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March 17, 2025

Secretary Brooke Rollins
Department of Agriculture
1600 Pennsylvania Ave NW
Washington, D.C. 20500
Via email to agsec@usda.gov

Re: Letter USDA APHIS Wildlife Services

Dear Secretary Rollins:

The Montana Wool Growers Association (MWGA) respectfully, but urgently, requests that the United States Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) honor its agreements with Montana livestock producers. USDA APHIS-Wildlife Services maintains numerous direct service contracts with cooperators in Montana. As a result of the Office of Personnel Management (OPM) hiring freeze, these agreements are not being fulfilled, and livestock producers are being left without services at the time when those services are most needed (lambing and calving). As a reminder, these are services the livestock producers pay for out of pocket under contracts with USDA APHIS-Wildlife Services.

USDA APHIS-Wildlife Services is a program that provides essential services, including services necessary to national security and public safety. Nonetheless, Wildlife Services has not received an exemption that will allow it to renew contracts with existing employees, hire necessary seasonal workers, or hire employees for critical positions to replace those who are retiring. As the agency head for USDA, you have the authority *and duty* to obtain an exemption from the OPM Memorandums for Wildlife Services. MWGA urges you to take responsibility for this decision and act immediately. **The situation is urgent and critical.**

In an average year in Montana, predators kill roughly 7% of the entire sheep population, resulting in more than \$2 Million in uncompensated losses for sheep producers alone. Of all lamb losses incurred by producers, 50% are due to predation. Coyotes account for 80% of all predation on lambs and 40% of all predation on calves. These are statistics from a year in which Montana's predator control program is fully operable.

On February 27, 2025, Montana Wildlife Services was informed it could not renew a four-year contract with a long-time Wildlife Services pilot due to the OPM hiring freeze. As a result, **one-third** of Montana's predator control program is currently grounded. In other words, livestock producers are not receiving one-third of the services they pay for under contracts with USDA APHIS-Wildlife Services. MWGA is one of the cooperators deprived of these direct services.

The timing could not be worse because many ranchers have already begun lambing and calving and are in critical need of aerial predator control.

USDA APHIS's failure to provide aerial predator control across one-third of Montana is a breach of contract. Livestock producers have relied in good faith on their contracts with Wildlife Services only to be deprived of the benefit of that work at the time when it is most needed. USDA must immediately remedy this breach by obtaining an exemption for Wildlife Services, so the program can fulfill its direct service contracts.

The OPM Memorandums are aimed at "eliminating waste, bloat, and insularity" in the federal government.¹ They are not intended to hamstring effective and efficient government programs. Relevant to Wildlife Services, the OPM Memorandums recognize exemptions for: (1) programs necessary to national security, public safety, and other essential services; and (2) programs that provide direct services to citizens. USDA APHIS-Wildlife Services qualifies for both sets of exemptions, but we need you, as head of USDA, to make the request.

Wildlife Services is a Necessary Program that provides Essential Services

The USDA is violating the spirit of the OPM Memorandum's by failing to obtain an exemption for USDA APHIS-Wildlife Services. Both the January 20, 2025 OPM Memorandum, which implemented a hiring freeze, and the February 25, 2025 OPM Memorandum, which requires the agency to prepare Agency RIF and Reorganization Plans (ARRP), authorize the agency head to exempt any positions it deems necessary to "[m]eet national security" or "[m]eet public safety responsibilities . . . including essential activities to the extent that they protect life and property."² Activities that protect life and property include "activities essential to ensure continued public health and safety," "continuance of air traffic control and other transportation safety functions," and "emergency and disaster assistance."³ The January 20, 2025 OPM Memorandum also allows exemptions for appointment of seasonal employees and short-term temporary employees necessary to meet traditionally recurring seasonal workloads,⁴ and for "critically important situations," including situations involving essential services or critical mission requirements.⁵ Wildlife Services performs each of these functions.

- **Wildlife Hazards to Aviation**

Wildlife Services maintains Memorandums of Agreement with the Federal Aviation Administration, U.S. Air Force, and U.S. Army (among other entities) to reduce wildlife hazards to aviation, including civil and military aviation activities.⁶ These activities mitigate wildlife

¹ Executive Order 14210, *Implementing the President's "Department of Government Efficiency" Workforce Optimization*.

² Office of Management and Budget/Office of Personnel Management (OMB/OPM), *Memorandum re Federal Civilian Hiring Freeze Guidance* 3 (January 20, 2025); see also OMB/OPM, *Guidance on Agency RIF and Reorganization Plans Requested by Implementing the President's "Department of Government Efficiency" Workforce Optimization Initiative* 6 (February 26, 2025) ("Nothing in this memorandum shall have any application to: 1. Positions that are necessary to meet . . . national security . . . or public safety responsibilities.").

³ OMB Issuance, *Memorandum for Heads of Executive Departments and Agencies* 2 (Nov. 17, 1981).

⁴ OMB/OPM, *Memorandum re Federal Civilian Hiring Freeze Guidance* 2 (January 20, 2025)

⁵ OMB/OPM, *Memorandum re Federal Civilian Hiring Freeze Guidance* 4 (January 20, 2025)

⁶ Wildlife Services Directive 2.305 (Dec. 11, 2014).

hazards at airports, thereby reducing the risk of collisions between aircraft and wildlife. These activities serve the military (national security) and also civilian aviation (public safety).

- **National Wildlife Disease Surveillance and Emergency Response Program**

Wildlife Services helps prevent the spread of deadly disease (including rabies and avian influenza) by maintaining a nationally coordinated system for monitoring diseases of concern and an emergency response system capable of rapidly responding to introductions of exotic pathogens.⁷ The disease surveillance and emergency response program addresses threats to agriculture (food supply and national security), human health (public safety/protection of life), and private and public lands and natural resources (protection of property). All these functions are directly related to emergency and disaster assistance. Since the USDA has deemed highly pathogenic avian influenza (HPAI) important enough to justify a \$1 billion-dollar budget to address the issue, it is difficult to understand why the program that helps combat avian influenza is being denied the authorization and resources to perform its job.

- **Invasive Species Damage Management**

Wildlife Services mitigates damage caused by invasive species (such as feral swine) by actively controlling exotic and invasive species and feral animals.⁸ As with the disease surveillance program, invasive species management has widespread benefits. Invasive species pose a threat to human health and safety (public safety/protection of life), agriculture (food supply and security), natural resources (protection of property), and private property (protection of property). Some invasive species also carry diseases that are harmful to humans, domestic animals, and wildlife. As a result, Wildlife Services invasive species damage management has broad implications for national security and public safety.

- **Animal Damage Control**

Wildlife Services provides predator control for cooperators and also works with federal and state agencies to address threats and damage caused by protected species.⁹ Wildlife Services is directed by statute to control “injurious animal species.”¹⁰ To fulfill its mission, USDA APHIS Wildlife Services has statutory authority to enter into agreements with cooperators to control “nuisance mammals and birds and those mammal and bird species that are reservoirs for zoonotic diseases.”¹¹ Unlike most federal programs, Wildlife Services is compensated by the cooperators to whom it provides services, which lends more accountability to the program. Money paid by cooperators is used to fund animal damage control activities.¹²

The predator control work performed by Wildlife Services protects our nation’s food supply and is vital to the agricultural industry. Even with an active predator control program in place, livestock producers across the United States incur hundreds of millions of dollars in livestock

⁷ Wildlife Services Directive 2.120 (Oct. 7, 2005).

⁸ Wildlife Services Directive 2.320 (Feb. 6, 2004); Wildlife Services Directive 2.340 (June 17, 2013).

⁹ Wildlife Services Directive 2.310 (July 28, 2003);

¹⁰ 7 U.S.C. § 8351.

¹¹ 7 U.S.C. § 8353.

¹² 7 U.S.C. § 8353.

losses each year as a result of predation. Those losses would be exponentially higher without active predator control. While livestock producers can contract privately for *some* predator control work, it is too late to do so for 2025. In addition, unlike Wildlife Services, private contractors lack the authority to manage federally protected large carnivores, like grizzly bears. In Montana, grizzly bears are expanding their habitat and spending more time in residential areas and around public schools and playgrounds. Without Wildlife Services, Montana residents and Montana livestock producers are powerless to protect themselves and their property from the bears. As the sole line of defense between citizens and federally protected large carnivores, Wildlife Services protects human health and safety (public safety/protection of life), agriculture (food supply and security), and public and private property (protection of property).

Wildlife Service is a Direct Service Program

USDA APHIS-Wildlife Services is a direct service program and, as such, should not be subject to reductions in force. On February 26, 2025, the OPM issued a memorandum directing each agency to prepare ARRP. The purpose of the ARRP is to provide *better service* for the American people, *increase productivity*, reduce positions that *are not required*, reduce real property footprints, and reduce budget topline.¹³ These directives are aimed at reducing government waste, not shutting down essential programs that provide direct services to citizens. The February 26 Memorandum explicitly states that “agencies or components that provide direct services to citizens . . . shall not implement any proposed ARRP until OMB and OPM certify that the plans will have a positive effect on the delivery of such services.”¹⁴

Wildlife Services is a component of USDA APHIS that provides direct services to citizens. Not only does Wildlife Services provide direct services, the cooperators who receive the services pay for them out of pocket. This is a critical distinction between Wildlife Services and other federal programs. In Montana, Wildlife Services receives 48% of its funding from cooperators. These cooperator funds are paid by livestock producers who contract with Wildlife Services for year-round predator control work. The portion of funding provided by the federal government is primarily used for wolf and grizzly bear management, not the predator control paid for by livestock producers. As a result, when Wildlife Services fails to perform predator control for livestock producers, its inaction is a violation of the direct service contracts USDA APHIS maintains with those producers.

Wildlife Services’ private funding should automatically remove it from the mandates in the OPM Memorandums; unfortunately, we are seeing the opposite outcome. Because much of Wildlife Services’ funding is private, the individuals hired for predator control work are not considered permanent, full-time federal employees. Even though most of these individuals have worked for Wildlife Services for decades and the program has very little turnover, the employees work under NTE contracts (contracts Not to Exceed 4 years) that must be renewed annually (a process internally referred to as a contract “extension”). Every four years, the NTE contract expires, and the employee must be rehired under a new four-year contract (a process internally referred to as a contract “conversion”). The limited terms of employment give Wildlife Services the flexibility to

¹³ OMB/OPM, *Guidance on Agency RIF and Reorganization Plans Requested by Implementing the President’s “Department of Government Efficiency” Workforce Optimization Initiative*” 1 (February 26, 2025).

¹⁴ OMB/OPM, *Guidance on Agency RIF and Reorganization Plans Requested by Implementing the President’s “Department of Government Efficiency” Workforce Optimization Initiative*” 6 (February 26, 2025).

terminate an employee without cause if a cooperator terminates a contract (ie, if the program loses a source of private funding). As long as the funding sources remain intact, however, those employees are needed to fulfill the obligations of the service contracts. Unfortunately, USDA's Human Resources department appears to be interpreting the short-term contracts as a place for mandatory cuts. This is inappropriate, a violation of cooperator's agreements with Wildlife Services, and a direct violation of OPM's Memorandum to protect direct services to citizens.

Livestock producers in Montana have already lost one Wildlife Services pilot. Our program is on track to lose two more pilots in the coming months. A single pilot works with numerous wildlife specialists across the state. The loss of one pilot grounds all wildlife specialists in the pilot's region, meaning that the loss of a single pilot deprives livestock producers across one-third of Montana of aerial support. Aerial predator control is the most efficient type of predator control and therefore the most critical component of cooperators' agreements with Wildlife Services.

By failing to grant an exemption for Wildlife Services, USDA is placing USDA APHIS in breach of contract on numerous agreements. Montana Wildlife Services alone has cooperator agreements with 2,680 producers, landowners, and cooperators. The program provides predator control for the Montana Department of Livestock using the Department's helicopters and predator control funding, performs wolf mitigation work for Montana Fish, Wildlife and Parks using state funding, performs livestock loss investigations under contract with the State consistent with state law, and fulfills numerous other state, local, and tribal contracts for predator control and other services, all of which are cooperator funded.

As stated previously, this request is **URGENT**. Montana livestock producers contracted with Wildlife Services to conduct predator control and depend on them to fulfill that obligation during the lambing and calving season. The funding has already been devoted to Wildlife Services and it is too late for producers to engage private assistance. Failure to perform this contractual duty is a violation of existing agreements and a violation of the OPM Memorandum's direction not to interfere with direct services to citizens. MWGA urges you to correct these violations and recognize Wildlife Services as a program in need of an immediate exemption.

Thank you for your prompt attention to this matter. We look forward to hearing that you have obtained an exemption that will allow Wildlife Services to continue to perform its essential and critical work supplying direct services to cooperators.

Sincerely,



Samuel Ortmann
MWGA President

cc: Mr. Bruce Summers, Under Secretary (bruce.summers@usda.gov)
Dr. Bart Fischer, Senior Advisor to Secretary of Agriculture (bart.fischer@usda.gov)
Dr. Michael Watson, APHIS Administrator (michael.t.watson@usda.gov)
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