



Oregon Natural Desert Association

June 30, 2008

VIA EMAIL

Paul Steblein, Project Leader
Sheldon-Hart Mountain National Wildlife Refuge Complex
P.O. Box 111
Lakeview, OR 97630
SheldonCCP@fws.gov

Re: Preliminary Comments on Sheldon National Wildlife Refuge Comprehensive Conservation Plan

Dear Mr. Steblein:

I write on behalf of the Oregon Natural Desert Association (“ONDA”) and Western Watersheds Project (“WWP”) concerning the U.S. Fish & Wildlife Service’s (“FWS”) upcoming preparation of a comprehensive conservation plan (“CCP”) for the Sheldon National Wildlife Refuge.

ONDA is an Oregon non-profit public interest organization of approximately 1,000 members. It is headquartered in Bend, Oregon and also has offices in Portland, Oregon. ONDA’s mission is to protect, defend, and restore forever, the health of Oregon’s native deserts. ONDA actively participates in Department of the Interior proceedings and decisions concerning the management of public lands in eastern Oregon and the northern Great Basin, including the Sheldon-Hart Mountain wildlife refuges complex. ONDA actively monitors wilderness values and ecological conditions in these areas and the surrounding public lands.

WWP is a regional, membership, not-for-profit conservation organization, dedicated to protecting and conserving the public lands and natural resources of watersheds in the American West. WWP has offices in Idaho, Utah, Wyoming, Arizona, and California and more than 1,300 members located throughout the United States. Through agency proceedings, public education, scientific studies, and legal advocacy conducted by its staff, members, volunteers, and supporters, WWP is actively engaged in protecting and improving riparian areas, water quality, fisheries, wildlife, and other natural resources and ecological values of western watersheds. WWP and its staff and members pursue activities such as hiking, fishing, hunting, wildlife viewing, biological and botanical research, photography, and spiritual renewal on National Wildlife Refuge System lands.

We appreciate this opportunity to offer early comments on the upcoming Sheldon CCP. Our main issues of interest and concern are: (1) building the case for unified federal

management of the greater Hart-Sheldon ecosystem and specifically the biological corridor between the Sheldon and Hart Mountain refuges; (2) conservation of wilderness values in areas outside of existing Wilderness Study Areas; (3) wildlife and habitat management issues related to weeds and invasive species as well as degraded riparian habitats; and (4) the negative environmental impacts of feral horses and burros throughout the refuge.

Sheldon-Hart Mountain Refuge Complex Biological Corridor

The area spanning from the Hart Mountain National Antelope Refuge south to the Sheldon National Wildlife Refuge encompasses a unique and sensitive high desert landscape that is critically important for yearly migrations and wintering grounds of pronghorn antelope. Both the Hart Mountain and Sheldon refuges were created for the conservation of the pronghorn antelope. Hart Mountain National Antelope Refuge was established in 1936 “as a range and breeding ground for antelope and other species of wildlife.” The area that is now called the Sheldon National Wildlife Refuge was created in 1931 “primarily for the conservation of the antelope (American pronghorn) and other native wildlife forms.”

The area is composed of a diverse landscape, ranging from mountains (including the Hart Mountain escarpment), ridges, hills, and table lands, as well as a big sagebrush-low sagebrush desert mosaic. It is interspersed with countless playas, lakes, natural springs, streams and riparian areas, and contains scattered old-growth juniper woodlands and mountain mahogany groves. This landscape is vitally important not only to pronghorn, the primary species on the refuges, but also for populations of native secondary species, including sage grouse, pygmy rabbit, mule deer and numerous migratory birds.

As you know, ONDA, the then-Idaho Watersheds Project and more than twenty other conservation groups in 1998 submitted a proposal to BLM asking the Lakeview District to recognize and designate the Pronghorn Area of Critical Environmental Concern (“ACEC”). This 1.1 million acre proposal included the Hart Mountain and Sheldon wildlife refuges and the vast landscape between them critical to pronghorn and other wildlife species. Under separate cover, we will provide you with a full copy of the original proposal (and the agencies’ response), which we ask you to evaluate as you prepare the CCP. More recently, ONDA is advocating in support of a Sage Grouse National Conservation Area, based on similar issues of biological connectivity as the Pronghorn ACEC proposal. We will include a map of the NCA proposal with the materials delivered to you under separate cover.

Although BLM rejected the ACEC proposal the following year, we believe the CCP process is the logical place to re-evaluate the biological need and options for management of the greater Hart-Sheldon ecosystem including the BLM-managed public lands that surround and bridge the two refuges. While we recognize FWS’s limitations with respect to management of public lands within its own jurisdiction only, the EIS should document and examine these biological connectivity issues in detail. More specifically, we request that all options for a unified ecosystem management approach be considered for addressing related biological concerns beyond the refuge boundaries, including expansion of refuge boundaries to better comport with biological needs and management efficiency. Because the refuges’ purposes are to

protect pronghorn and the ecosystem on which the species relies, it is imperative that FWS take a landscape level approach to long-range management planning for both refuges.¹

Conservation of Wilderness Resource Values

We note that the May 1, 2008 Planning Update indicates that FWS will “examine whether lands outside of the existing WSAs but within the Refuge boundary meet the minimum criteria for a wilderness designation proposal.” We wholeheartedly support this and will assist this effort in any way we can. Under separate cover, ONDA will provide to you our *Wilderness Inventory Recommendations* for the Lakeview District, submitted to Lakeview BLM on April 1, 2005. ONDA’s Sheldon Rim Proposed WSA includes portions of the Sheldon National Wildlife Refuge. We are also aware that our colleagues in Nevada have conducted similar citizen wilderness inventories and we urge you to likewise evaluate their information and proposals. Please note too that several other of our proposed wilderness units lie in the biological corridor between the Hart Mountain and Sheldon refuges, particularly in the area adjacent and to the south of Beatys Butte. To the extent the Refuge considers wilderness and biological issues from a regional, or refuge complexes, perspective, please also consider the information contained in our report for the Hart Mountain, Coleman Rim, Spaulding and Bald Mountain proposed WSAs or proposed WSA Additions.

Wildlife and Habitat Management Issues

The Planning Update indicates that key wildlife and habitat management issues include: (1) invasive species adversely affecting natural habitats; and (2) degraded riparian habitats caused by past livestock grazing and current grazing by feral horses and burros. We agree that these are important issues and that the CCP must include management practices and conservation measures that will address these issues to ensure that the Refuge’s purposes are met, including restoring and enhancing biological integrity, diversity and environmental health.

We are very concerned about the proliferation of cheatgrass on the Refuge, particularly in areas that have been subjected to prescribed burns and other treatments over the years. These areas, which include important habitat for Brewer’s sparrow, sage sparrow, shrike and (especially) pygmy rabbit, frequently have been fragmented or destroyed by these past actions. This was quite clear during a recent late-May visit to the Refuge, in which all kinds of birds were singing where there is intact sagebrush, but only perhaps meadowlark or vesper sparrow in areas that have been burned. We feel that the focus in the upcoming CCP should be on “hands off” treatment of weeds and invasive species, including eliminating cheatgrass and minimizing the risk of cheatgrass in sites not yet invaded. This includes eliminating burning as well as sagebrush mowing, which also results in cheatgrass invasion. We believe a day with a chainsaw would address any juniper issues that may be present on the Refuge.

¹ See, e.g., Cara W. Meinke *et al.*, *A Spatial Model to Prioritize Sagebrush Landscapes in the Intermountain West (U.S.C.) for Restoration*, *Restoration Ecology* (in press) (a very recent article concerning fragmentation of sagebrush habitats).

Feral Horses and Burros

Finally, we strongly agree with the Planning Update's identification of the negative environmental impacts of feral horses and burros as a critical issue of concern. As the Update notes, feral horses and burros are negatively affecting water and plant resources on the Refuge, especially in riparian habitats near springs, playa lakes, and streams. We agree that these impacts are directly thwarting the Refuge's ability to support native plants and wildlife, and to restore the native ecosystem. Therefore, we strongly urge the Refuge to adopt a program for the immediate and humane removal of feral horses from the Refuge in its 2010 CCP decision, as has been done on the Hart Mountain National Antelope Refuge.

In its revised EA/FONSI (2008) concerning Horse and Burro Management, the Refuge decided to maintain current populations and address the issue in the CCP. We believe any decision to maintain feral horses and burros on the refuge does not comply with the current management plan, the original proclamation establishing the Sheldon National Wildlife Refuge, and the 1994 decision to remove livestock from the Refuge.

- The executive orders establishing the Sheldon National Wildlife Refuge emphasize the protection of "wild animals" and "natural wildlife resources." EO 5540 (Jan. 26, 1931), EO 7522 (Dec. 21, 1936).
- The National Wildlife Refuge System Administration Act of 1966 provides that uses are only to be permitted if the Service "determines that such uses are compatible with the major purposes for which such areas were established." 16 U.S.C. § 668dd(d)(1)(A). The NWRS Improvement Act of 1997 further requires wildlife to be prioritized. It requires each refuge to be managed to fulfill the mission of the Refuge System and the specific purposes for which it was established. *Id.* § 668dd(a)(3)(A). It mandates that the Secretary "shall" "provide for the conservation of fish, wildlife, and plants, and their habitats within the System" and "ensure that the biological integrity, diversity, and environmental health of the System and maintained for the benefit of present and future generations of Americans." *Id.* §§ (a)(4)(A), (B). The Secretary may not permit a new use of a refuge to "expand" or "extend an existing use" of a refuge unless he has determined that "the use is a compatible use." *Id.* § 668dd(d)(3)(A)(i).
- Finally, FWS guidance states that the "System's focus is on native species and natural communities such as those found under historic conditions," where historic conditions are those "resulting from natural process that we believe, based on sound professional judgment, were present prior to substantial human related changes to the landscape." 601 FW 3.

Feral horses and burros are not native, and the Refuge has documented this previously. These non-native animals are causing adverse impacts to the native wildlife and ecosystems that the Refuge is established to protect. Feral horses and burros clearly are not "compatible" uses of the Refuge. See 16 U.S.C. § 668dd(d)(1)(A).

Conclusion

We appreciate this early opportunity to provide public comment on the Sheldon National Wildlife Refuge CCP, and look forward to continuing our participation in this process. If you have any questions concerning these comments or wish to discuss them further, please do not hesitate to contact me or Brent Fenty or Bill Marlett in our Bend office (541-330-2638).

Sincerely,

s/ Peter M. Lacy

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