed use of GEOs will also likely require scientific peer review prior to approval." The Service also requires regional-level approval for the use of genetically engineered crops (GECs) on the refuge system on a case-by-case basis.

These statements and proposals ignore the Coordinated Framework for the Regulation of Biotechnology established in 1986 to coordinate Federal government review of biotechnology research and products. USDA's Animal and Plant Health Inspection Service (APHIS), U.S. Environmental Protection Agency (EPA), and the U.S. Food and Drug Administration (FDA) all have roles to ensure the safety of GEOs/GECs. GECs used in the United States are subject to rigorous scientific and governmental review. Additionally, generally prohibiting the use of genetically engineered organisms (GEOs) neglects the significant and established science surrounding these practices. As drafted, the proposal ignores an extensive regulatory and scientific framework and perpetuates the myth that GEOs/GECs are somehow dangerous.

CAFB supports the ability to use GEOs/GECs to improve the quality and marketability of agricultural products and to solve environmental and health concerns. We urge the Service to recognize the role of fellow federal agencies with jurisdiction over GEOs/GECs and reverse the de facto ban on GEOs/GECs in the proposal.

Invasive Species Management

The proposal states that the Service would pursue actions to control invasive species as part of an integrated pest management plan when necessary to meet statutory requirements, fulfill refuge purposes, and ensure BIDEH.

California Farm Bureau supports public land management that reduces and eliminates impacts of harmful invasive species as effectively as private lands strategies and encourage federal, state, and local agencies to work in collaboration with private landowners to address harmful invasive species problems. We also urge the Service to consider livestock grazing as a strategy for improved control of invasive species in addition to fuel load reduction. Utilization of herbicides can also be effective.

Pesticide Use

The proposal states that pesticide use may be allowed, following review and approval of its use as part of an integrated pest management plan, when necessary to meet statutory

requirements, fulfill refuge purposes, and ensure BIDEH. The proposal also states that pesticide use must not result in adverse effects on populations of non-target species.

Under the jurisdiction of EPA, pesticides undergo a rigorous registration review process and are reevaluated every 15 years. To register a pesticide for use, organic or conventional, EPA must ensure that the chemical will perform its intended function without harming the environment, while also weighing the economic, social, and environmental costs and benefits of the pesticide. This process incorporates extensive data from hundreds of studies and an exhaustive government review process.

As noted previously, combating invasive species is a key concern for both public and private entities, and pesticides can play a significant role in helping mitigate those risks. We urge the Service to revise the proposal to include acknowledgement that responsible pesticide use can have substantial benefits within the Refuge System.

Agricultural Uses

The Refuge System has a successful history of incorporating cooperative agriculture. Cooperative land management agreements, established between the Service and farmers and ranchers, permit grazing of livestock, crop cultivation, haying, or the harvest of vegetative products. These agreements provide benefits to both the Refuge System and the agricultural producer by simultaneously producing food for wildlife, improving natural habitat, and producing a marketable commodity.

Farming and grazing are common on Refuge System lands and are routinely integrated with other management practices by refuge managers when appropriate. Each cooperative agriculture agreement is tailored to the local conditions of the refuge as well as the needs of the surrounding community. Existing statutes and executive orders establishing each refuge provide specific management policies and the Service works with farmers and ranchers to ensure that all parties continually meet their objectives.

Awarded through an open and competitive process, cooperative agriculture agreements are utilized on refuges only in situations where the Service cannot meet its resource management objectives through the maintenance, management, or mimicking of natural ecosystem processes or functions. Yet, the proposed regulation would establish a duplicative, unnecessary policy to prohibit farming and grazing unless new, additional statutory criteria are satisfied. This additional criteria would impose further restrictions on agricultural activities, create additional process that will burden refuge managers, and create uncertainty surrounding multiple use management activities that have been historically proven beneficial.

As drafted, we believe the proposal would greatly restrict cooperative agriculture on the Refuge System. Yet, the Service has offered no scientific evidence or concrete reasoning for precluding agriculture unless additional burdensome requirements are met by already resource-limited refuge managers. Farmers and ranchers who farm and/or graze livestock on public lands, including refuges, are part of the economic and social sustainability of rural communities. The changes included in this proposal will result in fewer tools for local refuge mangers and negatively impact farmers, ranchers, and the rural communities that rely on these activities.

Coordination and Economic Impacts

The Service states that the proposal would provide refuge managers with a consistent approach for evaluating and implementing management actions to protect vulnerable species, restore and connect habitats, promote natural processes, sustain vital ecological functions, increase resilience, and adapt to climate change. However, the proposal fails to consider the partnership, collaboration, and localized expertise of state fish and wildlife agencies, local communities, surrounding landowners, and even refuge managers.

In many cases, impoverished rural counties and the communities near refuges have relied, and continue to rely, on refuge lease lands as an important aspect of the regional economy. For example, in the case of the Klamath Basin National Wildlife Refuge Complex in Tulelake, California, three counties receive payments from the leasing of Klamath Project reserved lands, as outlined in Section 3 of the Kuchel Act (Public Law 88-567) which was passed in 1964. The total amount of payments received by Siskiyou and Modoc Counties in California and Klamath County in Oregon averages between $450,000 to $500,000 per year. If agriculture on the lease lands were to be terminated, the impact would be felt through the degradation or elimination of vital services provided by these county to its constituents. The Service should also recognize the clear statutory intent in the Kuchel Act that the Klamath refuges are to be managed for waterfowl while optimizing their agricultural uses.

Additionally, on many refuges in California, cooperative agriculture is primarily comprised of livestock grazing. Specific protocols are adhered to by producers to safeguard both animal species and vegetation and revenues generated from these agreements contribute to funding refuge conservation efforts. These agreements are a key component of these ranchers' businesses. Removal of these agreements would result in these ranchers needing to lease additional land, reduce herd size, or even eliminate the herd entirely.

While these private-public partnerships hold immense value for the ranchers involved, the value also transcends beyond beef production. Livestock grazing on refuges has numerous advantages including reduction of invasive plant species, increased opportunity for native plant presence, and vegetation management in areas serving as important habitat for

multiple species. For example, invasive grasses in areas of northern California have wreaked havoc on the natural habitat of the blunt-nosed leopard lizard. This federally endangered reptile gets caught up in the tall grasses and becomes extremely vulnerable to predators. To assist, livestock grazing permits were issued by federal agencies. The cattle eat down the invasive grasses so the lizard may more quickly move about, making them less susceptible to predator attack. This livestock grazing approach is being utilized for additional endangered species as well.

Conclusion

Agriculture is a key contributor to the successes of the Refuge System, contributing wildlife habitat and food resources for wildlife. As drafted, the proposal is a missed opportunity for the Service to recognize the many benefits of agricultural activities to the Refuge System. We urge the Service to revise the proposal. As drafted, it is far too broad, ignores current authorities of Congressional determinations, and would have profound impacts on refuge operations, the conservation of wildlife, and rural communities.

California Farm Bureau appreciates the opportunity to provide comments in response to the Service's BIDEH proposal. If questions about these comments, please contact Erin Huston at ehuston@cfbf.com.

Sincerely,

Shannon Douglass

SHANNON DOUGLASS
President