



Western
Watersheds
Project



December 3, 2021

U.S. Fish and Wildlife Service
2493 Portola Rd. Suite A
Ventura, CA 93003
FW8PlanComments@fws.gov

Re: Bitter Creek Boundary Adjustment

Dear Refuge Planning Staff:

Our organizations have been involved with planning and conservation issues at Bitter Creek National Wildlife Refuge (BCNWR) for several years, and we share a collective concern about the proposed acquisition boundary adjustment for the Bitter Creek National Wildlife Refuge. While we appreciate that the U.S. Fish & Wildlife Service (“Service”) prepared a draft environmental assessment (EA), we believe that the underlying basis for the EA is entirely unnecessary and are concerned that this process was predetermined without any early scoping opportunities for the public to guide the direction of the EA and the development of a reasonable range of alternatives. Furthermore, the proposal is inconsistent with the 2013 Hopper Mountain, Bitter Creek, and Blue Ridge National Wildlife Refuges Final Comprehensive Conservation Plan (CCP) and would set a bad precedent by encouraging other landowners to also seek exemptions at BCNWR and throughout the refuge system.

The adjustment would result in a 6,222-acre reduction of the area included within the Bitter Creek NWR approved acquisition boundary. As stated in the draft EA, the *first* need for the proposed action is:

...a neighboring private landowner has clarified that they have no interest in selling their cattle ranch to the Service and do not wish it to be included within the approved acquisition boundary for Bitter Creek NWR.

Draft EA, pg. 5

In other words, a private landowner is requesting that the Service substantially alter an already approved acquisition boundary, prompting preparation of this EA and requiring future construction and maintenance of 17.5 miles of fencing. Not only is this a strain on agency resources, but it is also an

action that would set an unfortunate precedent for NWRs across the country and the Service itself. Furthermore, a reduction of the Bitter Creek NWR purchasing boundary is contrary to the current administration's commitment to conserving 30% of U.S. lands and waters by 2030 (i.e. 30x30/America the Beautiful).

The acquisition boundary, which simply gives the Service the ability to acquire land therein that is voluntarily given, sold, or exchanged by willing landowners, was approved in 1985 after a thorough public process and environmental review that identified the most beneficial acquisition boundary from an ecological and biological standpoint. Boundary adjustments should be based on the best available scientific information, not landowner requests. Notably, the boundary itself was not drawn according to existing parcel boundaries but rather by which lands would best support the vision of the NWR if acquired. Reducing the area encompassed by the boundary by 26% based on a single private landowner's request is not in the best interest of the Bitter Creek NWR, the species it aims to protect, or the public at large, and the Service has not even provided a management justification for the action. In fact, the draft EA indicates that the construction of 17.5 miles of fence would result in "loss of important access for the Service" including to important wildlife areas that support species such as the tricolored blackbird (draft EA, pg. 19). Fencing installation could also "potentially result in negative impacts to wildlife by restricting or shifting species' movement" according to the draft EA (pg. 14).

By adjusting the acquisition boundary so substantially, the Service is weakening its ability to acquire that land in the future under various scenarios. Consider that the private land in question may change ownership years or even decades from now, and the new landowners at that point may be interested in exchanging some or all their land within the acquisition boundary. Or the current landowners may one day change their mind about exchanging the land. Under these scenarios, the Service would have a difficult time acquiring the land. Such a situation would require yet another adjustment of the acquisition boundary, amendment to the CCP, etc.

It is important to remember that the Bitter Creek NWR is a piece of public land that will exist much longer than anyone currently involved with its management or the private lands within its boundaries. The current proposal is short-sighted in this regard.

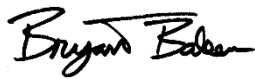
Regardless, Alternative B (the Proposed Action) would require an amendment to the CCP as it is inconsistent with the plan approved in 2013. This is another time-consuming process the Service must go through in addition to the creating the EA for the proposal. Furthermore, Alternative B requires the removal of five miles of fencing and the construction of 17.5 miles of new fencing across rugged terrain. The removal, reconstruction, and maintenance of this fencing would be at taxpayer expense, at great detriment to higher-priority conservation actions in the Service's refuge budget. That all of this—the preparation of an EA, amendment of the CCP, and construction and maintenance of miles of new fencing—would all be done to appease a single landowner is highly unusual and problematic.

Lastly, it appears that the draft EA is incomplete and somewhat confusing. There is mention of a land exchange in Figure 1, but this exchange is not mentioned in the text of the draft EA. The draft EA also makes no mention of Alternative B's inconsistency with the CCP and the amendment that would be required if this alternative is selected.

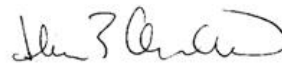
We therefore strongly urge you to select Alternative A (the No Action Alternative). If any acquisition boundary adjustment is to move forward regarding this issue, we request that a meaningful land exchange be established so the Bitter Creek NWR is not left bereft of potential protected acreage. Alternatively, the Service could identify a similar acreage of lands, of equal importance to the conservation purposes of the refuge, to add to the acquisition boundary to ensure that there is no net loss of acreage. We also request that, if new fencing is to be constructed as part of this effort to appease a single landowner, then that landowner should reimburse the Service for the cost and labor of the fence installation.

Thank you for your consideration of these comments. Please keep us informed about any decisions related to this proposal.

Sincerely,



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