

CHAPTER 6: COMMENTS ON DRAFT EIS/CCP/LPP AND SERVICE RESPONSES

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## CHAPTER 6: COMMENTS ON DRAFT EIS/CCP/LPP AND SERVICE RESPONSES

### **PART A: DISTRIBUTION OF DRAFT EIS/CCP/LPP**

The Notice of Availability for the Draft EIS/CCP/LPP was published in the Federal Register on October 17, 2006. It was also announced that the public comment period would close on January 16, 2007. The Draft EIS/CCP/LPP was published both in a digital format available on CDs and paper hard-copies. The Draft EIS/CCP/LPP was made available to the public in the following ways:

A copy was posted on the Service's internet web-site at:  
<http://www.fws.gov/southwest/refuges/Plan/completeplans.html>

Both digital and hard-copies were provided to fifteen public libraries in the project area to be made available to the general public.

Digital and/or hard-copies were provided to the two Federal cooperating agencies and Texas Parks and Wildlife Department. Hard-copies were also provided to the Environmental Protection Agency (EPA) for the required NEPA review.

Digital copies were sent to a total of 58 Federal or State agencies, local governmental entities, and elected representatives; and, digital copies were also sent to a total of 38 organizations which had expressed interest in the document.

Letters were sent to the nearly 400 landowners within the area contained in the Preferred Refuge Boundary Expansion Alternative C describing the actions being considered in the Draft EIS/CCP/LPP and informing them of the ways to obtain a copy of the document. Similar letters were sent to all 272 of the individuals who had participated in either public meetings or workshop; and, letters were also sent to about 220 members of the two "Friends groups" in the Refuge Complex.

All of the letters which were sent distributing or providing notice of availability of the Draft EIS/CCP/LPP also advised the recipients of the January 16, 2007, closing date for comments and the opportunity to verbally provide comments at two public hearings to be held November 28 & 30, 2006.

In response to the numerous letters, notices and internet posting; the Service received a little over a dozen written or e-mail requests for a hard-copy or CD copy of the Draft EIS/CCP/LPP.

## **PART B: COMMENTS ON DRAFT EIS/CCP/LPP**

### **I. COMMENTS FROM FEDERAL AND STATE AGENCIES.**

#### **A. Comments from Cooperating Federal Agencies: Federal Highway Administration and US Army Corps of Engineers**

The points-of-contact for both of the cooperating federal agencies were offered personal briefings at their offices but neither agency accepted the offered briefing.

##### **1. Federal Highway Administration**

No comments

##### **2. US Army Corps of Engineers**

No comments

#### **B. Comments from other Federal Agencies**

##### **1. Department of Commerce, National Oceanic and Atmospheric Administration (NOAA)**



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office  
263 13<sup>th</sup> Avenue S  
St. Petersburg, Florida 33701

January 3, 2007

Mr. Doug St. Pierre  
Natural Resource Planner  
U.S. Fish and Wildlife Service  
P.O. Box 1306  
Albuquerque, New Mexico 87103

Dear Mr. St. Pierre:

The NOAA's National Marine Fisheries Service (NMFS) has reviewed the October 2006, document titled, "Texas Chenier Plain Refuge Complex *Draft Environmental Impact Assessment/Draft Comprehensive Conservation Plan/Draft Land Protection Plan*" (DEIS). The DEIS was transmitted by your letter of October 20, 2006. The U.S. Fish and Wildlife Service (FWS) propose two federal actions: 1) development of a 15-year management plan for the refuge complex; and 2) expansion of the approved land acquisition boundaries for the four refuges in the complex. The refuges in the complex consist of the Anahuac, Moody, McFaddin and Texas Point Refuges located in Chambers and Jefferson Counties, Texas.

We have reviewed the DEIS and have no comments to provide regarding National Environmental Policy Act issues. However, the preferred plan indicates that future additional structural marsh management strategies will be pursued in the refuge complex and that FWS will continue to coordinate these activities with NMFS and other federal and state agencies. The DEIS does not provide enough detail for NMFS to provide essential fish habitat (EFH) conservation recommendations on the proposed structures at this time. Consequently, NMFS will provide EFH conservation recommendations, if needed, as these projects become more fully developed. NMFS would like to take this opportunity to remind the FWS of your Magnuson-Stevens Fishery Conservation and Management Act EFH consultation responsibilities for any federal funded, permitted or authorized activity that may adversely affect EFH.

We look forward to working with your staff on the 15-year plan. If we may be of further assistance, please contact Mr. Rusty Swafford of our Galveston Facility at (409) 766-3699.

Sincerely,

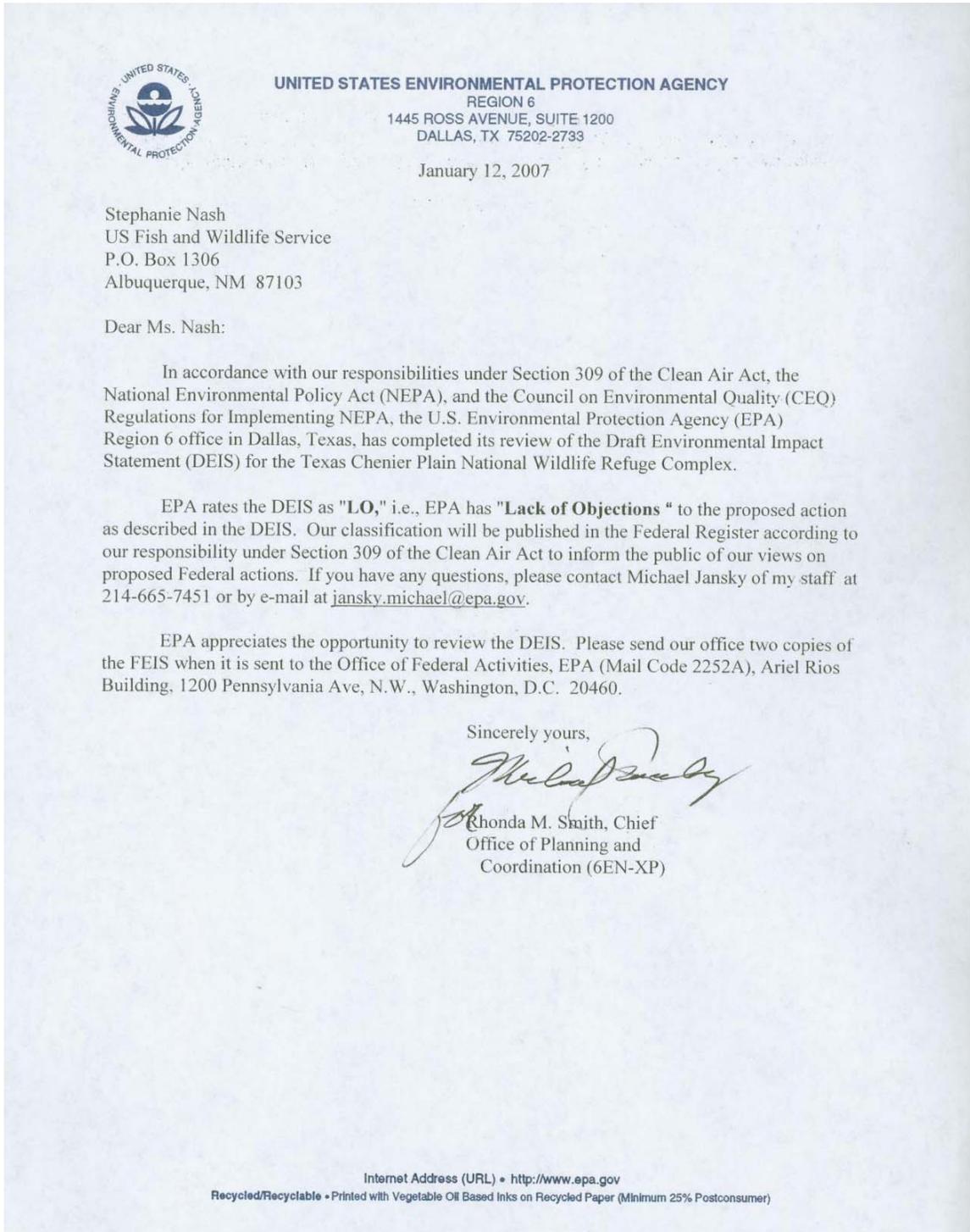
Miles M. Croom  
Assistant Regional Administrator  
Habitat Conservation Division



**Service response:**

Because this is a "programmatic" EIS addressing conceptual, broad-issue management strategies, the Service agrees that there is not enough detail on future structural marsh management strategies for NOAA to provide essential fish habitat conservation recommendations at this time. However, the Service recognizes its consultation obligations under the Magnuson-Stevens Fishery Conservation and Management Act and will consult with NOAA if and when proposed structural marsh projects are fully developed and ready for implementation.

## 2. Environmental Protection Agency (EPA)

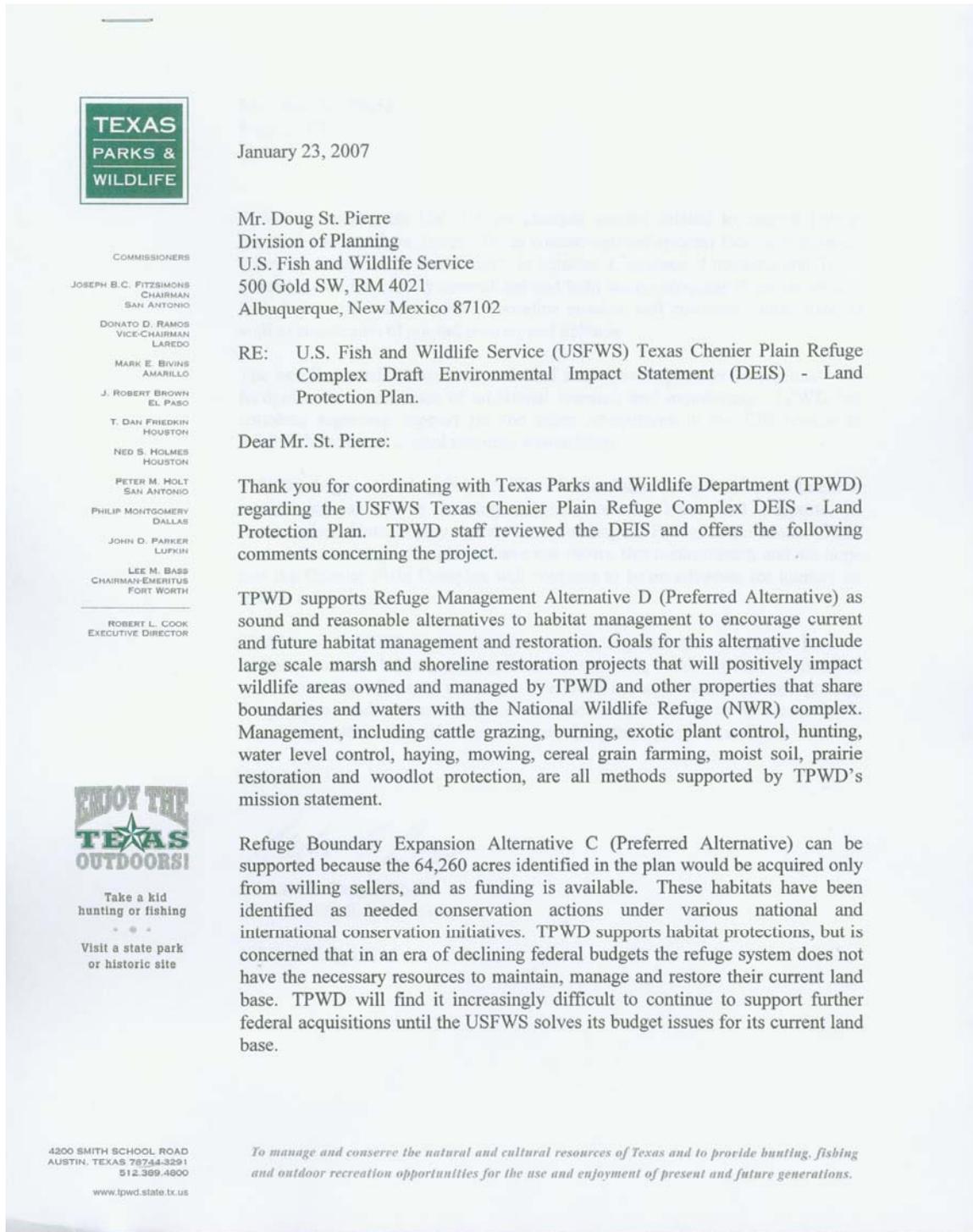


### Service response:

The Service thanks the EPA Region 6 office for reviewing the Draft EIS/CCP/LPP and registering a "Lack of Objections" comment.

## C. Comment from Texas Parks and Wildlife Department

Texas Parks and Wildlife Department was also offered a personal briefing on the Draft EIS/CCP/LPP which they accepted. On October 23, 2006, Andy Loranger and Doug St. Pierre briefed the Director of the TPWD Wildlife Division and key members of his staff at the TPWD offices in Austin, Texas.



Mr. Doug St. Pierre  
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January 23, 2007

TPWD concurs with USFWS on changes needed related to coastal habitat resource loss trends in Texas. Texas coastal wetland systems face near identical crises as those coastal marsh lands in adjacent Louisiana. Louisiana and Texas coastal issues are closely interrelated and both states recognize these issues that include loss of coastal habitat, shoreline erosion, and emergent marsh loss, as well as conversion of coastal prairies and uplands.

The two Preferred Alternative goals and strategies emphasize management and recognize the importance of additional research and monitoring. TPWD has concerns regarding support for the other alternatives in the EIS related to wildlife habitat and coastal resource stewardship.

TPWD recognizes and appreciates The Chenier Plain Complex's commitment to maintaining an active hunting program on its lands and supports its continuation. Hunters play a vital role in funding for Refuge acquisitions. Other coastal Texas refuge complexes have not shown this commitment, and we hope that the Chenier Plain Complex will continue to be an advocate for hunters on federal refuge lands.

TPWD and USFWS should continue to work together on a landscape level to address coastal habitat management, restoration, and wildlife dependent recreational use of coastal resources. The DEIS is comprehensive in recognizing the problems and concerns that must be addressed if we are to be successful in sustaining wildlife and fisheries resources along the Upper Texas Coast.

Sincerely,



Michael E. Berger, Ph.D.  
Director, Wildlife Division

MEB:AJH:dg.12113

**Service response:**

The Service greatly appreciates the participation and cooperation of TPWD in the development of this Draft EIS/CCP/LPP. Thank you for your comments supporting both our Preferred Refuge Management Alternative D and our Preferred Refuge Boundary Expansion Alternative C. We agree with TPWD's comment that habitat management and restoration are essential in this ecosystem and believe that the

environmental impact analysis for the Management Alternatives illustrates the need for and benefit from the management activities employed by the Service on the Refuge Complex.

We think that the Preferred Refuge Boundary Expansion Alternative provides the very best opportunity to achieve additional habitat protection with minimal, if any, increase in operational costs. Each year the Service requests the funding necessary for operations and maintenance of its Refuge land base within the context of the total national budget; and, we have enjoyed the support of the recently founded Congressional Wildlife Refuge Caucus with more than 140 members.

The Texas Chenier Plain NWR Complex intends to continue its commitment to providing the public with high-quality, wildlife dependent recreational opportunities on refuge lands including hunting and fishing.

## **II. LOCAL GOVERNMENTS AND ELECTED OFFICIALS**

We did not receive any direct comments from the many local government entities and elected officials, except for an action initiated by Chambers County. The Chambers County Commissioner's Court has approved donating up to 25 acres of uplands out of a tract of county land to the United States to be used by the Service as an administrative and visitor center for the Texas Chenier Plain NWR Complex.

## **III. PUBLIC COMMENTS**

### **A. Contact from Landowners Wanting to Sell their Land**

The Service was contacted in writing by two landowners whose sole comment was to express their current interest in selling their land to the United States for inclusion in the Refuge Complex.

#### **Service response:**

After a Record of Decision implementing the refuge boundary expansion is issued, the two landowners will be contacted by the Service's realty specialist to discuss possible acquisition of their land.

### **B. Comments Received at the Service's Two Public Hearings**

#### **Port Arthur, Texas**

A public hearing was held at the Holiday Inn Park Central, Port Arthur, Texas, on Tuesday night, November 28, 2006. Following a short presentation on the document by its authors and a question and answer session, three individuals presented the following verbal comments, which were recorded by a court reporter:

#### **1. Mr. Chuck Reddell**

Mr. Reddell, a Jefferson County businessman who lives in Chambers County, had comments primarily about two issues in the Draft EIS. First, he expressed strong support for land acquisition and expansion of the refuge boundaries; noting the current significant economic impact to Southeast Texas from ecotourism. Secondly, he emphasized the importance of the Service's active habitat management program ranging from restoring agricultural fields to controlling water levels. It is his opinion that the Refuge Complex will provide tremendous future economic impacts from ecotourism in addition to the positive impacts from opportunities for people to enjoy the natural beauty of the land.

#### **Service response:**

We thank Mr. Reddell for his strong support and we will continue providing quality wildlife-dependent recreational opportunities for the public.

## **2. Mr. James Cacioppo**

Mr. Cacioppo, a Nederland Texas resident, expressed general support for the plan and refuge expansion. However, he would like to see increased access to Service lands with clarified/simplified access rules and additional hunting opportunities for other species. Also, he would like to see more aggressive restoration projects on Texas Point NWR including filling man-made canals, restoring cheniers, necking down Texas Bayou, and plugging the old pilot station ditch.

### **Service response:**

We will continue working with the public and interested hunters to improve our hunting program and have already proposed dove hunting for Anahuac NWR. We would point out to Mr. Cacioppo that Refuge Management Alternative D does specifically include strategies for wetland restoration on Texas Point NWR.

## **3. Mr. John Whittle**

Mr. Whittle, a Nederland Texas resident and Audubon Society member, expressed his own comments outside of the comments which will be submitted by the Audubon Society. He feels that management is weighted excessively toward the marshes and should support more shorebird and wading bird habitats. He pointed out the great ornithological importance of the Refuge Complex to neotropical/nearctic migrant land birds and stated that the Service should create woodlot habitat for these migrants on a much greater scale than the CCP proposes. He strongly supports the comprehensive biological survey program, the addition of more biologists, and expansion of biological studies to the other refuges besides Anahuac NWR. He would like to see a more appropriate balance between the opportunities provided for the various consumptive and nonconsumptive recreational and educational groups using the refuge lands. He opposes opening any refuge lands for dove hunting and opposes fishing either along the banks of Shoveler Pond or between Shoveler Pond and West Line Road. While supporting the logic of our preferred boundary expansion, he would like to extend these perimeters to permit acquisition of more varied habitats based on the willing seller doctrine. Finally, he believes that the estimated 250 annual wildlife watchers at Texas Point NWR is very significantly underestimated based on the heavy birder use along Pilot Station Road.

### **Service response:**

The Service's response to Mr. Whittle's comment is identical to our response to the Golden Triangle Audubon Society's comment which follows in this Chapter. We thank him for taking the time and effort to state his comments at our public hearing.

## **White's Park**

A public hearing was held at White's Park near Hankamer, Texas, on Thursday night, November 30, 2006. Following a short presentation on the document by its authors and a question and answer session, two individuals presented the following verbal comments, which were recorded by a court reporter:

### **1. Ms. Winnie Burkett**

Ms. Burkett, a Houston resident and sanctuary manager for the Houston Audubon Society, commented for herself and the Houston Audubon Society. She favored the preferred refuge management alternative because it increases wetland management for the benefit of wetland dependent species who suffer from declining available habitats. She was also pleased with the boundary expansion that included additional prairie and woodlot habitats which have been negatively impacted by development on the coast. She pointed out the importance of ecotourism and the fact that wildlife viewing and fishing brings in income to Chambers County businesses, little businesses that need additional income. She finished by stating that if we're going to have ducks and fish and birds for the future, then we're going to have to make sure that we protect more habitat, and this plan does that.

**Service response:**

The Service thanks Ms. Burkett and the Houston Audubon Society for their continued support of our efforts to protect wildlife habitats. We also wish to recognize her and the organization for their substantial conservation accomplishments along the upper Texas Gulf Coast.

**2. Mr. Steve Fitzgerald**

A private landowner adjacent to Anahuac NWR, had comments which followed up on earlier discussions of feral hogs during the question and answer session. He wants to see a written management program to control feral hogs on the Refuge Complex and prevent damage to adjacent landowner's crops. He further suggested that the Service provide restitution for damage by feral hogs to crops on his land.

**Service response:**

Feral hog populations appear to be increasing throughout the region, and high populations are damaging native habitats and infrastructure on the Refuge Complex as well. The Service is proposing to increase feral hog population control efforts on the Refuge Complex under Refuge Management Alternative D (Preferred Alternative). The Service will coordinate these efforts with neighboring landowners.

**C. The Beaumont Enterprise Newspaper Editorial - November 28, 2006**

The Beaumont Enterprise is the daily newspaper for Beaumont, Jefferson County, Texas and serves all of East and Southeast Texas. The Enterprise which is owned by the Hearst Corporation also publishes the Southeast Texas Business Monthly and is believed to be Southeast Texas' oldest continually operated business, serving the region for over 115 years. This editorial was published the day of the Service's public hearing in Port Arthur and is quoted in full from their web-site:

**11/28/2006*****Land purchases could protect valuable habitat***

*Selling land to the federal government can be a sensitive issue for some property owners. The way it's being done by the U.S. Fish and Wildlife Service along the Gulf Coast seems to be the right way. No landowners are being forced to sell their property, and the federal bidding helps increase the land's value. If the feds buy the land, it will become part of a wildlife refuge.*

*Federal officials are making it known they might buy some land in the Texas Chenier Plain Refuge Complex, which includes the McFaddin, Anahuac, Moody and Texas Point national wildlife refuges. Some landowners are eager to sell to the highest bidder. Others want to keep their property in private hands so it can continue to have multiple uses, such as farming and ranching.*

*Good arguments can be made for either course. Some land must remain available for private development to create jobs and tax revenues. Yet history shows that if some wildlife habitat isn't preserved, eventually it will be lost. Southeast Texas, like all parts of the country, needs a good balance. About 64,000 acres are eligible to be purchased in this latest round.*

*The Fish and Wildlife Service is holding two public hearings on this issue. One is at 7 tonight at the Holiday Inn-Park Central in Port Arthur. The other is at 7 p.m. Thursday at White's Park in Hankamer.*

*Southeast Texans who want to learn more about his issue should try to make one of the meetings. This region has been blessed with some wonderful lands for birding, hiking, hunting, etc. All of us alive today have to ensure that some of this land is available for future generations to cherish as well.*

**Service response:**

Thank you for your expression of support for our efforts to protect wildlife habitats in Southeast Texas for the benefit of both present and future generations. As noted, any future acquisition of land will be on a "willing sellers only" basis, just as it has been in the past. Hopefully, lands protected within the Texas

Chenier Plain Refuge Complex do help to provide some “balance” to the development which has already occurred and will inevitably occur in the future in this area.

## **D. Comments from organizations**

### **1. The Golden Triangle Audubon Society (GTAS)**

GTAS, the National Audubon Society Chapter in Southeast Texas based in Nederland, Texas, provided a written set of comments signed by John A Whittle, Secretary. They begin with a statement that GTAS is generally in agreement with the basic premises and conclusions in the EIS. They then provided some suggestions and comments focusing principally on the CCP portion. They feel that other habitat types, in particular woodlots, are being out-weighted by the focus on marshes; and point out the great ornithological importance of the Complex area to trans-Gulf Neotropic-Nearctic migrant landfalls in the spring.

The GTAS strongly supports the biological (survey) program along with the addition of more biologists and offers volunteer assistance to refuge staff to carry out the program. However, they point out that obtaining statistical significance in biological data is not always possible given expense and the time frames required, and that waiting to obtain enough biological data to make inferences about the significance of population trends for certain wildlife species often results in difficult and expensive recovery programs. They state that the reality is that we need to both intensify survey efforts and act on data that is less statistically sound than we would like.

They question the balance between the various types of recreation users; specifically urging more access for wildlife watchers, the numbers of which they claim has been increasing geometrically. Also, GTAS expressed its opposition to the proposal to make some areas available for dove hunting, and opposed allowing fishing along the banks of Shoveler Pond and between Shoveler Pond and West Line Road. Finally, although they recognized the logic behind our preferred refuge boundary expansion alternative, they would like to see these perimeters extended even more to provide more varied habitat.

#### **Service response:**

The Service fully recognizes the great importance of near-coastal woodlands to trans-Gulf migrant songbirds and the strategically important location of the Refuge Complex along this migration route. The Service proposes to reassess the potential for creation of additional woodland habitat on the Refuge Complex, and to work with partners to achieve any new restoration objectives both on and off of Service lands. The Final EIS/CCP/LPP has been revised to reflect this. In addition, the Service will fully evaluate woodland restoration potential on any new lands added under the Preferred Refuge Boundary Expansion Alternative C.

Under Refuge Management Alternative D (Preferred Alternative), the Service proposed several strategies to expand the biological program on the Refuge Complex including conducting new biological surveys, monitoring and research to guide an adaptive management approach and to meet information needs for sensitive or declining species. Implementation of these strategies will depend on new and emerging partnerships with other agencies, organizations and universities. The Service welcomes and appreciates the support and volunteer assistance provided by conservation groups and individuals in meeting biological program objectives.

The Refuge Complex currently provides opportunities for all six of the Refuge System’s priority wildlife-dependent recreational uses: hunting, fishing, wildlife observation and photography, environmental education and interpretation. All wildlife-dependent recreational uses on the Refuge Complex are managed such that sensitive fish, wildlife and plant resources are protected, fish, wildlife and plant populations are not adversely impacted, conflicts among the different recreational users are avoided or minimized, and public safety is protected. The Service uses a variety of management approaches on the Refuge Complex including strategic location of public use facilities, establishment of undisturbed sanctuaries, seasonal openings and closures, and regulations governing means of access to achieve these objectives. The Service believes that the objectives and strategies proposed under Refuge

Management Alternative D represent the most feasible approach to managing public uses on the Refuge Complex over the next fifteen years in a manner which ensures that these uses remain compatible with the establishment purposes of the refuges and mission of the Refuge System, and consistent with protection of public safety.

Under Refuge Management Alternative D (the Preferred Alternative), the Service will enhance and expand all wildlife-dependent recreational programs on the Refuge Complex. This includes implementation of several strategies which expand and enhance opportunities for wildlife observation and photography, fishing and environmental education and interpretation, including opening additional areas on McFaddin NWR for these uses. The Service also proposes to open dove hunting in designated area(s) of the Anahuac NWR. Initiating a dove hunt on Anahuac NWR in partnership with the Texas Parks and Wildlife Department will provide additional public hunting opportunity on the Refuge Complex. This hunt will be managed in a manner so as to ensure that it is compatible with refuge establishment purposes and the Refuge System mission and does not conflict with other public uses.

Bank fishing along the roadside borrow areas on Shoveler Pond has been traditionally allowed on Anahuac NWR, and is not a newly proposed use of this area. Management of Shoveler Pond has and will continue to focus on providing freshwater wetland habitat and on providing high quality opportunities for wildlife observation and photography, environmental education and interpretation. The Service believes that allowing bank fishing in the borrow area along the levee trail between Shoveler Pond and Westline Road on Anahuac NWR will not negatively impact waterbirds or other avian species, nor will it conflict with other allowed uses.

## **2. The Houston Audubon Society (HAS)**

HAS, the National Audubon Society Chapter in Houston, Texas, provided comments on both the CCP and the LPP. They expressed support for preferred Refuge Management Alternative D which they state would help restore, maintain, and enhance the level of natural species diversity (floral and faunal communities) indigenous to the Texas Gulf Coast ecosystem. However, they did encourage the Service to include in the plan the creation of more woodlots that the proposed 29 acres because woodlots are extremely important to migrating songbirds. They further support the CCP objectives and strategies to enhance habitats through management and restoration benefiting all bird species, including shorebirds, colonial waterbirds, waterfowl, neotropical migratory songbirds, and grassland species. The Society also supports Refuge Boundary Expansion Alternative D because they feel it will increase protection for migratory birds and other species now threatened by loss of habitat. They stated that the acquisition and protection of any remaining coastal tallgrass prairie is a high priority and of great concern to the Houston Audubon Society because North America's grassland bird species are in serious decline due to loss of habitat.

### **Service response:**

The stated objectives and strategies for protecting and enhancing existing and restoring woodland habitats on the Refuge Complex under Refuge Management Alternative D take into account several factors. Historically, the limited upland habitats currently found on the Refuge Complex consisted of native tallgrass coastal prairie with the possible exception of the riparian woodland habitats that naturally occurred on higher elevation bayou banks and the chenier ridges along the northern boundary of Texas Point NWR. Naturally-occurring fires and grazing by native ungulates such as bison helped maintain this native grassland community. The Service believes that managing existing prairie remnants and restoring prairie on suitable upland sites such as fallowed croplands on Anahuac NWR is critical to maintaining the region's overall biological diversity and biological integrity given the extremely rare and threatened status of this habitat type in the region. This approach is also consistent with the Service's Refuge System Biological Integrity policy (601 FW 3) which establishes the restoration of historic habitat conditions where feasible as the ideal. Proposed objectives for protecting existing and restoring additional woodland habitat on the Refuge Complex under Refuge Management Alternative D also considered site suitability. Site-specific conditions including soil chemistry, soil salinity, hydrology and elevation dictate site suitability for woodland habitat restoration. Suitable sites for creating woodlots on the Refuge Complex are extremely limited.

In determining its preferred Refuge Boundary Expansion Alternative the Service considered ecological values, benefits to management of existing refuges, levels of threat, and feasibility as affected by land ownership patterns and projected availability of funding. Under Refuge Boundary Expansion Alternative C (Preferred Alternative), the Service is proposing to include areas containing the largest remaining tracts of native coastal prairie on the upper Texas coast, in addition to important areas of coastal marsh adjacent to existing refuges, within new approved refuge boundaries. This would allow the Service to acquire lands or interests in lands from willing sellers within those areas (subject to availability of funds). The Service recognizes that the forested wetlands along Taylor's Bayou and woodland and wetland habitats on the Bolivar Peninsula are extremely important to neotropical-nearctic migrant songbirds and other native wildlife species. As identified in Appendix C of the Draft EIS/CCP/LPP, there are many additional Federal, State and private conservation programs available to assist private landowners. As noted, the Service will continue to work with landowners, other agencies and conservation organizations under its Preferred Refuge Boundary Expansion Alternative to promote habitat conservation, restoration and management in these important habitat areas and throughout the region.

### **3. The Gulf Coast Bird Observatory (GCBO)**

GCBO, based in Lake Jackson, Texas, has as its mission the study and conservation of birds and their habitats in and around the Gulf of Mexico. Their conservation efforts focus primarily on landbirds and their comments emphasize the impacts on that group. Their comments primarily focused on Alternatives C & D of the Refuge Management Alternatives, which they state best represent their ideas and goals. They had fundamental problems with the emphasis in each of the other Refuge Management Alternatives. They also pointed out that an important reference for most of the upland habitats, (Texas Parks and Wildlife Department, 2000), was missing from the reference section of the document. Additionally, they are preparing the Partners in Flight landbird conservation plan for the Coastal Prairies and Marshes, in conjunction with the Gulf Coast Joint Venture. They attached a first rough draft of their plan for our reference

They state that Alternative C with its emphasis on native habitat restoration represents a desired scenario since only 1% of coastal prairies remain on the Texas Gulf Coast. They pointed out the many wintering and resident species of grassland birds directly threatened by loss of this unique habitat. Although maintaining row crop agriculture may benefit some shorebirds and waterfowl, it is directly related to loss of prairie. They note that millions of migrant nearctic-neotropical passerine birds depend on the small and isolated woodlots along the coast after a perilous trans-Gulf migration.

Further, they stated that Alternative D is an innovative new approach to management which they think would work well; especially, because of the emphasis on monitoring and using the results for management decisions. They would like to see the federal refuges involved in their ongoing landbird monitoring program take a more active role in collecting data on migrating landbirds and add additional biologists to accomplish the increased monitoring efforts.

#### **Service response:**

The Service thanks the GCBO for its comments and recognizes its conservation efforts focusing on landbirds in the Gulf Coast area. We erroneously used the citation, (Texas Parks and Wildlife Department, 2000), in the document when the citation should have been (Shackelford and Lockwood 2000). We corrected the mistake in the text and it is included in the Reference section. t.

For the reasons outlined below, the Service believes that Refuge Management Alternative D (Preferred Alternative) represents the most desirable approach to meet the establishment purposes of the refuges in the Refuge Complex, the mission of the National Wildlife Refuge System, and the conservation of Trust fish and wildlife species including migratory birds and Threatened and Endangered species, while recognizing the need to address emerging threats to biological integrity, biological diversity and environmental health. This alternative focuses on protecting and enhancing existing wetland and upland habitats on the Refuge Complex through active management, continues and expands efforts to enhance and restore native tallgrass coastal prairie and woodland habitat on suitable sites, continues and expands efforts to address major ecosystem threats, uses additional scientific monitoring and studies to guide an

adaptive management approach with increased emphasis on declining or sensitive species, and expands wildlife-dependent recreational uses with an emphasis on enhancing the quality of the refuge visitor experience.

The intensive management of wetland habitats on the Refuge Complex proposed under Refuge Management Alternative D is needed to counter habitat changes and losses which have occurred on a landscape scale in the region. Moist soil management and rice farming replace many benefits historically provided by natural prairie wetlands which have almost completely disappeared in the region, and provide concentrated food resources and other habitat benefits for migratory birds and other wetland-dependent wildlife. Similarly, by replacing former natural disturbance regimes which would otherwise not occur due large-scale conversion of surrounding habitats to other land uses, prescribed burning and controlled grazing help maintain biological diversity in both plant and animal communities in Refuge Complex wetlands, and enhance habitat values for waterfowl and many other migratory bird species. Use of actively-managed water control structures or passive structures such as rock weirs helps maintain the historic continuum of fresh, intermediate, brackish and saline marshes in support of maintaining natural biological diversity, enhancing habitat values for waterfowl and other migratory birds, and reducing the negative impacts of saltwater intrusion into non-tidal or micro-tidal fresh and intermediate marshes.

The Service fully recognizes and concurs with the importance of restoring and managing native coastal prairie on the Refuge Complex. It is estimated that less than one percent of the over 9 million acres of the western Gulf Coast's native tallgrass prairie which existed at the turn of the 20th century now remains. The Service believes that the proposed objectives and strategies for native prairie restoration under Refuge Management Alternative D represent the most feasible approach to restoring prairie on the Refuge Complex over the next fifteen years. The techniques required to restore native prairie on the upper Texas coast are extremely labor intensive and expensive. Other limiting factors to prairie restoration on the Refuge Complex include limited site suitability due to hydric soil conditions, the availability of a viable seed supply, alterations of soil chemistry and soil microbial communities resulting from previous conversion to rice agriculture, and extreme competition from non-native invasive grasses and woody plant species.

#### **4. The Houston Regional Group of the Sierra Club (HSC)**

HSC provided extensive written comments (62 pages plus an attachment) signed by Brandt Mannchen, Chair, Forestry Subcommittee of this group. Also, five individuals provided very similar comments addressing exactly the same three positions/issues raised in the Sierra Club's comments. Three of the individuals were Holly Eaton, Bill Tarbox, and Alison Tyler all from Houston; while the other two individuals were identified only by their e-mail addresses, which were [Rebelljb@aol.com](mailto:Rebelljb@aol.com) and [disillusionedx@hotmail.com](mailto:disillusionedx@hotmail.com).

All of these comments similarly addressed the following:

- Support for Refuge Boundary Expansion Alternative D, which would add a total of 104,120 acres to the Refuge Complex.
- Support for Refuge Management Alternative C; but, strongly urging the removal of cattle to be replaced with the introduction of bison.
- Opposition to the implementation of an entrance fee for Anahuac NWR.

#### **The following is the Service's response to the above three issues before addressing the balance of the Sierra Club's comments:**

- In determining its preferred Refuge Boundary Expansion Alternative the Service considered ecological values, benefits to management of existing refuges, levels of threat, and feasibility as affected by land ownership patterns and projected availability of funding. Under Refuge Boundary Expansion Alternative C (Preferred Alternative), the Service is proposing to include areas containing the largest remaining tracts of native coastal prairie on the upper Texas coast, in addition to important areas of coastal marsh adjacent to existing refuges, within new approved refuge boundaries. This would allow the Service to acquire lands or interests in lands from willing

sellers within those areas (subject to availability of funds). The Service recognizes that the forested wetlands along Taylor's Bayou and woodland and wetland habitats on the Bolivar Peninsula are extremely important to neotropical-nearctic migrant songbirds and other native wildlife species. As identified in Appendix C of the Draft EIS/CCP/LPP, there are many additional Federal, State and private conservation programs available to assist private landowners. As noted, the Service will continue to work with landowners, other agencies and conservation organizations under its Preferred Refuge Boundary Expansion Alternative to promote habitat conservation, restoration and management in these important habitat areas and throughout the region.

- For the reasons outlined below, the Service believes that Refuge Management Alternative D (Preferred Alternative) represents the most desirable approach to meet the establishment purposes of the refuges in the Refuge Complex, the mission of the National Wildlife Refuge System, and the conservation of Trust fish and wildlife species including migratory birds and Threatened and Endangered species, while recognizing the need to address emerging threats to biological integrity, biological diversity and ecosystem health. This alternative focuses on protecting and enhancing existing wetland and upland habitats on the Refuge Complex through active management, continues and expands efforts to enhance and restore native tallgrass coastal prairie and woodland habitat on suitable sites, continues and expands efforts to address major ecosystem threats, uses additional scientific monitoring and studies to guide an adaptive management approach with increased emphasis on declining or sensitive species, and expands wildlife-dependent recreational uses with an emphasis on enhancing the quality of the refuge visitor experience. Refuge Management Alternative D does specifically include strategies for wetland restoration on Texas Point NWR.

The intensive management of wetland habitats on the Refuge Complex proposed under Refuge Management Alternative D is needed to counter habitat changes and losses which have occurred on a landscape scale in the region. Moist soil management and rice farming replace many benefits historically provided by natural prairie wetlands which have almost completely disappeared in the region, and provide concentrated food resources and other habitat benefits for migratory birds and other wetland-dependent wildlife. Similarly, by replacing former natural disturbance regimes which would otherwise not occur due large-scale conversion of surrounding habitats to other land uses, prescribed burning and controlled grazing help maintain biological diversity in both plant and animal communities in Refuge Complex wetlands, and enhance habitat values for waterfowl and many other migratory bird species. Use of actively-managed water control structures or passive structures such as rock weirs helps maintain the historic continuum of fresh, intermediate, brackish and saline marshes in support of maintaining natural biological diversity, enhancing habitat values for waterfowl and other migratory birds, and reducing the negative impacts of saltwater intrusion into non-tidal or micro-tidal fresh and intermediate marshes.

The Service concurs that using bison in native grassland management and restoration has many ecological advantages over the use of cattle. However, there are both ecological and practical constraints to using bison on the Refuge Complex. First, over 90 percent of the Refuge Complex is comprised of wetland habitats which will not support grazing by bison, and most adjacent low-lying non-saline "wet prairies" and salt prairies on the Refuge Complex are also not suitable for grazing by bison. The controlled grazing program is used primarily as a management tool during the cool season to manage plant communities in fresh and intermediate coastal marshes. Most upland units on the Refuge Complex (almost all are on Anahuac NWR) which contain native prairie remnants, sites being actively restored to prairie, and/or mixed grasslands on fallowed former croplands consist of small, non-contiguous tracts which also cannot effectively support grazing by bison. Logistical constraints to implementing a bison grazing program on the Refuge Complex also exist, and include the need for specialized fencing and other infrastructure and the feasibility of integrating bison management with other management activities and public uses. Also, it should be noted that the Service does not own the cattle currently used in the controlled

grazing program relying instead on local private cattle ranchers for both stock and the ranch hands to manage them. Grazing bison as an alternative would also depend upon the availability of privately owned bison herds in the local area. The Service would assess the feasibility of using bison in a grassland management program should suitable large tracts of native coastal prairie be acquired and become part of the Refuge Complex in the future.

- The Service began considering the establishment of an entrance fee at Anahuac NWR following public comments in support of initiating such a fee expressed during a series of scoping meetings for a Service planning effort conducted during the mid-1990's which proposed expansion of the approved refuge boundaries and working with conservation partners to protect important wildlife habitats in the region. The Anahuac NWR originally proposed and was approved for the collection of a general entrance fee (for that portion of the Refuge which is open to the public 365 days per year) under the Recreation Fee Demonstration Program (Fee Demo Program) in 1997. Participation by the Service in the Fee Demo Program was authorized under the Omnibus Consolidated Recission and Appropriations Act (P.L. 104-154) of 1996. This law was superceded by the passage of the Federal Lands Recreation Enhancement Act in 2004, which rolled all approved programs under the Fee Demo Program into the new Recreation Fee Program.

In addition to collecting a general entrance fee, the Refuge concurrently proposed to make an annual \$40 permit for waterfowl hunting on the East Unit hunt unit available to refuge hunters (as an option in addition to the existing \$10 per day user fee). Although the Refuge was approved to collect both the entrance fee and the annual hunting permit fee under the Fee Demo Program in 1997, to date only the East Unit annual waterfowl hunting permit has been implemented.

Public support to collect an entrance fee at Anahuac NWR, as expressed by many refuge visitors and groups such as the Friends of Anahuac Refuge, remains high. Public-private partnerships have been instrumental in the recent development of new visitor facilities and programs on the Refuge. They have in fact supported almost all recent recreational and educational facility and program developments and enhancements on the Refuge, including new trails, boardwalks, observation platforms, fishing piers, a photography blind, a butterfly landscape and native habitat demonstration area, multi-media interpretive displays, and an on-refuge environmental education program for school-age children.

Some commented that the Draft EIS/CCP/LPP did not provide enough information on the need for initiation of an entrance fee at Anahuac NWR, specify what the fees would be used for, or analyze the environmental and socioeconomic impacts of collecting an entrance fee. The goals of initiating an entrance fee on Anahuac NWR would be to continue to enhance the experience of refuge visitors and to expand wildlife-dependent recreational and educational opportunities. Specifically, Refuge entrance fees would be used to help maintain and expand existing visitor facilities and programs, as well as to develop new facilities and programs. The Final EIS/CCP/LPP has been revised to include this additional information. As is the case with many of the individual strategies proposed in the programmatic Draft EIS/CCP/LPP, should the Service initiate an entrance fee for Anahuac NWR, all compliance and notification requirements under existing laws and policy will be completed prior to implementation.

#### **Balance of the HSC comments:**

The comments from the HSC begin by stating that: "There are many good provisions in the management and boundary alternatives"; but, that there are also many problems that must be resolved before any record of decision is made. " Some of these problems include: 1) inadequate cumulative impacts analysis; 2) failure to quantify environmental impacts; 3) no analysis about the impacts of charging an entrance fee to Anahuac National Wildlife Refuge (ANWR), including its legality under the Federal Lands Recreation Enhancement Act; 4) failure to adhere to the National Environmental Policy Act (NEPA) and the President's Council on Environmental Quality's NEPA implementing regulations; and 5) other inadequately covered issues."

Specifically, HCS commented that the Service's list of projects in the cumulative impacts analysis is incomplete because it does not include: FEMA programs; a Galveston Bay/Bolivar Peninsular bridge; oil/gas activities on private lands; private recreational use; private silvicultural activities; roads and their associated right-of-ways; air pollution from the anticipated growth of refinery and chemical plant operations in the area; the total number of residential, commercial, and industrial developments in the area; and several other global issues. Further, they stated that FWS does not provide quantitative information about the cumulative impacts of over four million people (greater Houston); the world's largest petrochemical complex; and some of the busiest port facilities on the coast in the cumulative effects analysis.

HCS commented that the draft EIS/CCP/LPP lacked quantitative information detailing the impacts of Service activities and many other activities occurring within the cumulative impacts analysis area. They requested specific quantitative information on: number of oil/gas wells drilled in the past and an estimate for the future; how much of each water pollutant is generated for all water pollution sources (and the same information for all air pollution sources); total number of all residential, commercial, and industrial developments in both the past and reasonably foreseeable future; how many acres are currently in rice production and how many acres used to be in rice production; what the quantitative impacts will be of the implementation of the Region H and I State Water Plans; the amount of habitat fragmentation, including miles of linear openings/square mile of land; the population of each exotic species and how many acres are inhabited by each exotic species (for example, feral hogs); and total amount of herbicide, pesticide, and fertilizer use.

HSC also commented that the FWS failed to cover other diverse issues including: "many people kill snakes on sight, even in a NWR"; "FWS should state how many cows are grazed and not use animal units"; lack of vehicle visitor counters at entry points, "FWS should state that surveys, monitoring, research, community outreach and partnership efforts can result in wildlife disturbance", statement "that hunting disturbs others who recreate via noise"; statement "that oil from boats and the littering of monofilament line are impacts due to fishing"; "FWS must test fish, shellfish, and wildlife for contaminants and report what the levels are to the public"

Finally, HSC strongly favors the acquisition of mineral rights by FWS whenever this is possible, including being prepared to use its condemnation power for mineral rights if the need arises, so that over time the damage from oil/gas activities or other mineral rights development can be reduced and ultimately eliminated. Also, HSC opposes a dove hunting program as not being needed, is against hunting of snipe, gallinule and rail for the same reason, and is against control of muskrats (trapping).

#### **Service's response:**

In the cumulative impacts analysis, the Service identified nine major projects or activities that have the highest potential for having identifiable cumulative impacts with our preferred alternatives. Each of these had to be a reasonably foreseeable project or activity that has been formally proposed by a specific project proponent. Projects like the Galveston Bay/Bolivar Peninsular Bridge were not included because these projects have not reached the stage of having sufficient planning, design, and other information which could be used by the Service. A number of the other activities (oil/gas development, agricultural and recreational uses, etc.) that HSC mentions are not included in the cumulative impacts analysis, but are addressed in the section analyzing "Regional Economic Development Activities." Quantitative data is lacking for much of the information HCS recommends including in the cumulative impacts analysis. The huge social/political issues regarding America's petrochemical industry, development versus the environment, or other global problems are beyond the scope of this document and are not addressed.

As to the development of the CCP and the management strategies, this EIS is a comprehensive or "programmatic" EIS addressing a broad agency program which is the development of a formal plan for the management of the Complex. This differs from the more typical project-specific EIS which addresses a new construction project, substantial modification of a facility, or some similar type of project. This "programmatic" EIS does not attempt to provide NEPA compliance for site-specific projects which may be

undertaken in the future to implement the plan strategies. If these projects are proposed in the future, then the Service will provide whatever compliance is required for the project. This compliance may be accomplished within a step-down plan or on a project-by-project basis. Where a Federal agency adopts a formal plan which will be executed in a specific geographic area, and later proposes a specific activity to implement that plan in that area, both actions need to be analyzed under NEPA. The Service has added an additional explanation regarding the “programmatic” nature of the EIS in Chapter 1 under the description of the CCP Planning Process. The Service believes that this programmatic EIS is consistent with all CEQ regulations and has followed NEPA procedures.

Finally, the Service does not agree that condemnation of reserved or excepted mineral interests underlying refuge lands is a viable alternative for managing oil and gas exploration and development activities. The Service manages oil and gas activities on refuge lands using the Special Use Permit process such that impacts to refuge resources are minimized through the required use of best management practices. Full public disclosure of our oil and gas management activities is met through project-specific NEPA compliance.

## **E. Comments from Other Individuals**

### **1. Metalforms, Inc.**

Metalforms, Inc., of Beaumont, Texas, provided a comment signed by its Executive Vice President, Glenn Mabry. He stated their enthusiastic support for the acquisition of additional land for the refuges as the preservation and care of these uniquely sensitive properties is a most worthwhile project. He complemented the local personnel for doing an effective job of managing the existing refuges and stated their opinion that the silent majority does support this effort.

#### **Service’s response:**

The Service thanks Mr. Mabry for his comments and support.

### **2. Bill Stransky**

Mr. Stransky, from Pierce, Texas, sent an e-mail containing his comments. He encouraged the Service to develop more wetland units in current and abandoned rice farmland; and, strongly urged the Service to stop the erosion on the GIWW and along the beachfront. He sees the need for an extensive effort to reverse the effects of salt water intrusion into all of the fresh and intermediate marshes through the use of saltwater barriers, rock weirs, and water control structures. Also, he recommends an independent review committee to judge the performance of refuge managers and employees based on the quality of habitat to ensure that bad management is not tolerated.

#### **Service’s response:**

The Service thanks Mr. Stransky for his comments and concurs that habitat management and restoration is necessary to meet objectives for migratory birds and other fish and wildlife, and to maintain and restore biological integrity, biological diversity and environmental health, on the Refuge Complex. Under its preferred Refuge Management Alternative D, the Service proposes intensive management of wetland habitats on the Refuge Complex to counter habitat changes and losses which have occurred on a landscape scale in the region. Use of actively-managed water control structures or passive structures such as rock weirs is proposed to help maintain the historic continuum of fresh, intermediate, brackish and saline marshes in support of maintaining natural biological diversity, enhancing habitat values for waterfowl and other migratory birds, and reducing the negative impacts of saltwater intrusion into non-tidal or micro-tidal fresh and intermediate marshes. Moist soil management and rice farming proposed under this Alternative will replace many benefits historically provided by natural prairie wetlands which have almost completely disappeared in the region, and provide concentrated food resources and other habitat benefits for migratory birds and other wetland-dependent wildlife. Under this Alternative, the Service will also expand efforts to reduce erosion and land loss along the GIWW, Galveston Bay, and the Gulf of Mexico. Global climate change and rising sea levels will increase both the urgency and difficulty of these efforts.

The Service also proposes to expand and enhance its adaptive management approach on the Refuge Complex. Habitat management activities on the Refuge Complex will be guided through the development of annual habitat work plans for each refuge management unit receiving management treatments. Management activities will continually be assessed, and refined as needed, to ensure that habitat quality is maintained for migratory birds and other Trust resources. The Refuge Complex always welcomes input from its partners and the public on its management activities.

### **3. Susan and Brad Billetdeaux**

Mr. Billetdeaux, from Houston, Texas, wrote to register their support for maintaining and restoring wetlands and the surrounding ecosystem. They support the CCP objectives which enhance habitats for wildlife; and, they also support Refuge Boundary Expansion Alternative D.

#### **Service's response:**

The Service thanks Mr. and Mrs. Billetdeaux for their comments. The Service has already responded in the preceding pages to comments from both the Houston Audubon Society and the Houston Regional Group of the Sierra Club in support of Refuge Boundary Expansion Alternative D, the largest boundary expansion alternative.