

## **Sheldon National Wildlife Refuge**

The Sheldon National Wildlife Refuge (the “Refuge”) occupies 572,896 acres of federal land in northwest Nevada, the vast majority of which is located in Humboldt County. It is managed by the U.S. Fish and Wildlife Service (the “Service”). The surrounding landscape on which the Refuge is situated is primarily owned by the federal government (under BLM management) or by private landowners. Management of the Refuge has direct impacts on County interests, including public health, safety, and welfare. Specifically, Refuge management decisions directly impact: wildfire risk on the greater landscape; availability of economically important recreational activities; the presence and control of invasive species on the greater landscape; regional species conservation efforts; the economic stability of Humboldt County. These landscape-scale impacts notwithstanding, over time, the Service has engendered a culture of closed-door management on the Refuge that has tended to exclude local neighbors, local partners, and local government agencies, including the County. One purpose of this chapter is to reverse this pattern, ensuring that the County maximizes opportunities to participate in Refuge management decisions, and fosters a culture of intergovernmental cooperation between the Service and the County. While the natural resource-specific chapters of this Plan (e.g. Wildfire Prevention and Management) apply to all public lands within Humboldt County including the Refuge, this chapter has been added to the Plan to supplement the natural resource-specific chapters and focus specifically on the Refuge.

Humboldt County is also cognizant of a shift in Refuge management away from wildlife-dependent recreation that uses motorized access and toward primitive, unmotorized recreation in wilderness settings. The Service’s bias toward unmotorized recreation favors a small, elite minority of recreationists who are privileged to have the health, physical ability, appropriate age, necessary equipment and training, and leisure time to trek miles onto the Refuge on foot to enjoy what the Refuge has to offer, while excluding the vast majority of visitors. Humboldt County strongly supports a Refuge Management direction that makes the vast majority of the Refuge accessible to the majority of visitors, without prejudice to age, disability, or financial resources, with an emphasis on maintaining road access and areas open to wildlife-dependent recreation opportunities on the Refuge.

Humboldt County is aware that management of the Refuge must adhere to the National Wildlife Refuge System Administration Act, the National Wildlife Refuge Improvement Act, the National Environmental Policy Act (NEPA), and other federal statutes, regulations, and directives including:

- ❖ Executive Order 12996: Management and General Public Use of the National Wildlife Refuge System
- ❖ Executive Order 13855: Promoting Active Management of America’s Forests, Rangelands, and Other Federal Lands to Improve Conditions and Reduce Wildfire Risk
- ❖ Executive Order 13352: Facilitation of Cooperative Conservation
- ❖ Executive Order 20070817: Facilitation of Hunting Heritage and Wildlife Conservation
- ❖ Secretarial Order 3372: Reducing Wildfire Risks on Department of the Interior Land Through Active Management
- ❖ Secretarial Order No. 3336: Rangeland Fire Prevention, Management, and Restoration

## FINAL DRAFT—APPROVED

- ❖ Guidance for Implementation of Federal Wildland Fire Management Policy (Interagency Wildland Fire Leadership Council. Feb. 13, 2009)
- ❖ Department of Interior Manual Part 620, Chapter 6: Fuels Management
- ❖ 43 CFR Part 46—Implementation of the National Environmental Policy Act
- ❖ Department of Interior Manual Part 516 Chapter 1—Protection and Enhancement of Environmental Quality
- ❖ Department of Interior Departmental Manual Part 516 Chapter 8—Managing the NEPA Process—U.S. Fish and Wildlife Service

### Goals

- ❖ A culture of intergovernmental cooperation between the County and the Service.
- ❖ All lands within the Refuge boundaries meet joint intergovernmental objectives for fire resistance and resilience. (See Chapter XX Wildfire Prevention and Management).
- ❖ All appropriate methods of fuels management are utilized on Refuge lands.
- ❖ Increased opportunities and access for wildlife-dependent recreation on Refuge lands.
- ❖ “Coordination, interaction, and cooperation” w/ adjacent landowners and the Nevada Department of Fish and Wildlife (“NDOW”) consistent with 16 U.S.C. 668dd(a)(4)(E).
- ❖ Meet goals in Chapter XX Wildfire Prevention and Management as they pertain to Refuge.
- ❖ Inclusion of livestock grazing in scope of Refuge CCP.
- ❖ Reintroduction of livestock grazing on the 539,000 acre refuge unit established under E.O. 7522 as appropriate.

### Objectives

- ❖ County and the Service conduct a minimum of four coordination meetings annually.
- ❖ Service invites County (consistent with 43 CFR § 46.225(b)) to participate as a cooperating agency on all NEPA EIS projects and (as per County request below) on relevant EA projects.
- ❖ Service compliance with all NEPA regulations and guidance, including cooperating agency participation and consistency review with local land use plans.
- ❖ Service management of cooperating agency relationships according to 43 CFR § 46.225-46.230.
- ❖ Service coordination with County on all qualifying categorically excluded natural resource actions consistent with Department of Interior Departmental Manual Part 516 Chapter 8.
- ❖ Service participation in annual County pre fire-season meeting.
- ❖ Service implementation of active fuels management regimes consistent with Executive Order 13855 and Secretarial Order 3372.
- ❖ Integrate targeted and/or treatment grazing into Refuge fuels management regime.
- ❖ Integrate grass banking into approved Refuge activities.
- ❖ Meet all objectives in Chapter XX Wildfire Prevention and Management.

## Policies and Positions

### Coordination, Cooperation, and Consultation with the County and other Parties

Humboldt County is aware that the Service is required by various statutes, regulations, and guidance to coordinate, cooperate, and consult with local governments, local landowners, and the Nevada Department of Fish and Wildlife (NDOW) in a variety of instances. Humboldt County expects that all such requirements for intergovernmental and/or local community interaction will be affirmatively met by the Service, consistent with the applicable authority. Notably, Congress requires that the Secretary, in administering the System:

“ensure effective coordination, interaction, and cooperation with owners of land adjoining refuges and the fish and wildlife agency of the States in which the units of the System are located.”

16 U.S.C. 668dd(a)(4)(E)

Further, the Department of Interior Manual 516 DM 1 states that all Interior agencies doing NEPA for plans and programs shall engage in “Consultation, coordination, and cooperation with other agencies and organizations” as follows:

- (1) Officials responsible for planning or implementing Departmental plans and programs will develop and utilize procedures to consult, coordinate, and cooperate with relevant State, local, and tribal governments; other bureaus and Federal agencies; and public and private organizations and individuals concerning the environmental effects of these plans and programs on their jurisdictions or interests. Such efforts should, to the extent allowed by law and in accordance with the Federal Advisory Committee Act (FACA), include consensus-based management whenever possible. This is a planning process that incorporates direct community involvement into bureau activities from initial scoping through implementation of the bureau or office decision and, in practicable cases, monitoring and future adaptive management measures. All bureau NEPA and planning procedures will be made available to the public.
- (2) Bureaus and offices will use, to the maximum extent possible, existing notification, coordination, and review mechanisms established by the Office of Management and Budget and CEQ. However, use of these mechanisms must not be a substitute for early consultation, coordination, and cooperation with others, especially State, local, and tribal governments.
- (3) Bureaus and offices are encouraged to expand, develop, and use new forms of notification, coordination, and review, particularly by electronic means and the Internet. Bureaus are also encouraged to stay abreast of and use new technologies in environmental data gathering and problem solving. (516 DM 1, emphasis added.)

Last, the current Refuge CCP states:

**“Coordination with Tribal, State, and County Governments:** Regular communication with Native American Tribes that are affected or that have an interest in the management of Sheldon Refuge will continue to occur under all alternatives. Tribes that Sheldon Refuge would coordinate and consult with on a regular basis regarding issues of shared interest include the Burns Paiute Tribe, Fort Bidwell Paiute Tribe, Cedarville Rancheria Paiute Tribe, Fort McDermitt Paiute and Shoshone Tribe, and Summit Lake Paiute Tribe.

Similarly, under all alternatives, the Service would continue to maintain regular discussions with Washoe and Humboldt county commissioners, the State of Nevada, and to a lesser degree Lake County and the State of Oregon. State agencies include Nevada Department of Wildlife (NDOW), Oregon Department of Fish and Wildlife, and Nevada Department of Transportation. Key topics for discussion would include road maintenance, wildlife monitoring, big-game management, hunting and fishing seasons and regulations, and endangered species management,” (CCP, 2012, p. 2-3).

It is the policy of Humboldt County to coordinate, cooperate, and consult with the Service on all Refuge management actions that may affect matters of local concern within the County’s statutory purview, including public health, safety, and welfare. This policy is consistent with Executive Order 13352 Facilitation of Cooperative Conservation. The purpose of E.O 13352 is “to ensure that the Department of the Interior ... implement(s) laws relating to the environment and natural resources in a manner that promotes cooperative conservation, with an emphasis on appropriate inclusion of local participation in Federal decisionmaking...” Specifically, E.O. 13352 states that the Secretary of the Interior shall carry out the programs, projects and activities of Interior agencies in a manner that:

- ❖ “properly accommodates local participation in federal decision making;”
- ❖ “provides that the programs, projects, and activities are consistent with protecting public health and safety.”

Humboldt County expects early notification by the Service to participate in all coordination, cooperation, and consultation opportunities, including early inclusion in NEPA project teams and decisionmaking.

## NEPA

Humboldt County is aware that the Refuge is required to conduct appropriate NEPA analysis for Comprehensive Conservation Plans (CCPs) as well as for qualifying proposed actions and projects. NEPA compliance of the U.S. Fish and Wildlife Service is primarily delineated by:

- ❖ CEQ NEPA Regulations (40 CFR 1500-1508)
- ❖ Department of Interior NEPA Regulations (43 CFR 46)
- ❖ Department of Interior Department Manual Chapter 1: Protection and Enhancement of Environmental Quality (516 DM 1)
- ❖ Department of Interior Department Manual Chapter 8: Managing the NEPA Process—U.S. Fish and Wildlife Service (516 DM 8)

## Cooperating Agency Involvement

The County’s general positions and policies regarding cooperating agency status are set forth in [Chapter. XX Framework]. Here, the County notes additional positions and policies that pertain to cooperating agency status specifically in the context of NEPA conducted by the Service.

### ❖ County Qualifies as a Cooperating Agency

- Humboldt County is a local government with “special expertise” (i.e. statutory responsibility, agency mission, and related program experience) in protecting and enhancing public health, safety, and welfare within the County. As such, Humboldt County qualifies as an eligible government entity for cooperating agency status under 43 CFR 46.225. It is therefore Humboldt County’s policy, at its discretion, to participate as a cooperating agency on all EISs pertaining to Refuge lands and resources. The County expects the Service to affirmatively extend an invitation to the County to participate consistent with Department of Interior regulations:

“[T]he Responsible Official for the lead bureau *must* invite eligible governmental entities to participate as cooperating agencies when the bureau is developing an environmental impact statement.”

43 CFR 46.225(b) (Emphasis added.)

In certain cases, the County may additionally qualify as a cooperating agency through having jurisdiction by law relevant to the area of NEPA analysis.

### ❖ Cooperating Agency Participation on Environmental Assessments

- Humboldt County is aware that the Service may extend cooperating agency status to the County in the development of environmental assessments (EAs) (43 CFR 46.305(d)). Humboldt County hereby officially requests that the Service timely extend an invitation to the County to participate on all future Refuge EAs as a cooperating agency.

### ❖ Scope of Cooperating Agency Participation

- Humboldt County is aware that cooperating agencies play a substantive role in all stages of the NEPA process—from early identification of scoping issues to evaluating alternatives. Consistent with 43 CFR 46.230, Humboldt County expects that it will be afforded the full scope of participation as a cooperating agency by the Service. If the County finds that the Service is not affording the County a substantive role in the NEPA process as a cooperating agency consistent

with federal regulations, the County may seek remedy by: addressing the issue at higher levels of U.S. Fish and Wildlife Service or the Department of Interior, through consultation with congressional representatives, or through legal action.

❖ Early Coordination with Government Entities Eligible for Cooperating Agency Status

- Consistent with 43 CFR 46.200(a)(1&2), Humboldt County expects that the Service will coordinate with the County “as early as feasible” on proposed actions that may have potentially significant effects. CEQ guidance clarifies that early contact with eligible government agencies should include local governments with special expertise in environmental, economic, or social impacts:

“It is incumbent on Federal agency officials to identify as early as practicable in the environmental planning process those [...] local agencies that have jurisdiction by law and special expertise with respect to all reasonable alternatives or significant environmental, social, or economic impacts associated with a proposed action that requires NEPA analysis.”

CEQ Memorandum for the Heads of Federal Agencies: Cooperating Agencies in Implementing the Procedural Requirements of the National Environmental Policy Act, January 30, 2002.

## NEPA Consultation, Coordination, and Cooperation

Humboldt County is aware that federal regulations require the Service to engage in “consultation, coordination, and cooperation” with local governments—regardless of whether they are cooperating agencies—as follows:

“The Responsible Official must wherever possible consult, coordinate, and cooperate with relevant State, local, and tribal governments ... concerning the environmental effects of any federal action within the jurisdiction or related to the interests of these entities.”

43 CFR 46.115

Humboldt County expects to consult, coordinate, and cooperate with the Service throughout the NEPA process to ascertain any environmental effects of all alternatives and subsequent approved actions on the Refuge that may affect public health, safety, and welfare, including but not limited to: fuels management, coordinated firefighting, post-fire restoration, controlled burns, air quality, recreation access, invasive species control, species conservation efforts, introduction or reintroduction of plant or animal species.

## Categorical Exclusions: Coordination with Local Governments

Humboldt County is aware that Department of Interior guidance (516 DM 8) requires the Service to coordinate with Humboldt County regarding categorically excluded resource management actions. (“Prior to carrying out these actions, the Service should coordinate with affected Federal agencies and State, tribal, and local governments.”) Service coordination with Humboldt County is required for, but not limited to, the following categorically excluded actions:

- ❖ Prescribed burning
- ❖ Fire management activities (including prevention and restoration measures)
- ❖ Reintroduction of native, formerly native, or established species
- ❖ Construction of small berms or dikes
- ❖ Minor changes in the amounts of public use on Service-managed lands
- ❖ Minor changes in existing plans
- ❖ New or revised site, unit, or activity specific plans, including fire management plans

It is the policy of Humboldt County to coordinate with the Service on all qualifying categorically excluded resource management actions that potentially affect public health, safety, or welfare as defined by the County. Humboldt County expects that the Service will timely notify the County of all proposed categorically excluded natural resource actions and affirmatively seek coordination with the County consistent with 516 DM 8.

#### NEPA Local Government Plan Consistency Review

Humboldt County is aware that NEPA requires the Service to prepare a consistency review as a component of an EIS. Specifically, CEQ regulations require that an EIS “Environmental Consequences” evaluation shall discuss:

- ❖ “possible conflicts between the proposed action and the objectives of Federal, regional, State, and local (and in the case of a reservation, Indian tribe) land use plans, policies and controls for the area concerned. (See § 1506.2(d)).” 40 CFR 1502.16(a)(5).

CEQ regulations for elimination of duplication with state and local procedures further requires disclosure of:

- ❖ “any inconsistency of a proposed action with any approved state or local plan and laws (whether or not federally sanctioned). Where an inconsistency exists, the [EIS] should describe the extent to which the agency would reconcile its proposed action with the plan or law.” 40 CFR § 1506.2(d).

Humboldt County expects all EISs prepared by the Service pertaining to lands within the County’s boundaries or otherwise affecting the County’s interests to feature a consistency review with this Plan and other relevant County plans. Consistency of actions and/or alternatives should

be determined through a consultation with the County Board of Commissioners or its representative. Failure by the Service to include a consistency review in an EIS will be viewed by the County as a violation of NEPA. In such cases, the County may seek legal remedy.

It is Humboldt County's position that the Service should make all practicable efforts to reconcile inconsistencies of final NEPA decisions with this Plan and other relevant County plans. (Resolution may include mitigation of negative impacts to the County.) In the event that consistency is not achieved, Humboldt County may seek resolution through the Department of Interior Office of Collaborative Action and Dispute Resolution.

### Refuge Wildfire Prevention and Management

This section supplements, and should be read in conjunction with, Chapter XX Wildfire Prevention and Management. All County goals, objectives, policies, and positions stated in Chapter XX apply to wildfire prevention and management on the Refuge.

#### Fuels management on the Refuge

A sharp increase in the size and frequency of catastrophic wildfires within Humboldt County makes proactive, effective fuels management on the Refuge a priority, both for the protection of public health, safety, and welfare, as well as for the protection and environmental integrity of the greater landscape. Recent directives from the President, the Secretary of the Interior, and the Interagency Wildland Fire Leadership Council require the Service to pursue ongoing, active fuels management on the Refuge in cooperation with local governments, rangeland fire protection associations (RFPAs), and independent contractors:

- ❖ Executive Order 13855: Promoting Active Management of America's Forests, Rangelands, and Other Federal Lands to Improve Conditions and Reduce Wildfire Risk
- ❖ Secretarial Order 3372: Reducing Wildfire Risks on Department of the Interior Land Through Active Management
- ❖ Guidance for Implementation of Federal Wildland Fire Management Policy (All agencies. Interagency Wildland Fire Leadership Council. Feb. 13, 2009)
- ❖ Department of Interior Manual 620 DM 6: Fuels Management
- ❖ Department of Interior Manual 604 DM 2: Conservation and Restoration of the Sagebrush Biome

It is the policy of Humboldt County to support, and seek to ensure, that all viable forms of fuel treatments are utilized as a means of ensuring landscapes within the County meet joint intergovernmental objectives for fire resistance and resilience. Further, it is the policy of Humboldt County, consistent with Department of the Interior Guidance, to coordinate with the Service on all fuels management activities to achieve best outcomes:

“Fuels management activities shall [...] [c]oordinate with other federal and nonfederal partners (e.g. communities and tribal, state and local governments) to achieve the greatest social, economic, and ecosystem benefit.”

Department of Interior Manual 620 DM 6 p. 1-2

#### Policies and Positions for Specific Fuels Management Issues:

##### Livestock Grazing and Fuels Management

Livestock grazing is the only existing landscape-scale fuels management tool and has been recognized by the Secretary of Interior (Secretarial Order 3372) as an important means of reducing wildfire risk. Grazing is also a “refuge purpose” on 539,000 acres of the Refuge pursuant to E.O. 7522 and the National Wildlife Refuge System Administration Act (16 U.S.C. 668ee(10)). Grazing was terminated on all areas of the Refuge in 1994 and has not been resumed. Furthermore, grazing is not considered in the 2012 Refuge Comprehensive Conservation Plan (CCP); the CCP states that grazing is “outside the scope” of the plan. It is the policy of Humboldt County to support resumption of livestock grazing on the Refuge consistent with E.O. 7522 and 16 U.S.C. 668dd(a)(4)(d). Because livestock grazing continues to be a valid refuge purpose and is a critical means of fuels management, it is Humboldt County’s position that:

- 1) Livestock grazing should resume on the Refuge to the extent that approved grazing activities are consistent with E.O. 7522 and the National Wildlife Refuge System Administration Act;
- 2) Livestock grazing should be incorporated into subsequent Refuge planning documents.

##### Grass Banking

Humboldt County is aware that many refuges within the Refuge System make forage resources available to local ranchers when natural events (e.g. fire) make customary grazing resources unavailable or when grazing is otherwise considered beneficial for fuels treatment or other purposes. Because grass banking is a mutually beneficial arrangement that benefits both ranchers and the Refuge and its purposes, it is Humboldt County’s policy to support grass banking on the Refuge and the incorporation of grass banking into the Refuge CCP.

#### Coordination for Categorically Excluded Fire Activities

- ❖ Prescribed Burning

Consistent with Chapter XX Wildfire Prevention and Management, Humboldt County opposes prescribed burning as a fuels management tool within the County when conditions are not optimal, or where effective alternatives exist. Consistent with Department of Interior Manual 516 DM 8, Humboldt County expects that the Service will coordinate with the County prior to carrying out prescribed burns.

❖ Fire Management Activities

Consistent with Department of Interior Manual 516 DM 8, Humboldt County expects that the Service will coordinate with the County prior to undertaking any fire management activities, including prevention and restoration measures.

❖ Issuing New or Revised Fire Management Plans

Consistent with Department of Interior Manual 516 DM 8, Humboldt County expects that the Service will coordinate with the County prior to issuing new or revised fire management plans (including for minor changes).

### Wildlife-Dependent Recreation

The Refuge is an invaluable resource to Humboldt County residents and visitors alike as a destination for recreational activities. Traditional recreational activities, like hunting and sport fishing, are integral to Humboldt County’s rural custom and culture. Recreational tourism on the Refuge also makes an essential contribution to Humboldt County’s economy. It is the policy of Humboldt County to support recreation—specifically wildlife-dependent recreation—on the Refuge, and further, to seek to ensure that the Service facilitates opportunities for wildlife-dependent recreation on the Refuge without prejudice to age, disability, or financial resources, with an emphasis on maintaining road access and areas open to wildlife-dependent recreation opportunities on the Refuge.

Under Executive Order 12996, “wildlife-dependent recreation” as it pertains to the System is defined as: hunting, fishing, wildlife photography and observation, and environmental interpretation and education. Subsequent amendments to the National Wildlife Refuge System Administration Act state it is the policy of the United States that:

- ❖ “[C]ompatible wildlife-dependent recreation is a legitimate and appropriate general public use of the System.” 16 U.S.C. 668dd(a)(3)(B) (emphasis added).
- ❖ “[C]ompatible wildlife-dependent recreational uses are the priority general public uses of the System and shall receive priority consideration in refuge planning and management.” 16 U.S.C. 668dd(a)(3)(C) (emphasis added).

- ❖ “[W]hen the Secretary determines that a proposed wildlife-dependent recreational use is a compatible use within a refuge, that activity should be facilitated...” 16 U.S.C. 668dd(a)(3)(D) (emphasis added).

Further, in administering the System, the Secretary shall:

- ❖ [P]rovide increased opportunities for families to experience compatible wildlife-dependent recreation, particularly opportunities for parents and their children to safely engage in traditional outdoor activities, such as fishing and hunting.” 16 U.S.C. 668dd(a)(4)(K) (emphasis added).

Congress has further determined that:

- ❖ “When managed in accordance with principles of sound fish and wildlife management and administration, fishing, hunting, wildlife observation, and environmental education in national wildlife refuges have been and are expected to continue to be generally compatible uses.” Public Law 105-57, Sec. (2)(6).

#### Maintaining Areas Open to Hunting and Fishing

It is the policy of Humboldt County to seek to ensure that areas historically open to hunting and fishing on the Refuge remain open, accessible, and viable for such use. Closures of hunting and/or fishing areas—and decisions to hydrologically alter fisheries—should only be made in emergency situations with a clear timeline for reopening, or in the rare instance in which hunting or fishing has been definitively proven to have substantive, measurable, and unavoidable negative impacts on wildlife resources. Mitigation measures, where available, should be preferred to closures. Fishing and/or hunting areas should not be closed (or if a fishery, hydrologically altered) for reasons that are vague, hypothetical, avoidable, or not based in sound science.

Humboldt County is aware that, ultimately, the Service has authority to determine what areas of the Refuge are open to hunting and fishing, and on what terms access shall be granted. However, federal statute and regulations clarify that in exercising this authority, the Service must not act in isolation, but with reference to NDOW and Nevada law:

“For those Federal lands that are already open for hunting, fishing, or trapping, closure authority shall not be exercised without prior consultation with the effected States, except in emergency situations.”

43 CFR 24.4(i)(4)

Moreover, the Refuge is required to comply with Executive Order 20070817: Facilitation of Hunting Heritage and Wildlife Conservation, which requires federal agencies to:

- (a) Evaluate the effect of agency actions on trends in hunting participation and, where appropriate to address declining trends, implement actions that expand and enhance hunting opportunities for the public;
- (b) Consider the economic and recreational values of hunting in agency actions, as appropriate;
- (c) Manage wildlife and wildlife habitats on public lands in a manner that expands and enhances hunting opportunities, including through the use of hunting in wildlife management planning;
- (d) Work collaboratively with State governments to manage and conserve game species and their habitats in a manner that respects private property rights and State management authority over wildlife resources.

E.O. 20070817

Significant nonemergency closures to hunting and fishing areas (or decisions to hydrologically alter fisheries) should be reviewed under NEPA with appropriate public notification and participation. Humboldt County expects to be timely notified by the Service of any such NEPA process and will participate as a cooperating agency pursuant to 43 CFR 46.225(b).

When a change in wildlife-dependent recreation availability is sufficiently minor to be categorically excluded under NEPA, the Department of Interior NEPA manual for the Fish and Wildlife Service requires the Service to “coordinate” with local government on “[m]inor changes in the amounts of public use on Service-managed lands” (516 DM 8, 8.5(B)(7)). Consequently, the County expects that the Service will affirmatively coordinate with the County when contemplating any minor CE-level change in the amount of wildlife-dependent recreation on the Refuge.

#### Sport Fisheries

Humboldt County supports, and Service shall adhere to, Executive Order 12962: “Recreational Fisheries,” which mandates federal land management agencies shall “to the extent permitted by law and where practicable, and in cooperation with States and Tribes, improve the quantity, function, sustainable productivity, and distribution of U.S. aquatic resources for increased recreational fishing opportunities” by accomplishing, among other requirements, the following:

- Providing access to and promoting awareness of opportunities for public participation and enjoyment of U.S. recreational fishery resources;
- Implementing laws under their purview in a manner that will conserve, restore, and enhance aquatic systems that support recreational fisheries.

Further, it is the policy of Humboldt County to seek to ensure ongoing availability of, road access to, maintenance of, and stocking of all sport fisheries on the Refuge (i.e. Dufferrena Ponds, Big Springs Reservoir, Catnip Reservoir). Such actions ensure that quality

recreational fishing opportunities on the Refuge are “facilitated” [16 U.S.C. 668dd(a)(3)(D)] for a broad range of visitors, including day-users, children, the elderly, and the disabled. Wherever possible, the Service should “increase opportunities” for sport fishing, pursuant to 16 U.S.C. 668dd(a)(4)(K). The County will oppose the draining of reservoirs or other actions taken by the Service that frustrate wildlife-dependent recreation and diminish opportunities for a broad range of visitors to enjoy fishing on the Refuge.

The County also strongly supports the stocking of sport fisheries on the Refuge with non-invasive, non-native species (e.g. Rainbow Trout) with a view to facilitating and increasing wildlife-dependent recreation. Under 516 DM 8, 8.5(B)(6), the Service should coordinate with the County before “[t]he reintroduction or supplementation (e.g. stocking) of native, formerly native, or established species into suitable habitat within their historic or established range, where no or negligible environmental disturbances are anticipated.”

### Road Access

Maintaining an extensive system of roads on the Refuge is essential for the unbiased support of public wildlife-dependent recreation. Children, the elderly, the disabled, and those without the time or means to trek on foot into the remote back country depend on road access to enjoy wildlife-based activities. Roads are also essential for rapid response in fire control, search and rescue operations, and for effective invasive species management—all matters that affect public health, safety, and welfare within the County. It is therefore the policy of Humboldt County to seek to ensure that existing roads on the Refuge remain open and are maintained as necessary. Specifically:

- ❖ All currently existing roads should remain open unless measurable, definitive proof indicates that the use of a particular road undermines refuge purposes. Where mitigation measures are available, mitigation is preferable to closure.
- ❖ Any road closures should be made on a case-by-case basis.
- ❖ Where closures occur, the fewest number of roads possible should be closed. Seasonal closers are preferable to permanent closures. Closed roads should be reopened if conditions permit.
- ❖ Roads should be maintained as necessary for recreational use and public safety. Humboldt County will co-operate with the Refuge on maintenance issues if staffing shortages inhibit timely maintenance.
- ❖ Humboldt County will maintain its own inventory of roads on the Refuge.
- ❖ Humboldt County expects to participate on CCP planning teams as a cooperating agency and will participate in the discussion of transportation and proposed road closures.

Wilderness: Inventories, Review, and Recommendations

Currently, 424,360 acres of the 573,000 acre Refuge are managed for wilderness characteristics. Significantly over half of the Refuge (341,494 acres) has to date been recommended for inclusion in the National Wilderness Preservation System.<sup>1</sup> While Humboldt County is not opposed to wilderness designations in principle, the County is mindful that the Service has a statutory responsibility to **prioritize, facilitate, and increase opportunities** for wildlife-based recreation that families and children may **safely engage** in:

- ❖ “[C]ompatible wildlife-dependent recreational uses are the priority general public uses of the System and shall receive priority consideration in refuge planning and management.” 16 U.S.C. 668dd(a)(3)(C) (emphasis added).
- ❖ “[W]hen the Secretary determines that a proposed wildlife-dependent recreational use is a compatible use within a refuge, that activity should be facilitated...” 16 U.S.C. 668dd(a)(3)(D) (emphasis added).

Further, in administering the System, the Secretary shall:

- ❖ [P]rovide increased opportunities for families to experience compatible wildlife-dependent recreation, particularly opportunities for parents and their children to safely engage in traditional outdoor activities, such as fishing and hunting.” 16 U.S.C. 668dd(a)(4)(K) (emphasis added).

The Service’s recommendation that the vast majority of Refuge lands be designated as wilderness for the enjoyment of an elite few who seek a rarified “wilderness experience” undercuts the Refuge’s statutory mandate to “prioritize,” “facilitate,” and “increase opportunities” for wildlife-based recreation in which families and children may “safely engage.” The extreme remoteness of the Refuge ensures that even areas accessible by roads are difficult to reach and hours from help; access to designated wilderness areas—which by law are closed to motorized vehicles—is therefore safe only for a small minority of the most physically fit, and best equipped recreationists who are able to trek in on foot. It is simply not safe for children, the elderly, those with health limitations, or those unable to afford expensive survival equipment to utilize wilderness areas for wildlife-based recreation. Moreover, hunting and fishing is for most

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<sup>1</sup> “Areas managed for wilderness values under Alternative 2 (preferred) would include those currently proposed for wilderness designation under Alternative 1 (no action) and additional areas for wilderness study as part of the 2009 Sheldon Refuge Wilderness Review. As a result, a larger portion of Sheldon Refuge (424,360 acres) would be managed for wilderness character than under the other alternatives in the short term. The areas recommended for wilderness designation by Sheldon Refuge are somewhat different in location and configuration than those currently proposed under Alternative 1 (no action), but the total area recommended is essentially the same (approximately 341,500 acres under Alternative 1 versus approximately 341,495 under Alternative 2).” (2012 CCP, p. ES vi)

people impracticable in wilderness areas—only those few with the benefit of outstanding health and the physical means to pack equipment in and meat out have access to wilderness hunting and fishing. In short, the Service’s excessive wilderness recommendations favor wildlife-based recreation for the elite few over the general public, contrary to Congressional mandate. Wilderness designation on the scale envisioned by the Service would also create public health and safety hazards, including difficulty in fighting range fires and in executing search and rescue operations.

It is therefore the policy of Humboldt County to seek to ensure that no further Refuge lands are recommended for inclusion in the National Wilderness Preservation System.

### Wilderness Inventory and Review Process

Humboldt County is aware that wilderness inventory (i.e. identification of WSAs) and review of WSAs for suitability and subsequent recommendation for wilderness designation is part of the Refuge CCP process (610 FW 4 Wilderness Review and Evaluation). As such, it is the policy of Humboldt County to participate in wilderness inventories, and in reviews of WSAs for suitability and recommendation for wilderness status, as a cooperating agency on the CCP planning team (see NEPA section, above). Moreover, it is the policy of Humboldt County to testify at required public hearings held by the Service on any wilderness proposals in a draft EIS.

The following extract outlines the wilderness inventory to recommendation process:

#### **610 FW 4 Wilderness Review and Evaluation**

**4.14 C.** If the final determination in a CCP is that a WSA is not suitable for wilderness designation, we document the decision in the CCP and end the study process. We manage areas unsuitable for wilderness designation following the management direction outlined in the CCP.

**4.15 What level of NEPA does the Service require for wilderness proposals?** NEPA and the Council on Environmental Quality guidelines require environmental impact statements (EISs) for proposals for legislation, such as proposals for legislation to designate an area as wilderness.

#### **4.16 How does the Service involve stakeholders in wilderness reviews?**

**A.** We prepare an outreach plan indicating how and when we will invite stakeholders, including States, other Federal agencies, tribes, and the public to participate in the wilderness review and refuge planning process (see [602 FW 3.4C\(1\)\(i\)](#)).

**B.** We publish a notice of intent (NOI) to prepare a CCP in the *Federal Register*, which notifies stakeholders that we plan to conduct a wilderness review.

**C.** We seek input on the inventory and identification of WSAs during the preplanning and scoping steps of the CCP. We seek and consider stakeholder comments on the development, analysis, and selection of wilderness alternatives in the draft CCP. We ensure there is adequate time for appropriate review of the final CCP and decision document (see [602 FW 3.4C\(6\)\(d\)](#) and [550 FW 3.3A](#)).

**D.** When the findings of the wilderness study result in a determination of suitability and recommendation for wilderness designation, we:

**(1)** Hold one or more public hearings to receive testimony on the wilderness proposal outlined in the draft EIS. We publish a public notice of the hearing(s) in the *Federal Register* and notify the governmental and agency entities listed above at least 30 days before the date of the hearing(s).

**(2)** Advise the Governor of the State, the governing board of each county or borough, tribal governments, and interested Federal departments and agencies of our proposal to recommend wilderness designation and invite them to submit their views at the hearing(s).

### Research

The Department of Interior Manual 516 DM 8 requires the Service to coordinate with local governments on CE-level research, inventory, and information collecting projects under the following description: “Research, inventory and information collection activities directly related to the conservation of fish and wildlife resources which involve negligible animal mortality or habitat destruction, no introduction of contaminants, or no introduction of organisms not indigenous to the effected ecosystem.” Humboldt County expects the Service to affirmatively coordinate with the County on all CE-level research meeting the above description.

### Land acquisitions, Inholdings, Businesses, and other Rights

Humboldt County is aware that for several decades, Refuge management has taken an aggressive and acquisitive stance with regard to peripheral lands, privately-held inholdings, businesses (including the Royal Peacock Mine) and other permits or rights (including water rights) within the boundaries of the Refuge. It is Humboldt County’s position that private property, private businesses, private rights, and legally-held licenses within Refuge boundaries are protected, and that the owners of such property, businesses, rights, and licenses be left unmolested to use and enjoy such holdings as they see fit. In the event that the Refuge proposes to approach any private party with interests within the Refuge boundaries for any reason excepting routine

communication, it is Humboldt County’s policy to ensure the Refuge first coordinates with the County to ensure fair and equitable treatment of private parties. Further, Humboldt County maintains that any proposal on the part of the Refuge to acquire in whole or in part any privately-held interest within Refuge boundaries has significant socio-economic impacts and therefore must be subject to full EIS review.

Further, Humboldt County expects that the Refuge will seek required approval for all proposed land acquisitions within Humboldt County—whether inholdings or peripheral—with the Humboldt County Regional Planning Commission and the State of Nevada, pursuant to NRS 328.195:

**Conditions for state consent to federal acquisition of land for wildlife refuge.**

1. The consent of the State of Nevada to the acquisition of lands by the United States for wildlife refuges pursuant to the Migratory Bird Conservation Act of 1929, as amended, 16 U.S.C. 715, et seq., whether in fee or by lease or easement, may be granted only if recommended by the planning agency within whose jurisdiction the land is located and approved by the Legislature by law.
2. As used in this section, planning agency means:
  - (a) The planning commission for the city in which the land is entirely located; or
  - (b) A county or regional planning commission, if there is one, or the board of county commissioners or Nevada Tahoe Regional Planning Agency, within whose jurisdiction the land is located.

NRS 328.195