

Congress of the United States

Washington, DC 20515

June 28, 2024

The Honorable Martha Williams
Director
U.S. Fish and Wildlife Service
1849 C Street, N.W.
Washington, D.C. 20240

Dear Director Williams,

We write regarding the rule and policy changes proposed by the U.S. Fish and Wildlife Service (Service), entitled the “National Wildlife Refuge System: Biological Integrity, Diversity, and Environmental Health” (hereinafter BIDEH proposal) published in the Federal Register on February 2, 2024.¹ We believe the BIDEH proposal is a step backward in managing the National Wildlife Refuge System (System) and that, in its current form, it would be impossible to improve it enough to be acceptable. Therefore, we are demanding the Service rescind the BIDEH proposal. Should the Service feel it necessary to change its current BIDEH rules and policies, we believe the Service should begin anew by conducting a meaningful dialogue with stakeholders to craft a proposal acceptable to the System’s diverse stakeholders, including its partners in the agriculture community.

The System is a crown jewel of American conservation, comprised of nearly 900 million acres, with over 90 million acres in non-insular areas.² In 1997, Congress passed the National Wildlife System Improvement Act (Act), which established that “the mission of the System is 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.”³ We agree that wildlife conservation is at the core of the System’s mission. Unfortunately, the Service has unilaterally chosen to pick just one of the 14 priorities listed in the Act and elevate it as the only guiding principle for managing the System and the sole justification for the proposed rule. The Service’s decision contradicts the Act, which specifically states 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.”⁴ The BIDEH proposal ignores specific Congressional directives and forces a one-size-fits-all approach to managing each refuge.

¹ Federal Register, National Wildlife Refuge System: Biological Integrity, Diversity, and Environmental Health, Proposed Rule, RIN 1018-BG78, U.S. Fish and Wildlife Service, Department of the Interior, February 2, 2024 [hereinafter BIDEH proposal].

²“U.S. Fish and Wildlife Service: An Overview.” Christopher R. Field. Congressional Research Service. 7/20/18. [U.S. Fish and Wildlife Service: An Overview \(congress.gov\)](https://www.congress.gov/resources/library/publications/2018/R45444)

³ 16 U.S.C. §668dd(a)(2).

⁴ 16 U.S.C. §668dd(a)(4)(D).

The BIDEH proposal is a complete departure from the mission of the System. The proposal prohibits using agricultural practices, genetically engineered crops and pesticides, and managing predators within the System unless a series of onerous regulatory hurdles are satisfied. Each of these tools is integral to adequately managing refuges across the System. Placing blanket prohibitions on their use is counterproductive to the health and long-term well-being of many individual refuges across the System. In partnering with American farmers, refuges can deliver meaningful conservation benefits to species and valuable recreational opportunities for hunters, anglers, wildlife viewers, and many other forms of outdoor recreation. The cooperation between agriculture and the System benefits both the refuges and the farmers. Simply put, the management practices that the Service proposes to prohibit have a proven track record of creating valuable habitat for wildlife and greatly improving ecological conditions in refuges.

The BIDEH proposal adopts a “guilty until proven innocent” management approach, prohibiting the use of agricultural practices unless refuge managers and farmers jump through a series of regulatory hoops and added expenses. This includes requiring refuge managers to undergo a full National Environmental Policy Act (NEPA) process before authorizing any agricultural practices.⁵ Refuge managers must also fulfill “other policy and legal requirements to implementing a management activity or use when applicable,” including scientific peer reviews.⁶ The departure from the existing Service policy will increase costs for both the farmer and the refuge and, in turn, diminish the value of cooperative agriculture in refuges.

The proposed policy also takes unnecessary steps to limit other responsible management practices, such as using native predator control, cultivating genetically engineered crops, and using pesticides. The proposed policies do not align with the best available science and may conflict with comparable management practices of the state where the refuge is located. For example, the proposal ignores states' role in managing species within their borders and fails to consider how decisions within the refuge impact state management.

What has been particularly frustrating for Members of Congress and for impacted stakeholders alike is the Service's obvious minimization of the proposed rule and its broad reaching consequences. In an oversight hearing held by the Water, Wildlife and Fisheries Subcommittee on the proposed rule on April 10th the Service's Deputy Director for Policy, Steve Guertin, testified that “the proposal does not ban the use of any of the management practices discussed above on national wildlife refuges.”⁷ However, a plain reading of the language of the rule and the public statements of the rule's supporters say otherwise. In fact, the Humane Society of the United States has lauded the proposal by saying it would “ban the use of predator control measures throughout the National Wildlife Refuge System.”⁸

⁵ BIDEH proposal, *supra* note 1 at 7348.

⁶ *Id.*

⁷ “Testimony of Stephen Guertin.” House Committee on Natural Resources. April 10, 2024. [testimony_guertin.pdf \(house.gov\)](#)

⁸ Letter of Support from the Humane Society Legislative Fund and The Humane Society of the United States. Tracie Letterman and Jennifer Hillman. April 8, 2024.

https://naturalresources.house.gov/uploadedfiles/hslfhsussupport_letter_for_bidenh_ban_on_nwr_predator_control.pdf

We believe the BIDEH proposal is a step backward in managing the System that would harm wildlife, diminish habitats, and deprive our constituents of a healthy and thriving National Wildlife Refuge System. In fact, 29 conservation organizations representing millions of sportsmen and conservation professionals recently sent a letter demanding that the proposed rule be rescinded.⁹ We whole heartedly agree. Instead of advancing a rule that could have calamitous consequences for the System, the Service should engage with impacted stakeholders to ensure its management policies the mission of the System and advance all the priorities set forth for the System by Congress.

Sincerely,



Bruce Westerman
Chairman
Committee on Natural Resources



Mary Peltola
Member of Congress



Cliff Bentz
Member of Congress



Glenn Grothman
Member of Congress



Harriet M. Hageman
Member of Congress



David Kustoff
Member of Congress



Mike Ezell
Member of Congress



Jerry Carl
Member of Congress

⁹ Letter of Opposition to the Proposed BIDEH Rule signed by 29 Sportsmen and Conservation Organizations. May 6, 2024.
https://naturalresources.house.gov/uploadedfiles/sportingconservation_bideh_comment_letter_5.6.24.pdf



Mike Collins
Member of Congress



Wesley Hunt
Member of Congress



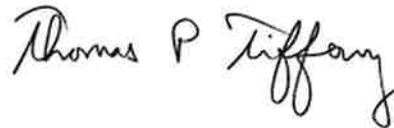
Pete Stauber
Member of Congress



Kelly Armstrong
Member of Congress



Ralph Norman
Member of Congress



Tom Tiffany
Member of Congress



Garret Graves
Member of Congress



G.T. Thompson
Member of Congress



Lauren Boebert
Member of Congress



Dan Newhouse
Member of Congress



Michael Guest
Member of Congress



Michelle Fischbach
Member of Congress



John Rose
Member of Congress