

March 1, 2024

Public Comments Processing  
Attn: FWS-HQ-NWRS-2022-0106  
U.S. Fish and Wildlife Service  
5275 Leesburg Pike, MS: PRB  
Falls Church, VA 22041-3803

Re: FWS-HQ-NWRS-2022-0106, National Wildlife Refuge System; Biological Integrity, Diversity, and Environmental Health

To Whom It Concerns,

The Missouri River Conservation Districts Council (MRCDC/Council) is a coalition of the fifteen conservation districts along the Missouri River in Montana, spanning 725 miles of the river corridor, including its tributaries and associated uplands, from its headwaters in Gallatin County to Richland County at the North Dakota border.

MRCDC member districts are organized according to Montana statute contained in Title 76, Chapter 15, Section 102 which states, "It is hereby declared to be the policy of the legislature to provide for the conservation of soil and soil resources of this state, for the control and prevention of soil erosion, for the prevention of floodwater and sediment damages, and for furthering the conservation, development, utilization, and disposal of water and thereby to preserve natural resources, control floods, prevent impairment of dams and reservoirs, preserve wildlife, protect the tax base, protect public lands, and protect and promote the health, safety, and general welfare of the people of this state."

On page 7348, column 3 last paragraph, you state that these proposed regulations and policy updates comply with and incorporate the Service's commitment to cooperate and coordinate with State partners, as appropriate...., it is our understanding that coordination efforts should extend to local governments within which the lands are located. With the authority above, the Council would like the reference to the Federal Land Policy and Management Act 43 U.S.C.1712(c)(9) added to language under new section 29.3 referring to this coordination requirement in the implementation of section 29.3.

Two species that come to our minds when talking about imperiled species that may be translocated to refuges are grizzly bears and wolves, both of which are found and are becoming more abundant in Montana. It is a concern of ours that the proposed rule specifies no control, lethal or non-lethal, will be allowed of these imperiled species unless there is a human health concern. These two predators have a large impact on the communities they are

currently in – changes to ranching operations, changes to wildlife abundance and distribution, and changes to human safety while recreating. *Are these the imperiled species the US Fish and Wildlife Service refers to when they talk about translocating imperiled species and control options of predators on refuges?* (Page 7348, left column in second paragraph, “...policy updates would similarly codify the Service’s ability to supplement natural processes to meet fish and wildlife population objectives, sustain ecosystems, and restore or recover imperiled species on refuges when habitat conditions and natural processes are insufficient.”, page 7351, #3 Manage fish and wildlife. “...and where appropriate, restore or recover imperiled species.”, page 7352, #2 Conservation translocations definition, “We 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.”)

In FWS-HQ-NWRS-2023-0024 potential policy changes included the USFWS being able to acquire land, “...land acquisition, minor and major refuge boundary modifications...” and “...developing comprehensive conservation plans for new refuges, their scope...” The Council was concerned with this wording and sent a comment letter regarding this language. Additional lines in this current proposed rule change for BIDEH supplement our concern for USFWS land acquisition. *Is there potential for the US Fish and Wildlife Services to obtain additional lands under this proposed rule change?* (Page 7351 paragraph (c)(2)... “When natural processes cannot meet habitat objectives or facilitate adaption to anthropogenic change, we will use science-based management techniques or acquire lands when necessary to meet statutory requirements.” And (c)(5) Promote and maintain healthy soil, water, and air, “We will address threats to these abiotic components by pursuing appropriate actions, including when such threats to refuge resources arise outside refuge boundaries.”, page 7347 left column near bottom, “This proposed regulation would codify the Service's continued commitment to managing refuge ecosystems holistically as components of larger landscapes and seascapes and supporting natural processes to meet our conservation goals...””, and page 7348 left column near middle, “...instruct managers to use such techniques and encourage establishment of wildlife corridors...”)

On page 7352 section 29(3)(d)(6) Agricultural uses, the document states, “We prohibit the use of agriculture 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.” The language under section 29(3)(d)(6) could be interpreted that all agricultural practices on the refuge would be terminated “unless” it can be determined necessary to meet statutory requirements. We believe this statement is far too broad for us to understand the true meaning of the section. Appropriately managed livestock grazing improves habitat for fish and wildlife species, so we believe this habitat management tool should not be taken away but rather implemented at a greater level across the refuges system. Garfield County Conservation District is conducting a scientific grazing monitoring project on over 60,000 acres of CMR Wildlife Refuge, Bureau of Land Management, and private lands. In short, eight years of data from 25 monitoring sites have proven that the range health on the control sites with no grazing show a downhill (negative) trend. The range health on lightly grazed and heavier

grazed sites shows an uphill (positive) trend. This study has included wet years as well as two of the driest years on record. As such, this science proves livestock are excellent eco-system service providers that benefit range health. As Alan Savory has studied, learned and promoted; without livestock grazing and trampling, the grass vegetation has to decay biologically before the next growing season, and if it doesn't, the grassland and the soil begin to die. If vegetation doesn't decay biologically, it shifts to an oxidation process, which is very slow leading to the excess vegetation smothering and killing other grasses which then leads to a shift to woody vegetation and bare soil, releasing carbon. Fire as a tool simply removes all vegetation, grass, brush and other woody plants, releasing a massive amount of carbon and causing desertification of the landscape. MRCDC believes that 'no management' is not a management technique that benefits wildlife or habitat lands. *Will this proposed rule change impact the livestock grazing leases on the Charles M. Russel National Wildlife Refuge in Montana? Will USFWS coordinate and utilize this local science in decision making?*

Livestock grazing permits on wildlife refuges in Montana are vital to the natural resources, and to our local communities, counties, and state economy. On page 7349 under *Regulatory Flexibility Act*, the proposed rule states, "...no regulatory flexibility analysis is required if the head of an agency certifies that the rule will not have a significant economic impact on a substantial number of small entities." and "...the Service certifies that this rule, as proposed, would not have a significant economic effect on a substantial number of small entities as defined under the Regulatory Flexibility Act." *What data was used by the USFWS to come to this conclusion?* The Council would like to see the economic data that was used by the USFWS and be able to verify this statement.

Under section 29(3)(c)(5) Promote and maintain healthy soil, water, and air. In Montana, an example of refuge management that directly impacts air quality are wildfires that become difficult to control due to a buildup of fuel loads and/or encroachment of flammable invasive annual grasses within the boundaries of the refuge. Through proper forage management, such as livestock grazing, the likelihood and intensity of wildfires can be reduced. *What are examples of refuge management directives that impact air quality that the USFWS has identified?*

Under section 29(3)(d)(5) related to pesticide use as a form of land management directly is the importance of land managers being able to control noxious and invasive species with pesticides, or other means, as needed and as stated in the proposed rule change. The Council does agree with the ability to use pesticides in controlling invasive species as part of an integrated pest management (IPM) plan. We would also add that having a pre-approved IPM plan would allow refuge management to expedite control measures when needed. Invasive species won't wait for an approved plan to become a problem so it would be good to have one in place before control is warranted.

To have better understanding and comments of these proposed BIDEH rule changes overall, the Council needs to know what impacts there will be, none of which were provided, but as stated in the document 'are too speculative for meaningful analysis.' The Council doesn't understand why the US Fish and Wildlife Service brought forth these rule changes to BIDEH without having meaningful analysis to go along with it. *Shouldn't the environmental impacts*

*on implementing these rules changes be better understood and known before introducing these BIDEH rule changes? (Page 7350, in the middle column just above Primary Author, the document states, "Therefore, the environmental impacts of the proposed rule are too speculative to lead to meaningful analysis at this time.")*

The Council believes that local input and coordination is key for the proper administration of National Wildlife Refuges. When specific changes are proposed under the rule, with a commitment on page 7348 third column bottom of page to coordination with local governments, specific language should be included in the policies emphasizing cooperation and coordination in the implementation of these rules with state, tribal, and local governments. On-the-ground, local ecological knowledge of the land is important to incorporate into any plans and decision processes.

An additional question the Council has is, *how does the definition of "conservation" in the proposed rule change compare to the definition in the America the Beautiful Initiative?* All of the public comments submitted by the Council since this initiative was implemented have gone unanswered.

The Missouri River Conservation Districts Council thanks you for taking our comments into consideration regarding the proposed rule change for the National Wildlife Refuge System; Biological Integrity, Diversity, and Environmental Health rule.

Sincerely,

A handwritten signature in blue ink that reads "Karl Christians". The signature is written in a cursive style with a long horizontal line extending to the right.

Karl Christians, Chairman  
Missouri River Conservation Districts Council

cc:

Senator Jon Tester

Senator Steve Daines

Representative Matt Rosendale

Representative Ryan Zinke

Governor Greg Gianforte