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Assistant Secretary Estenoz and Director Williams,

The undersigned organizations represent livestock ranchers who conserve and enhance thousands of acres of high-quality wildlife habitat across the West. Our producers treat against invasive plant species, cultivate and restore native grasslands, mitigate the risk of wildfire, work with state and federal authorities to support migration corridors, and participate in candidate conservation agreements and habitat management plans to support wildlife recovery, all while raising high-quality protein to feed our nation. This work takes place on millions of private acres, but also on public lands encompassed by the Bureau of Land Management, U.S. Forest Service, and the National Wildlife Refuge System (NWRS). We have a vested interest in the U.S. Fish and Wildlife Service's (FWS) proposed rulemaking and policy revisions<sup>1</sup> to ensure Biological Integrity, Diversity, and Environmental Health (BIDEH) on NWRS lands, and we comment today with several suggestions to ensure that the vital partnership between FWS, private landowners, and federal grazing permittees remains strong.

The Public Lands Council (PLC) is the only national group dedicated solely to representing the ranchers who hold roughly 22,000 federal grazing permits and steward more than 220 million acres of public land across the West. The National Cattlemen's Beef Association (NCBA) is the oldest and largest trade association representing the American cattle industry, with roughly 26,000 individual members and more than 178,000 members in our 44 state affiliate organizations. The American Sheep Industry Association (ASI) is a national federation of 45

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<sup>1</sup> "National Wildlife Refuge System; Biological Integrity, Diversity, and Environmental Health." Docket No. FWS-HQ-NWRS-2022-0106, FXRS12610900000-212-FF09R20000. February 2, 2024.

state sheep associations that has represented the interests of the producers who make America's lamb and wool since 1865.

### **Sound Grazing Practices Strengthen Habitat**

In many cases and across many landscapes, livestock grazing is an asset – not a hindrance – to the National Wildlife Refuge System's mission to conserve, manage, and restore fish, wildlife, and plant resources and their habitats. Ungulate grazing and thriving wildlife have evolved symbiotically in the American West for centuries, and the Noble Research Institute notes that “[while] native rangeland is the ideal plant community for native wildlife, remember that native ecosystems across the country have evolved with natural disturbances such as herbivory (grazing) and fire. Grazing livestock are essential to maintaining healthy native rangelands teeming with wildlife.”<sup>2</sup> One common example of this mutually beneficial relationship is cattle and deer species; when cattle graze down the grasses on a landscape, more sunlight and water reaches the lower-growing forbs that are central to deer diet.<sup>3</sup> This encouragement of plant height diversity also creates better cover and habitat for bird species. Another common example is the role cattle play in conserving vernal pools. Vernal pools are seasonal, isolated water features that provide breeding grounds for amphibians, filter runoff, and provide a water source for migratory birds. Cattle conserve these important features by grazing down the invasive plant species that can encroach and erase the pools from the landscape.<sup>4</sup>

While there are numerous natural processes that result organically from livestock grazing, active management and interventions by livestock ranchers can also reap significant benefits for wildlife. One ranching family in Montana recounts how their work to improve water access on their NWRS allotment has improved grazing distribution and prevented the heavy impact that can come from clustering in one location for too long —

“Our family has been grazing on the Charles M. Russell National Wildlife Refuge since before it was even designated as a refuge. Today, we graze more than 70 sections on the refuge, about 45,000 acres total. We also own private land within the boundary of the refuge. The long-term interaction and cooperation with each other is important to both parties. The last few years, we have been experiencing drought conditions. We maintained four water tanks and several reservoirs in our allotment on the refuge. Without these water sources, wildlife would have had to travel several miles to water in the Missouri River. Being able to utilize the water in the tanks and reservoirs made it possible for the wildlife and cattle to graze throughout the refuge, which is more efficient.”<sup>5</sup>

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<sup>2</sup> “Is Wildlife Compatible With the Livestock on Your Ranch?” Noble Research Institute.

<sup>3</sup> “Grazing Management Benefits Cattle and Deer.” Chad Ellis. Noble Research Institute.

<sup>4</sup> “Grazing for Conservation: Cattle's taste for non-native grasses helps vernal pools thrive.” Cal Robinson. U.S. Fish and Wildlife Service. February 18, 2022.

<sup>5</sup> Interview. Lesley and Jim Robinson, Lazy JD Cattle Co.

The Robinsons also note that their ranch supports the contiguousness of important habitat —

“The prime habitat for the wildlife is not just found on the refuge, but also on the adjacent landscapes, including our private land and the [Bureau of Land Management] allotments. This is just one example of the importance of working with each other, and recognizing that cattle grazing on the refuge does contribute positively to the biological integrity, diversity, and environmental health of the Charles M. Russell.”<sup>6</sup>

The proposed rule states that FWS shall “allow for and defer to natural processes on habitats within the Refuge System and promote conservation, restoration, and connectivity to meet refuge habitat objectives and landscape planning goals [...] When natural processes cannot meet habitat objectives or facilitate adaptation to anthropogenic change, we will use science-based management techniques [...]”<sup>7</sup> The undersigned organizations urge FWS consider managed livestock grazing as an optimal, science-backed management technique for promoting biodiversity and ecological health on NWRS landscapes. The numerous ecosystem services provided by grazing are a tested and proven contributor to building landscapes that are more resilient to invasive species, catastrophic fire, and changing climate conditions. With proper management, grazing is today – and can continue to be – a natural process that cultivates BIDEH on refuge lands.

The organizations also note with concern the FWS’ language in the proposed policy revisions that “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.**”<sup>8</sup> We strongly caution FWS against attempting to reinvent the wheel and swap livestock grazing out for other species in an attempt to achieve a more “natural” process. Bison pose a particular concern to ranchers, due to the risk of brucellosis transmission to neighboring cattle herds on public and private lands. Additionally, livestock grazing on refuges is both highly regulated and closely managed. Displacement of livestock grazing for another purpose would inherently result in a less-managed landscape, to the detriment of refuge goals. We request that the final rule text include more explicit assurances that existing cooperative agriculture agreements will not be amended to preclude domestic livestock species like cattle or sheep; and that cattle and sheep will not indirectly be forced off grazing allotments due to the introduction of species with disease management concerns, such as bison or bighorn sheep.

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<sup>6</sup> Interview. Lesley and Jim Robinson, Lazy JD Cattle Co.

<sup>7</sup> Docket No. FWS-HQ-NWRS-2022-010.

<sup>8</sup> Docket No. FWS-HQ-NWRS-2022-010.

### **Statutory Basis for Responsible Refuge Grazing**

In addition to the qualitative arguments outlined above, there is clear guidance in existing statute that protects the use of compatible uses and tools on NWRS lands so long as those uses or tools support the purpose of the refuge. The National Wildlife Refuge System Improvement Act of 1997 (“the Act”) states that a compatible use, whether recreational or agricultural, is any use of the refuge 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.”<sup>9</sup> There are numerous instances in which managed grazing supports the conservation, restoration, and enhancement of wildlife habitat. In California, for example, of the 287 federally listed threatened and endangered species present in the state, 51 percent are present on grazing lands. Of that 51 percent, the majority are positively influenced by livestock grazing.<sup>10</sup> Across the country, the heterogenous composition of healthy grasslands is directly improved by livestock grazing and also helps provide quality habitat for migratory birds.

The undersigned organizations understand and acknowledge that in very limited cases, livestock grazing may be in conflict with habitat goals for a specific species on a specific refuge. In such cases, the law and the proposed BIDEH policies are clear that the FWS Director has the discretion to remove uses that were previously thought to be compatible. However, the organizations also urge the agency to heed the mission hierarchy laid out in the Act. The agency is tasked with administering NWRS lands in such a manner to “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.”<sup>11</sup> The proposed BIDEH policy revisions raise the bar, so to speak, for compatible uses from fulfilling the purpose of the refuge to ensuring BIDEH writ-large. It is unclear whether that assertion (“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”<sup>12</sup>) is intended to apply to the BIDEH of the refuge or the BIDEH of the System in its entirety. Regardless, the law is clear; the mission of each individual refuge comes before the mission of the System and for most refuges, managed livestock grazing can and should be found in the judgement of the agency to “not materially interfere with or detract from” durable wildlife habitat conservation.

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<sup>9</sup> 16 USC § 668ee (1).

<sup>10</sup> “Beef cattle grazing more help than harm for endangered plants and animals.” Sheila Barry. University of California Division of Agriculture and Natural Resources. May 2021.

<sup>11</sup> 16 U.S. Code § 668dd (a)(4)(D).

<sup>12</sup> Docket No. FWS-HQ-NWRS-2022-010.

### **Loss of Productive, Working Acres**

Regarding the FWS' intent in the proposed rule to “acquire lands when necessary to meet statutory requirements, fulfill refuge purposes, and ensure biological integrity, diversity, and environmental health,”<sup>13</sup> the undersigned organizations strongly urge the agency to exhaust all possible options, including entering into new cooperative agriculture agreements, before acquiring land that is currently productive for grazing, haying, or row crop production. Our nation is losing productive acres – the bedrock of our domestic food, fiber, and fuel production – at an alarming rate. From 2001-2016, 11 million acres of agricultural land were developed, fragmented, or converted to uses that preclude agriculture.<sup>14</sup> One estimate puts the rate of lost farm and rangeland at 175 acres every hour.<sup>15</sup> The United States is immensely fortunate to have a strong domestic food supply chain, one that leads the globe in environmental improvement, increased productivity, and technological innovation. None of the benefits of our advanced agricultural industry – none of the nutritious food, none of the national security, none of the ecosystem services, none of the hundreds of billions of dollars in economic activity or the millions of jobs – will continue to flow to Americans if our farmers and ranchers are continuously outbid, regulated, litigated, and otherwise pushed off productive acres. Contributing to this trend would be a grave misstep for the FWS, and one that would ultimately undercut numerous successful voluntary conservation partnerships already happening on cooperative agriculture acres within the NWRS.

In addition to the outright acquisition of agricultural acres, the undersigned organizations encourage FWS to consider the loss or reduction of farming and ranching operations that may occur from reckless translocation of predator species. 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.”<sup>16</sup> While we do not dispute the FWS' authority to manage NWRS acres for the benefit of wildlife, including federally protected species and candidate species, above all other considerations, we urge the agency not to jeopardize existing successful conservation partnerships by translocating predator species without extensive public engagement, concerted efforts to mitigate depredation, and proper coordination between state and federal authorities to insure access to proper compensation for depredation losses.

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<sup>13</sup> Docket No. FWS-HQ-NWRS-2022-010.

<sup>14</sup> “Farms Under Threat: The State of the States.” American Farmland Trust.

<sup>15</sup> “America’s Disappearing Farm and Range Land.” Global Agricultural Productivity Initiative, Virginia Tech.

<sup>16</sup> Docket No. FWS-HQ-NWRS-2022-010.

**Conclusion**

America's livestock producers play a pivotal role in the conservation of wildlife species and valuable habitat. In many parts of the country, farms and ranches are the last reservoirs of green, open land in counties facing increasing rates of low-density development and suburban sprawl. In rural areas, producers serve as the first line of defense against soil erosion, invasive plant species, wildfire fuel buildup, and other environmental challenges. Livestock ranchers take their responsibility to care for the land as seriously as their obligation to care for their herd or their family; without that level of commitment, most of them would have gone out of business generations ago. Today, many cooperative agriculture projects are thriving within the NWRS system, achieving BIDEH, and providing vital access to forage for the livestock ranchers that undergird the rural economy in communities across the country. We urge FWS to consider incorporating our recommendations into final rule text so the National Wildlife Refuge System can continue to be served and supported by livestock producers for many generations to come.

Sincerely,

Public Lands Council  
National Cattlemen's Beef Association  
American Sheep Industry Association  
Association of National Grasslands  
California Cattlemen's Association  
Colorado Cattlemen's Association  
Colorado Public Lands Council  
Colorado Wool Growers Association  
Idaho Cattle Association  
Montana Association of State Grazing Districts  
Montana Public Lands Council  
Montana Stockgrowers Association  
Nevada Cattlemen's Association  
North Dakota Stockmen's Association  
Oregon Cattlemen's Association  
Utah Public Lands Council  
Wyoming Stock Growers Association  
Wyoming Wool Growers Association