

Chapter 7: Public Comment on Draft EIS and Response

The following is a summary of the comments received on the Draft EIS/CCP and how the issues are addressed in the final document. Written comments were received from 18 individuals, two special interest groups and two governmental agencies. These comments contained 48 issues, concerns, or questions that the U.S. Fish and Wildlife Service responds to in this chapter.

Comments received on the Draft EIS/CCP are presented at the end of this chapter, beginning on page 175.

7.1 Comments on the Planning Process

- 1) ***The U.S. Environmental Protection Agency indicated that they had a lack of objection to the plan and did not identify the need for additional information or consideration of environmental issues.***

Response: Comments acknowledged. The Service appreciates this endorsement of its plan. No changes were made to the plan in response to this comment.

- 2) ***Three people expressed general support for the plan and the Refuge.***

Response: Comments acknowledged. The Service appreciates this endorsement of its plan. No changes were made to the plan in response to this comment.

- 3) ***One person commented on the failure to advertise nationally or contact animal protection groups.***

Response: Chapter 6 on page 164 summarizes the outreach and consultation that occurred during the preparation of the plan. More than 200 groups and individuals were contacted directly; many more attended public meetings and workshops. More than 2,600 people were mailed updates and all proceedings and copies of drafts were available on the Service's planning web site. Notices of availability were published nationally in the federal register and notices for public meetings were published in local print, radio, news and electronic media. The Service made every effort to contact a wide range of interested parties.

- 4) ***The U.S. Environmental Protection Agency requested that additional National Environmental Policy Act (NEPA) analysis and documentation be completed when implementing specific projects.***

Response: As required, any projects likely to have a significant impact on the environment will comply with NEPA and have the appropriate documentation. Appendix H on page 275 lists the step-down plans that will be completed to identify details specific to each action. These step-down plans will include NEPA evaluation and public involvement as appropriate.

7.2 Comments on Goal 1: Landscape

- 5) *The Nature Conservancy commented that they would like to see more protection and restoration of blufflands adjacent to the Refuge.*

Response: Authority for land acquisition, either in fee or easement, stems from the Record of Decision signed by the Regional Director for the 1983 Refuge Master Plan. That plan did not identify bluffland areas for addition to Trempealeau NWR. The CCP does not alter the approved Refuge boundary established by that earlier authority. Many agencies need legislative authority for acquisition, but in the Service, that authority still rests with the agency, although major expansion now require Director's approval and new NEPA compliance documentation.

- 6) *The U.S. Environmental Protection Agency requested additional information on how the Refuge would integrate with the Navigation Ecosystem Sustainability Program (NESP).*

Response: NESP was recently authorized by Congress, but appropriations for implementation of projects have yet to be authorized and are uncertain. The Refuge will consider how it might integrate NESP with the goals and objective of the CCP depending on how funding and projects are authorized and administered.

7.3 Comments on Goal 2: Wildlife and Habitat

- 7) *Three people commented that they would like to see increased efforts to manage for shorebirds, including appropriately timed pool drawdowns.*

Response: Wetland management, including drawdowns will consider the needs of shorebirds (see Objective 2.2 on page 69). Timing of drawdowns is important for these migrants, however, high spring flows often preclude lowering pool levels during the appropriate time. Mudflats will be available in the fall during years when the pools are lowered. This

will not occur every year, because other issues such as invasive plant and fish management, and costs of pumping must be considered.

- 8) *Eleven people expressed support for the variety and quality of habitats, restoration of prairies, and control of invasive and exotic plants.*

Response: Comments acknowledged. The Service appreciates this endorsement of its plan. No changes were made to the plan in response to this comment.

- 9) *One person opposed prescribed burning due to impacts on frogs and release of mercury into the air.*

Response: Impacts to wildlife from prescribed burning are short-term and not expected to significantly effect populations. Burn units are situated on upland grassland areas and adequate escape cover is adjacent to all units. A smoke management plan is prepared before any burn and strict guidelines are followed to ensure that smoke does not cause a human health hazard.

Mercury emissions from prescribed fire of natural vegetation are expected to be minor and present no added environmental threat. No changes were made to the plan in response to this comment.

- 10) *One person commented that the over population of cormorants is depleting game fish, especially walleyes.*

Response: Trempealeau NWR does not have a breeding population of Double-crested Cormorants nor does it support a viable walleye population. This comment would be more applicable to adjacent Mississippi River waters. The plan does not have any objectives that call for increased populations of cormorants. No changes were made to the plan in response to this comment.

- 11) *One person requested more management emphasis be placed on management of Osprey.*

Response: The Refuge currently maintains four nesting platforms for Osprey. Osprey require large breeding ranges and rarely are all four platforms used in the same year. In 2007, three platforms had successful nests.

Forage fish are plentiful in Refuge pools. It would seem that abundant habitat is available for these birds. Other factors beyond the control of the Refuge staff, like competition from increasing Bald Eagle populations may be contributing to low Osprey numbers. No changes were made to the plan in response to this comment.

12) Three people commented that the plan needed more focus on grassland birds and neotropical migrants.

Response: Objectives 2.1, 2.3, and 2.4 all call for habitat improvements to grasslands and forests. In addition, the plan calls for the writing of a Habitat Management Plan (HMP) by 2010. The HMP will describe in detail the specific methods, timing, and location of management actions and how those actions are expected to benefit various types of songbirds. The Service recognizes the importance of the Refuge to songbirds and Objective 2.5 outlines plans for monitoring both birds and habitats. No changes were made to the plan in response to this comment.

13) The Nature Conservancy supported increased emphasis on improvements to tributary streams.

Response: Comments acknowledged. Objective 4.4 on page 83 calls for increased staffing and effort to restore tributaries in the upper watersheds of the Trempealeau and Buffalo Rivers.

14) The Nature Conservancy supported the protection of threatened and endangered species and the reintroduction of extirpated species.

Response: Comments acknowledged. Objective 2.6 on page 74 outlines the strategies for protection of threatened and endangered species.

15) One person opposed the release of insects for biological control of invasive plants.

Response: All insects released as part of biological control programs on the Refuge undergo rigorous testing for many years before the U.S. Department of Agriculture approves them for release. These insects are specific to the host plant and do not impact other plants. Biological control is strongly

preferred as an alternative to chemical control that can have secondary impacts to fish, wildlife, and other plants. No changes were made to the plan in response to this comment.

16) One person opposed logging pine plantations.

Response: The goal of habitat restoration on the Refuge is to more closely emulate the historic, pre-settlement conditions of the area. Prairie/oak savanna is a rare habitat throughout its former range due to conversion to agriculture, residential developments, invasive plants, and the need for periodic fire or grazing to maintain it. The roughly 800 acres of prairie/oak savanna on the Refuge is virtually all that remains of the historic "Trempealeau Prairie" that once covered thousands of acres across the lower half of the county. The objective is to restore the maximum amount of prairie/oak savanna. Non-native, pine plantations fragment the prairie units and provide few wildlife benefits. These pine plantations will be thinned or removed to provide larger, more contiguous areas of prairie. Specific details of the timing and location of pine removal will be detailed in a step-down habitat management plan as per Objective 2.1 on page 68. No changes were made to the plan in response to this comment.

7.4 Comments on Goal 3: Public Use

17) Ten people commented that they would like to see more emphasis on birding and other non-consumptive uses.

Response: Birding is generally included as a part of wildlife observation and is identified as a need in Section 1.4.8.3.1 on page 22 of the plan. Both wildlife observation and interpretation as well as photography are identified as priority uses of the Refuge System and are encouraged when compatible with the purpose of the Refuge. Objectives 3.1 and 3.3 on page 76 and page 77 respectively call for improvements to facilities and programming that will benefit birding and other non-consumptive uses. Additionally, waterfowl hunting (Objective 3.5 on page 80) will be restricted to less than one-third of the Refuge area and will be permitted to special groups

of new hunters or hunters with disabilities. Hunting pressure will be minimized by limiting the number and timing of hunts. The gun deer hunt lasts only 9 days. During most of the year the entire Refuge is open solely for use by non-consumptive users. We believe the plan calls for a fair distribution of consumptive and non-consumptive uses. No changes were made to the plan in response to this comment.

18) *Two people commented on the need to increase public awareness of the needs of songbirds.*

Response: We agree. Objectives 3.3 and 3.4 both address increased public awareness of the needs of wildlife on the Refuge.

19) *One person was opposed to any hunting or trapping on the Refuge.*

Response: We understand some citizens' concern with hunting on national wildlife refuges. However, hunting on refuges remains an important form of outdoor recreation for millions of citizens and a use that we are to facilitate when compatible with the purpose of the refuge and the mission of the Refuge System per the National Wildlife Refuge System Administrative Act (Refuge Administration Act). We have taken care to ensure the right balance between the needs of wildlife and people on the Refuge in keeping with the Refuge Administration Act and Service policy and regulation. We have also determined in a compatibility determination that hunting, with stipulations such as controlling the number of hunters, access, and timing of hunting, is a compatible use on the Refuge. We made no change to the rule as a result of this comment.

20) *One person commented that birth control, rather than hunting, should be used to reduce deer populations.*

Response: Birth control has been used experimentally to control some wildlife populations. In the case of white-tailed deer, the logistics, cost, and effectiveness of using birth control methods on a wide ranging population is impractical and of doubtful success. No changes were made to the plan in response to this comment.

21) *One person wanted more open water around the observation deck to improve waterfowl viewing opportunities.*

Response: The wetlands around the observation deck contain a diverse mixture of emergent plants that have increased over the years. The wetland emulates a 50:50 ratio of water to emergent cover that is ideal for waterfowl. It does however obstruct viewing as birds move in and out of the plants. The above water portions of the plants are present from about April to September, but die back during the fall when large numbers of waterfowl are present for viewing in the fall. Other species such as terns, herons, egrets and songbirds use the emergent vegetation in the spring and summer. All of the area around the deck is healthy and supports abundant wildlife throughout the year. The plan does not call for altering the habitat to improve viewing at the deck. No changes were made to the plan in response to this comment.

22) *Five people commented that any recreational use should always be secondary to wildlife conservation.*

Response: We agree. In fact the National Wildlife Refuge System Improvement Act (see Section 1.4.4 on page 6) directs that each refuge shall be managed to fulfill the mission and purposes for which it was established, and that no uses may be permitted unless they are determined to be compatible with the fulfillment of mission or purposes. Compatibility determinations for all permitted uses are included in Appendix I of the plan. No changes were made to the plan in response to this comment.

23) *One commenter asked that the Service not open or expand hunting opportunities on the Refuge citing concerns over compliance with the National Wildlife Refuge System Improvement Act, the National Environmental Policy Act (NEPA), and the Endangered Species Act, Section 7; and concerns that non-consumptive uses are not given enough emphasis.*

Response: This comment makes reference to a legal complaint filed in Federal Court, The Fund et al. v. Williams et al., Civ.No. 03-677. The complaint is under evaluation by the

court as of this writing and does not specifically discuss the hunting program on Trempealeau NWR. No changes were made to the plan in response to this comment.

24) Three people expressed interest in opportunities to view and experience native wildlife and plants in a quiet, scenic, natural and intimate way,

Response: The vision for the Refuge (Section 1.4.7 on page 15) embraces the notion of the Refuge as a “scenic, beautiful place where a diversity of native plants and animals thrive...” The vision provides a simple statement of the desired, overall future condition of the Refuge and forms the basis of the goals and objectives. Implementation of the plan will provide ample opportunities for quiet, contemplative interaction with Refuge resources. No changes were made to the plan in response to this comment.

25) One person expressed support for continuing the hunting program for people with disabilities.

Response: Comments acknowledged. The Service appreciates this endorsement of its plan. No changes were made to the plan in response to this comment.

26) One person expressed support for canoeing and kayaking on the Refuge.

Response: Comments acknowledged. The Service appreciates this endorsement of its plan. No changes were made to the plan in response to this comment.

27) Two people suggested that access be improved for elderly people.

Response: All new facilities or improvements to existing facilities will be accessible to people of all abilities as required by the Americans with Disabilities Act of 1992.

28) Two people commented that they liked the trail system, but one person opposed additional trails or signage.

Response: The dike roads on the Refuge as well as the designated trails are open for hiking and other activities. At a minimum, people using the trails and dikes need interpretive information about regulations and safety. Additional interpretive signs are used to

enhance the visitor’s experience and to instill a better understanding of Refuge resources. Signs are carefully designed to be unobtrusive and to fit in with the environment. In addition, some facilities such as benches or observation decks are in place to ensure that people of all physical abilities may use them. No changes were made to the plan in response to this comment.

29) Three people expressed support for improvement to the bike trail; one person opposed improvements for biking.

Response: The bike trail is managed jointly with the Wisconsin DNR and is used by thousands of bicyclists each year. The trail is an important asset to the Refuge and is an appropriate activity for enjoying the scenic beauty of the area in a non-consumptive way. No changes were made to the plan in response to this comment.

30) One person supported the construction of facilities for environmental education.

Response: Comments acknowledged. The Service appreciates this endorsement of its plan. No changes were made to the plan in response to this comment.

7.5 Comments on Goal 4: Neighboring Landowners and Communities

31) One person expressed support for the use of volunteers and in general for the volunteer program.

Response: Comments acknowledged. The Service appreciates this endorsement of its plan. No changes were made to the plan in response to this comment.

7.6 Comments on Goal 5: Administration and Operations

- 32) *One person acknowledged the problem with the entrance road flooding, but would rather have funds spent on wildlife conservation than building a new bridge.*

Response: Staff and visitors need safe and reliable access to the facilities on the Refuge. Alternatives for providing year-round access to the Refuge for staff and the public have been evaluated numerous times over the years. The secondary entrance road at Marshland is actually a dike constructed in the early 1900s to divert the Trempealeau River. The dike was not designed as a major roadway and would need to be raised and widened, entailing significant wetland filling. In addition, the current access point to Highway 35/54 is on a corner, near a railroad intersection. The Wisconsin Department of Transportation has requested that the Refuge not encourage the use of this entrance by the public because of safety concerns at the highway/train intersection. The most prudent alternative is to replace the entrance road with a bridge that will provide access throughout the year. No changes were made to the plan in response to this comment.

7.7 Responses to comments by the State of Wisconsin Department of Natural Resources

- 33) *“We strongly support the primary land and water management goals in the Integrated Alternative such as: invasives survey and control; reduction of sedimentation; use of prescribed fire....; expansion of rare habitats such as sand prairie and oak barrens; and protected habitat for migratory birds.”*

Response: Comments acknowledged. The Service appreciates this endorsement of its plan. No changes were made to the plan in response to this comment.

- 34) *“We support increased resource inventory if data is collected by consistent and statistically valid means, and volunteers are given the same rigorous training and have the same ability as resource professionals to collect quality data”*

Response: We concur. Objective 4.3 on page 82 specifies that volunteers will be trained to effectively conduct biological surveys. No changes were made to the plan in response to this comment.

- 35) *“We support the expanded waterfowl hunting program geared to beginning and disabled hunters.”*

Response: Comments acknowledged. The Service appreciates this endorsement of its plan. No changes were made to the plan in response to this comment.

- 36) *“Due to the State’s interest in chronic wasting disease, we strongly support the continuation of deer hunting.”*

Response: Comments acknowledged. The Service appreciates this endorsement of its plan. No changes were made to the plan in response to this comment.

- 37) *“We are pleased that you plan to continue with the present trapping program as a sound resource management measure.”*

Response: Comments acknowledged. The Service appreciates this endorsement of its plan. No changes were made to the plan in response to this comment.

- 38) *The plan should include all “species of greatest conservation need” as identified in the State Comprehensive Wildlife Conservation Plan.*

Response: We concur. Objective 2.5 on page 73 has been amended to include “species of greatest conservation need” as identified in the State Comprehensive Conservation Plan.

- 39) *The Bald Eagle has now been officially de-listed as federally Threatened.*

Response: Changes were made to the document to update the current de-listed status of the Bald Eagle.

40) The assessment for potential reintroduction of the Massasauga rattlesnake should include the entire Refuge rather than specifying any given location.

Response: Concur: Objective 2.6 on page 74 was changed to assess the potential for reintroduction of Massassagua rattlesnakes to the Refuge.

41) The potential for reintroduction of Karner blue butterflies should be assessed.

Response: Concur. An additional strategy has been added to Objective 2.6 on page 74.

42) A herptile management plan should be incorporated into future management. Turtles in particular many need special consideration.

Response: We concur. An additional strategy has been added to Objective 2.5 on page 73 to include development of a Herptile Management Plan.

43) Two State species of merit deserve special consideration in the plan: the State Endangered regal fritillary butterfly (*Speyeria idalia*) and the State Threatened brittle prickly pear cactus (*Opuntia fragilis*).

Response: We concur. These species have been added to Table 5: Species with Special State Designation, on page 108. In addition, Objectives 2.5 on page 73 and 2.6 on page 74, define monitoring and consideration of species with special designations.

44) Include reed canary grass and phragmites as key species needing control.

Response: Concur. An additional strategy has been added to Objective 2.4 on page 71.

45) Use mowing and herbicides as well as bio-controls on leafy spurge.

Response: Leafy spurge is abundant on prairie areas in the Refuge, but rarely forms monocultures to the exclusion of native plants. The use of mowing and herbicides would impact all plants on the site including the desirable prairie species. At this time it is preferable to continue the biological control program that seems to be keeping leafy spurge somewhat in control at least to the

point that it is not excluding native prairie plants. No changes were made to the plan in response to this comment.

46) Limit clearing of downed timber via fire-wood cutting to allow habitat for snakes, turtles and lizards.

Response: Downed timber will be removed from areas that are within already established prairie burn units to facilitate efficient and safe burning operations. Low lying areas of forest used by most reptiles are generally not within the burn units. Adequate cover will be available for reptiles in areas adjacent to units where downed timber will be removed. No changes were made to the plan in response to this comment.

47) We support the removal of pine plantations.

Response: Concur. No changes made to the plan in response to this comment.

48) Bell's Vireo habitat needs to be maintained and expanded.

Response: The Refuge does support nesting pairs of Bell's Vireos. Understory restoration and removal of invasive shrubs will be phased so that habitat remains available to these birds until native plants reestablish. Specifics of grassland and forest restoration, and its relationship to Bell's Vireo and other species, will be described in the step-down plans listed in Appendix H, and will be available for comment before approval. No changes were made to the plan based on this comment.

U.S. Environmental Protection Agency Comment, Page 1

U.S. Environmental Protection Agency Comment, Page 2

Wisconsin DNR Comment, Page 1

Wisconsin DNR Comment, Page 2

Wisconsin DNR Comment, Page 3

The Nature Conservancy Comment, Page 1

The Nature Conservancy Comment, Page 2

The Humane Society of the United States Comment, Page 1

The Humane Society of the United States Comment, Page 2

The Humane Society of the United States Comment, Page 3

The Humane Society of the United States Comment, Page 4

The Humane Society of the United States Comment, Page 5

The Humane Society of the United States Comment, Page 6

