

## **Appendix G. Response to Public Comments**

Once the Draft CCP/EA was complete, a planning update was prepared and mailed out to 379 interested stakeholders on September 18, 2006. The planning update announced the availability of the Draft CCP/EA for review and comment as well as providing notice of the public comment meetings on October 4 and 5, 2006. On September 25, 2006 a Notice of Availability for the draft CCP/EA published in the Federal Register (Vol. 71, No. 185, p. 55801) announcing that the Draft CCP/EA was open to public comment for a 30 day period and noting the location and times for public comment meetings. Printed copies of the Draft CCP/EA were mailed to 65 interested stakeholders, including local libraries, state agencies, local landowners and others and electronic copies were posted for downloading on the Pacific Region Refuge Planning website and on the Refuge website.

Due to requests for an extension of the Draft CCP/EA comment period, the public comment period was extended for an additional 30 days ending on November 27, 2006. Supplemental notices announcing the 30 day comment period extension were mailed to 379 interested stakeholders. Many comments were received during public meetings and 25 written comments were also received during the comment period.



# STONE LAKES REFUGE ALLIAN

1600 DAY DRIVE • CARMICHAEL, CA 95608 • (916) 486-9624

October 2, 2006

David Bergendorf  
Refuge Planner  
US Fish and Wildlife Service  
2800 Cottage Way, W-1832  
Sacramento, CA 95825-1846

Dear Mr. Bergendorf:

Re: Stone Lakes NWR CCP

1 The Stone Lakes Refuge Alliance wishes to indicate its opposition to the continuation of the waterskiing which has been an historic use on the lake which fills the borrow pit that provided materials used for the levee on which the railroad track is situated. A small, private club has used this lake for waterskiing for the last three decades, during most of which the property was privately owned.

2 Now that this property is in public ownership, it is inappropriate for private group to enjoy its exclusive use, even on an occasional basis. This being the case, any relationship between the refuge and the waterskiing club should be terminated.

3 In a national wildlife refuge, all public use should be compatible with the refuge's purposes. While outdoor recreation is in general a valid use of a federal wildlife refuge, loud and clearly disruptive activities are not. The use of this body of water should be confined to slow and quiet activities, such as canoeing and kayaking. Around the edge of the lake, visitors need a calm and quiet atmosphere to enjoy the natural scene, for birding and nature observation.

4 The Alliance urges you to prepare a comprehensive conservation plan that contains no opportunity for waterskiing in the Stone Lakes NWR.

Sincerely

Bruce Kennedy  
President

- 1) The comment is acknowledged.
- 2) There is no formal relationship between the Refuge and the waterskiing club. High-speed boating, primarily associated with waterskiing, reportedly has occurred on Refuge waterways since before lands and waterways were incorporated into the National Wildlife Refuge System as described on page 54 of the CCP/EA. Compatibility Determinations for existing and proposed visitor uses of the Refuge, including high-speed boating, are included as Appendix A of this CCP. Compatibility Determinations as described in the National Wildlife Refuge System uses compatibility policy (part 603 FW 2), of the U.S. Fish and Wildlife Service (Service) Manual, have been completed for high-speed boating on Refuge waters and will be used to determine if the described proposed and existing uses are determined to be compatible uses of the Refuge. In addition, the appropriate refuge uses policy (part 603 FW 1) provides the policy and procedure for refuge managers to follow when deciding if uses are appropriate on a refuge. Service Manual chapters, can be viewed on the internet at: <http://www.fws.gov/policy/manuals/>.
- 3) As stated in the National Wildlife Refuge System uses compatibility policy (part 603 FW 2), “...the Secretary shall not initiate or permit a new use of a refuge or expand, renew, or extend an existing use of a refuge, unless the Secretary has determined that the use is a compatible use...” As directed by this policy (part 603 FW 2), uses found to be incompatible, through a Compatibility Determination, will not be allowed on the Refuge whether the use is new or existing. As stated in the appropriate refuge uses policy (part 603 FW 1), “...the refuge manager will decide if a new or existing use is an appropriate refuge use. If an existing use is not appropriate, the refuge manager will eliminate or modify the use as expeditiously as practicable.”
- 4) The comment is acknowledged.



**Gary Fregien**  
<cafevri@sbcbglobal.net>  
10/03/2006 01:40 PM

To David\_Bergendorf@fws.gov  
cc  
bcc  
Subject Public Use at Stone Lakes NWR

Mr. David Bergendorf  
Refuge Planner  
U.S. Fish & Wildlife Service CA/NV  
Refuge Planning Office  
2800 Cottage Way, W1916  
Sacramento, CA 95825

Re: High Speed and Non-motorized Boating  
Stone Lakes National Wildlife Refuge

Dear Mr. Bergendorf:

I request to have my comments on Stone Lakes NWR recorded in the official record for consideration of the subject proposal.

5 First and foremost, Let me state my opposition to high speed motorized boating within any portion of the Stone Lakes National Wildlife Refuge. There are numerous reasons for my opposition to high speed boating. Primary among them is that such an activity is incompatible within the Stone Lakes NWR specifically, and generally incompatible with the mission of the National Wildlife Refuge System. We are, after all, talking about a WILDLIFE refuge! Without question, high speed boating represents a high degree of disturbance to wildlife. There would also be numerous disturbances and adverse effects on the habitat and other elements of the natural community.

6 Secondly, I am a flat-water kayaker. I can tell you from personal experience that high speed boats and kayaks cannot safely coexist within such a confined area as the waterways of the Stone Lakes NWR. It is also very difficult to find quiet waters within Sacramento County and the Central Valley in general where paddle boaters to not have to endure the noise and other conflicts with regard to power boaters. On 7 the other hand, power boaters have numerous waterways open for their use, including water skiing.

8 To summarize, I am in favor of opening the waterways of the Stone Lakes NWR to paddle boaters and eliminating high speed powerboats and water skiing entirely.

Thank you for the opportunity to comment on the Service's risk assessment and visitor use activity proposal.

Sincerely,

- 5) The comment is acknowledged. See response #3 for a description of how Compatibility Determinations and Appropriate Use Determination will be made for Refuge uses.
- 6) The comment is acknowledged.
- 7) The comment is acknowledged. The direct impact on visitors of noise associated with high-speed boating was not included in the draft Compatibility Determination for high-speed boating, but has been added to the final version.
- 8) The comment is acknowledged.

## DEPARTMENT OF WATER RESOURCES

1400 TENTH STREET, P.O. BOX 942836  
SACRAMENTO, CA 942360001  
95825



October 3, 2006

David Bergendorf  
U.S. Fish and Wildlife Service  
2800 Cottage Way, W-1832  
Sacramento, California 95825

Stone Lakes National Wildlife Refuge: Draft Comprehensive Conservation  
Plan/Environmental Assessment  
State Clearinghouse (SCH) Number: 2006094003

9 The project corresponding to the subject SCH identification number has come to our  
attention. The limited project description suggests your project may be an  
encroachment on the State Adopted Plan of Flood Control. You may refer to the  
California Code of Regulations, Title 23 and Designated Floodway maps at  
10 <http://recbd.ca.gov/>. Please be advised that your county office also has copies of the  
Board's designated floodways for your review. If indeed your project encroaches on an  
11 adopted flood control plan, you will need to obtain an encroachment permit from the  
Reclamation Board prior to initiating any activities. The attached Fact Sheet explains  
the permitting process. Please note that the permitting process may take as much as  
45 to 60 days to process. Also note that a condition of the permit requires the securing  
of all of the appropriate additional permits before initiating work. This information is  
provided so that you may plan accordingly.

12 If after careful evaluation, it is your assessment that your project is not within the  
authority of the Reclamation Board, you may disregard this notice. For further  
information, please contact Sam Brandon of my staff at (916) 574-0651.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mike Mirmazaheri'.

Mike Mirmazaheri, Chief  
Floodway Protection Section

cc: Governor's Office of Planning and Research  
State Clearinghouse  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

- 9) The comment is acknowledged.
- 10) Thank you for providing the fact sheet.
- 11) The comment is acknowledged.
- 12) The comment is acknowledged.



915 L St., C-425  
Sacramento, Ca. 95814  
916-447-4956  
[www.swainsonshawk.org](http://www.swainsonshawk.org)

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October 3, 2006

David Bergendorf, Refuge Planner  
US Fish and Wildlife Service  
2800 Cottage Way, W-1832  
Sacramento, Ca. 95825-1846

BY FAX: 414-6497

**Re: CCP for Stone Lakes NWR/ Waterskiing**

Dear Mr. Bergendorf:

13 Friends of the Swainson's Hawk strongly urges you exclude waterskiing from the permitted activities in the Stone Lakes National Wildlife Refuge. This use is incompatible with the purpose of the wildlife refuge. Our native wildlife is facing numerous challenges, including rampant habitat destruction, and other disruptions from urbanization in the region. The wildlife refuge is a sanctuary which needs to be maintained in the best interests of wildlife.

Thank you for your consideration and your support of California's wildlife, particularly the state listed Swainson's Hawk.

Sincerely,

Jude Lamare, President, Friends of the Swainson's Hawk, 916-447-4956

- 13) The comment is acknowledged. See response #2 for a description of how Compatibility Determinations and Appropriate Use determination will be made for Refuge uses.



Anne Blandin  
<ablandin@sbccglobal.net>  
10/04/2006 06:12 PM

To: David\_Bergendorf@fws.gov  
cc:  
bcc:  
Subject: Public Use at Stone Lakes NWR

I am writing this for the comments by the public on the uses of Stone Lakes NWR.

14 I have driven by the Stone Lakes for twenty years, wondering if there was public access. Years ago I heard that they were saved from the developers. Then I heard that they were a National Wildlife Refuge with no public access. Now I hear that the refuge will be open to the public. This is wonderful because I am a Birder, a kayaker, and a supporter of open space and wildlife.

15 I was appalled when I heard that power boats were allowed in the refuge. This use definitely is not compatible with a wildlife refuge.  
16 Not only is there lots of noise, but the motors are dangerous to the animals in the water, and the wave action, turbulence and gasoline are damaging to the habitat of the water, the river bed and banks.

17 This area seems like a good area for paddleboats.  
18 There are so few areas where we don't have to watch out for motor boats. Hopefully It will be available for us non-motorized boaters.

Please do not allow motor boats in the Stone Lakes Refuge.  
from  
Anne L. Blandin

- 14) The comment is acknowledged. Please note that more than 6,000 people currently visit the Refuge each year to participate in a variety of wildlife dependent recreational and educational activities, as described under Visitor Services beginning on page 53 of this CCP.
- 15) The comment is acknowledged. See response #3 for a description of how Compatibility Determinations and Appropriate Use Determinations are made for Refuge uses.
- 16) The comment is acknowledged. The direct impact on visitors of noise associated with high-speed boating was not included in the draft Compatibility Determination for high-speed boating, but has been added to the final Compatibility Determination.
- 17) The comment is acknowledged. See response #3 for a description of how Compatibility Determinations and Appropriate Use Determinations will be made for Refuge uses.
- 18) The comment is acknowledged. See response #3 for a description of how Compatibility Determinations and Appropriate Use determinations will be made for Refuge uses.



## Sacramento Audubon Society

P. O. Box 160694, Sacramento, CA 95816-0694

October 10, 2006

David Bergendorf, Refuge Planner  
United States Fish & Wildlife Service  
2800 Cottage Way, W-1832  
Sacramento, CA 95825-1846

Re: Support for Proposed No-Wake Boat Speed Limit at Stone Lakes National Wildlife Refuge.

Dear Mr. Bergendorf.

19 The Sacramento Audubon Society joins with Sierra Club and Friends of the Swainson's Hawk in support of USFWS' proposal, in its draft Comprehensive Conservation Plan and Environmental Assessment ("CCP"), to limit boats to a no-wake speed limit at the Stone Lakes National Wildlife Refuge.

20 As the Appendix A Compatibility Determination for High-Speed Boating in the CCP explains, the present use of the refuge's waters for waterskiing is inconsistent with the refuge's fundamental conservation purposes. High-speed boating creates noise and wakes that disturb the area's wildlife, erodes and degrades shoreline habitats, and adversely affects wildlife-dependent visitor uses. In addition, allowing high-speed boats on the refuge's waters necessitates the removal of navigational hazards that constitute valuable habitat for special status species and other fish and wildlife, and presents a safety hazard to non-motorized boaters using the same narrow waterway.

21 Now that the refuge has been dedicated as a wildlife preserve and for wildlife appreciation, boating activity at the refuge should be managed and conducted in a manner that is consistent with those purposes. The Service has recognized this need by finding that existing, high-speed boating in the refuge is not compatible with the refuge's purposes, and, accordingly, proposing in both of its "action" alternatives in the CCP (Alternative B and Alternative C) to establish a no-wake boating speed limit. Sacramento Audubon Society supports the prompt adoption of the proposed, no-wake boating speed limit at the Stone Lakes National Wildlife Refuge.

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Sincerely,

Keith G. Wagner, President  
Sacramento Audubon Society

- 19) The comment is acknowledged.
- 20) The comment is acknowledged. The direct impact on visitors of noise associated with high-speed boating was not included in the draft Compatibility Determination for high-speed boating, but will be added to the final version.
- 21) The comment is acknowledged. See response #3 for a description of how Compatibility Determinations and Appropriate Use Determinations are made for Refuge uses.



## MOTHER LODE CHAPT

1414 K STREET, SUIT  
SACRAMENTO, CA 9  
TEL. (916) 557-1100  
Fax: (916) 557-  
coordinator@sierraclub-si  
www.motherlode.sierraclub

October 17, 2006

David Bergendorf, Refuge Planner  
United States Fish & Wildlife Service  
2800 Cottage Way, W-1832  
Sacramento, CA 95825-1846

Re: Support for Proposed No-Wake Boat Speed Limit  
at Stone Lakes National Wildlife Refuge

Dear Mr. Bergendorf,

22 The Sierra Club has over 9,000 members in Sacramento and San Joaquin counties, within an hour's drive of Stone Lake Wildlife Refuge. Many of these urban dwellers are grateful for the close access to nature, and others who have not visited the refuge are happy just knowing that wildlife and wildlife habitat are "safe" and can thrive here in the Sacramento Valley.

23 The Club has been an advocate for the Refuge from its very inception, and we have always found the continued use of waterskiing to be objectionable. This new CCP provides the perfect opportunity to address this inconsistent use, and eliminate it through the no-wake speed limit.

24 The Sierra Club supports the adoption of the proposed no-wake boating speed limit at the Stone Lakes National Wildlife Refuge as soon as it can be accomplished.

Thank you for considering our comments.

Sincerely,

Vicki Lee  
Conservation Chair

- 22) The comment is acknowledged.
- 23) The comment is acknowledged. See response #3 for a description of how Compatibility Determinations and Appropriate Use determinations will be made for Refuge uses.
- 24) The comment is acknowledged.



Susan Fregien  
<susanfregien@earthlink.net>

10/17/2006 09:55 PM

Please respond to  
Susan Fregien  
<susanfregien@earthlink.net>

To david\_bergendorf@fws.gov

cc

bcc

Subject Stone Lakes NWR CCP

David Bergendorf  
Refuge Planner  
2800 Cottage Way  
Sacramento, CA 95825

Mr. Bergendorf,

25 I am writing in support of the USFWS Compatibility Determination for High  
Speed Boating (i.e., Not Compatible), which has historically been in the form  
26 of waterskiing within what is now Refuge boundaries. High speed boating and  
waterskiing do not meet any of the goals or objectives for which Stone Lakes  
NWR was established and for which the public visits the refuge. Conservation,  
27 protection, and restoration of wildlife and their habitats are the primary  
purpose of the Refuge. Additionally, compatible wildlife-dependent recreation  
and environmental education are desired. High-speed boating does not  
contribute to the Refuge goals or its maintenance.

28 In my experience as an aquatic biologist I have worked on several NWRs along  
the Pacific Flyway and have also visited many others for enjoyment. I have  
seen first-hand that birds and other wildlife are very sensitive to human  
disturbance, especially motorized boats. I understand that waterskiiers  
29 travel at speeds of about 35-45 mph and are in close proximity to riparian  
habitat adjacent to the ski areas which are used by foraging, resting and  
breeding birds and other animals. The noise and disturbance created by this  
activity is not compatible with the goals of protecting and conserving these  
30 species. Additionally, the removal of woody snags and debris from the water  
(which provide wildlife and aquatic habitat) is an interference with the  
purposes for which the refuge was established.

31 Waterskiing within the Stone Lakes NWR is clearly presents a use conflict with  
the purpose and goals of the Refuge.  
The USFWS should not change the determination of this use.

Sincerely,  
Susan Fregien  
8522 Hayden Way  
Fair Oaks, CA 95628  
916-967-8522

- 25) The comment is acknowledged. See response #3 for a description of how Compatibility Determinations and Appropriate Use determinations are made for Refuge uses. Please note that all Compatibility Determinations presented in the CCP are considered final when the Refuge Compatibility Determination and Concurrence have been signed by authorized representatives of the U.S. Fish and Wildlife Service.
- 26) The comment is acknowledged. Please note that the official Refuge purposes are described under the heading "Refuge Purposes" on page 13 of the CCP.
- 27) The comment is acknowledged.
- 28) The comment and personal experience is acknowledged.
- 29) The comment is acknowledged. See response #3 for a description of how Compatibility Determinations and Appropriate Use determinations are made for Refuge uses. The direct impact on visitors of noise associated with high-speed boating was not included in the draft Compatibility Determination for high-speed boating, but has been added to the final version.
- 30) The comment is acknowledged. Please note that the official Refuge purposes are described under the heading "Refuge Purposes" on page 13 of the CCP.
- 31) The comment is acknowledged. See response #3 for a description of how Compatibility Determinations and Appropriate Use Determinations are made for Refuge uses. Please note that all Compatibility Determinations presented in the CCP are considered final when the Refuge Compatibility Determination and Concurrence have been signed by authorized representatives of the U.S. Fish and Wildlife Service.



**Mike and Cind Whitehead**  
 <tamangel36@abcglobal.net>  
 10/19/2006 09:44 AM

To david\_bergendorf@fws.gov  
 cc thomas\_harvey@fws.gov  
 bcc  
 Subject Comments on the Draft Stone Lakes NWR C  
 Conservation Plan..

David Bergendorf,  
 Refuge Planner,  
 2800 Cottage Way, W-1832,  
 Sacramento, CA 95825-1846

19 October 2007

Subject: Comments on the Boating/Vessel use element of  
 the Draft Conservation Plan for Stone Lakes NWR

Good Day Mr. Bergendorf,

32 I applaud you and your staff, and your agency for your  
 considered vision to protect and provide for the  
 enjoyment of this ecological resource, in the document  
 entitled, the "Draft Stone Lakes NWR Comprehensive  
 Conservation Plan". Although not a local resident, I  
 feel compelled as a user of this nation's refuge  
 system during my many year's of travel, for bird  
 watching, the seeking of solitude, hiking and other  
 environmental activities that I pursue, to be an  
 active participant in this Draft Plan.

33 In reading through the, "Issues identified by the  
 Public" section, I was taken a little by surprise,  
 that the use of motorized watercraft (and  
 waterskiing?) within the refuge was being considered.  
 In my travels to various National Wildlife Refuge's  
 administered by the United States Fish and Wildlife  
 Service, the major feeling which strikes me the most,  
 is that of the quiet and the solitude these area's  
 provide, along with the interaction I feel, with the  
 natural environment of that specific locale. As most  
 people can surely recognize, it is most difficult in  
 this day and age, to find such richness and diversity  
 in the out-of-doors, close to, what we refer to as,  
 'civilization'.

34 I wish to go on record as opposing the use, whether  
 because of historical trends or in the consideration  
 of future expansion, of any type of motorized vessel  
 (boat or jet-ski or ?) operation within the designated  
 refuge. This type of activity is not compatible with  
 the mission of the National Refuge System and the  
 goals of the Stone Lakes NWR as put forth in the  
 35 "Comprehensive Conservation Plan" and the "Draft  
 Conservation Plan". Examine the last paragraph of the  
 "Vision Statement" of the "Draft Conservation Plan"  
 for the basic premise. Words like 'ecological  
 importance, sanctuary, harmonizing, environmental

- 32) The comment is acknowledged.
- 33) The comment is acknowledged. See response # 20.
- 34) The comment is acknowledged. See response #3 for a description of how Compatibility Determinations and Appropriate Use Determinations are made for Refuge uses.
- 35) The comment is acknowledged.

education, and appreciative setting' stand out as guideposts.

36 Motorized vessels of any type, do not promote nor do they encourage the basic idea of a 'refuge' environment. There are many other opportunities and locations in nearby communities for this activity. As a power boater myself, my family and I accept the need for a variety of diverse settings to be limited for the future enjoyment of the natural resource.

37  
38 This is a National Wildlife Refuge, not a National Recreation Area!

Thank you very much for this opportunity to share my thoughts and to register my comments on this important Conservation Plan and its future impact for all, and especially those who have little or no voice in these type of proceedings: the fish and wildlife..

I have put the Stone Lakes NWR on my list to visit...

Sincerely,

Michael A. Whitehead  
P.O. Box 1303  
Eureka, California  
95502-1303

cc: Thomas Harvey  
Project Leader  
Stone Lakes National Wildlife Refuge  
1624 Hood-Franklin Road,  
Elk Grove, CA 95757

- 36) The comment is acknowledged.
- 37) The comment is acknowledged.
- 38) The comment is acknowledged.

October 23, 2006

Thomas E. Harvey  
Project Leader  
FISH AND WILDLIFE SERVICE  
Stone Lakes National Wildlife Refuge  
1624 Hood-Franklin Road  
Elk Grove, CA 95757

Dear Mr. Harvey:

39 On behalf of the Beach Lake Ski Club we want to thank you for the time extended to us during our meeting of October 10, 2006. We would also like to thank your supervisor, Dan Walsworth, Nevada & California Refuge Supervisor, David Bergendorf, National Wildlife Refuge Planner, Mr. Russell van Loben Sels (Reclamation District 744), and your staff members for joining our meeting.

40 Pursuant to our meeting we would like to go on public record and outline the club's position during the official 30-day comment period (September 28 – October 28, 2006), in response to the statement made in the Draft CCP: "Refuge staff will cooperate with high-speed boaters to seek alternative sites for waterskiing and to phase out the incompatible use."

41 The club is financially obligated to a 10-year contractual lease agreement with Mr. Harvey Collins for access purposes. We are currently finishing the third season (lease year 8) and our next season will put us with seven (7) more years remaining on our lease obligation expiring year end 2013.

42 Since the ski club has maintained a 35-year historical use of the facilities (circa 1971) we would propose that a plan be set forth that enables the club to co-exist with the future planned uses of the refuge during a "phase out" period of 7 years. We agree, in part, that "high speed boating" activities are best separated and limited to a portion of the waterway as to not conflict with smaller craft such as canoes and kayaks, although we have shared the facility with a fishing club for many years without incident. We also understand that the implementation of such uses will not become reality until necessary facility improvements and increases in staffing / funding are made. All of which may take some time to occur.

45 We would like to propose an agreement that would lessen the impact on our members in that the possible replacement site you made mention of would coincide with a scaling back of the area currently occupied by our club within the refuge. In other words, when the "car top" boats begin using the lake, we would have the alternative Thornton Rd site secured in a long-term lease so that our members from the south would have a place within reasonable proximity to their homes. Our members who live to the north could

- 39) The comment is acknowledged. The U.S. Fish and Wildlife Service's mission is, working with others, to conserve, protect and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people.
- 40) The comment is acknowledged.
- 41) The comment is acknowledged.
- 42) The use of high-speed boats on the Refuge was found to be not appropriate through an Appropriateness Determination completed in September of 2006. As stated in the Appropriate Refuge Uses policy (part 603 FW 1), "...the refuge manager will decide if a new or existing use is an appropriate refuge use. If an existing use is not appropriate, the refuge manager will eliminate or modify the use as expeditiously as practicable." However, since the Appropriateness Determination policy was finalized on July 26, 2006 a draft Compatibility Determination had already been prepared for high speed boating on the Refuge. Please note that the Compatibility Determination is considered final when the Refuge Compatibility Determination and Concurrence have been signed by authorized representatives of the U.S. Fish and Wildlife Service. As stated in the National Wildlife Refuge System Uses Compatibility policy (part 603 FW 2), "...the Secretary shall not ...permit...an existing use of a refuge, unless the Secretary has determined that the use is a compatible use..." As directed by this policy (part 603 FW 2), no uses of the Refuge will be allowed unless the use is found to be compatible. Likewise, existing uses found to be not compatible, through a Compatibility Determination, will not be allowed on the Refuge. Furthermore the Compatibility policy (part 603 FW 2, 2.14) states "Existing uses determined to be not compatible will be expeditiously terminated or modified to make the use compatible. Except with written authorization by the Director (of the U.S. Fish and Wildlife Service), this process of termination or modification will not exceed 6 months from the date that the compatibility determination is signed." There is no provision in Refuge System policy to change findings in Compatibility Determinations or Appropriateness Determinations on the basis of the Club's financial obligation to a private party. There is no provision in Refuge System policy to allow a phase out period in excess of 6 months, for a use found to be not compatible, without written authorization by the Director. Therefore it is beyond the authority of the Refuge to permit a 7 year phase out period, for high speed boating on the Refuge, as recommended in the comment.
- 43) We agree with the comment that high speed boating is likely to conflict with smaller water craft such as kayaks and canoes. We acknowledge your comment regarding the fishing club.
- 44) We respectfully disagree with the comment's assertion that non-motorized boating will require facility improvements and increases in staffing and funding. Currently basic parking and car-top boat launch facilities exist, on the Beach Lake Unit near the end of Elliott Ranch Road, that can accommodate 10-15 vehicles. The rationale for Objective 3.B (page 89 of the CCP) states that boating would be allowed from June to September, with a no-wake zone in effect for the entire Refuge. Non-motorized boats could be launched, by reservation, on the Refuge beginning in June 2007, following signature of the final CCP. Please note that Objective 3.B also calls for enhancement of boating opportunities, to approximately 20 cars by 2009; requiring additional facility improvements and increases in staffing.
- 45) The Refuge will make a reasonable effort to assist the club with finding an alternative location for their high speed boating activities. However, the Refuge can not guarantee that an alternative location will be found that is acceptable to Club members.
- 46) Reducing the linear extent of high speed boating associated with waterskiing on the Refuge would not eliminate the impacts of high speed boating. Therefore,

46 maintain a much smaller portion of the existing site within the refuge starting at the point  
just north of the R.D. 744 pump going north to our launch ramp we maintain on Mr.  
47 Collin's property. As required, the club would relinquish over two miles of the waterway  
to the newly established 5 mph zone that would be dedicated to non-motorized craft as  
48 well as the center of most wildlife dependent activities planned for the refuge. Over the  
next year or two we would condense into the far northern area as the plans come to  
fruition and the demand for other uses increase. For the balance of our lease (2007-2013)  
49 we would keep to the northern most 10 acres or half mile of waterway for the duration of  
our phase out. This half-mile stretch of waterway bordered mostly by private lands is the  
bare minimum space needed to facilitate most of our uses.

50 As mentioned in our meeting, we would not allow the weighting of boats designed to  
increase the size of the boats wake, recognizing this could have an impact on the R.D.  
51 744 levee. Both barefoot waterskiing and slalom waterskiing require a boat casting a  
minimum wake, which has caused no visible levee erosion. Our club Bylaws will include  
the following beginning in 2007:

52 *Wake Enhancement: The use of devices, equipment or placement of passengers on  
boats for the purpose of creating an enlarged wake is prohibited and will NOT be  
allowed on any boat used within The Stone Lake Wildlife Refuge Boundaries. Such  
devices and equipment include, but are not limited to; exterior panels or wings deployed  
underwater; rubberized, plastic or metal tanks or bags filled with any material; crowding  
of passengers to the rear; inside-the-hull water tanks; or boat hulls designed specifically  
to enhance the wake.*

53 We would continue to honor the current practice of leaving habitat along the shores "as  
is" by only relocating loose floating debris from our usage area with no significant impact  
to habitat.

54 Our members appreciate your willingness to work with us in an effort to secure the new  
site in Thornton to mitigate our waterway losses that we have enjoyed for over 35 years.  
We see this solution as an equitable trade-off for about half of our clubs' members.  
55 However, in order to fulfill our lease we would strongly request the continued use of a  
small portion of the waterway for the remaining 7 years.

56 We ask that a resolution be adopted as a part of the CCP that places no undue hardship on  
any party. We hope that the citizens from the 23 families that currently make up our club  
57 can continue to enjoy the recreational and natural beauty of this site for the remainder of  
our lease. The final 7 years of the clubs' lease related activities would be physically  
separated and buffered from all other uses that pose compatibility concerns. We are  
proposing to limit our usage area by 2 miles and reduce our temporal use to  
approximately a 4-month window outside the nesting season and influx of migratory  
birds. Furthermore, we feel the overall club usage would be reduced greatly with the  
introduction of the new Thornton site capturing at least half of the clubs' use while we  
conclude our phase out by 2014.

- reducing the scale of high speed boating on the Refuge would not change the Compatibility Determination. See response #3 for a description of how Compatibility Determinations and Appropriate Use Determinations are made for Refuge uses.
- 47) The CCP does not propose to dedicate any zones exclusively to non-motorized watercraft. However, the CCP and EA do propose to restrict all Refuge waters to a no-wake zone, to prohibit gasoline powered motor boats, to close waters seasonally to all watercraft and to place limitations on the use of electric watercraft motors. Reducing the linear extent of high speed boating associated with waterskiing on the Refuge would not eliminate the impacts of high speed boating.
  - 48) The comment is acknowledged. See response # 46.
  - 49) The comment and the estimate of the minimum space needed to facilitate water skiing are acknowledged. However, as stated in the National Wildlife Refuge System Uses Compatibility policy (part 603 FW 2),” ...the Secretary shall not ...permit...an existing use of a refuge, unless the Secretary has determined that the use is a compatible use...” The Refuge can not allow a use found to be not compatible except with written authorization by the Director of the U.S. Fish and Wildlife Service (Service Manual, part 603 FW 2, 2.14).
  - 50) The comment is acknowledged.
  - 51) We can not assess the validity of what is meant by “visible levee erosion”. Based upon available evidence, we believe that continued high-speed boat traffic on the Refuge could lead to the need for extensive levee repair or even levee failure. Information in support of the likelihood of high-speed boating impacting levees is presented in the Compatibility Determination for high speed boating, beginning on page 126, of Appendix A, in the CCP.
  - 52) The comment is acknowledged.
  - 53) The comment is acknowledged.
  - 54) The comment is acknowledged. See response #45.
  - 55) The comment is acknowledged. See response #42.
  - 56) The Refuge will make a reasonable effort to assist the club with finding an alternative location for their high speed boating activities. However, the Refuge can not guarantee that an alternative location will be found that is acceptable to ski club members. The Refuge System can not allow the use of refuge resources for private economic activities when those uses are found to be not compatible with Refuge purposes or not appropriate uses. See response #3 for a description of how Compatibility Determinations and Appropriate Use Determinations are made for Refuge uses.
  - 57) The CCP proposes many forms of recreation that citizens and families can enjoy on the Refuge. Compatibility Determinations conclude the following uses are compatible, with stipulations: fishing; wildlife observation and photography; environmental education and interpretation; recreational boating associated with hunting, fishing, wildlife observation and photography, and plant gathering. Please note that the Compatibility Determination are considered final when the Refuge Compatibility Determination and Concurrence have been signed by authorized representatives of the U.S. Fish and Wildlife Service as described in response #21.

maintain a much smaller portion of the existing site within the refuge starting at the point just north of the R.D. 744 pump going north to our launch ramp we maintain on Mr. Collin's property. As required, the club would relinquish over two miles of the waterway to the newly established 5 mph zone that would be dedicated to non-motorized craft as well as the center of most wildlife dependent activities planned for the refuge. Over the next year or two we would condense into the far northern area as the plans come to fruition and the demand for other uses increase. For the balance of our lease (2007-2013) we would keep to the northern most 10 acres or half mile of waterway for the duration of our phase out. This half-mile stretch of waterway bordered mostly by private lands is the bare minimum space needed to facilitate most of our uses.

As mentioned in our meeting, we would not allow the weighting of boats designed to increase the size of the boats wake, recognizing this could have an impact on the R.D. 744 levee. Both barefoot waterskiing and slalom waterskiing require a boat casting a minimum wake, which has caused no visible levee erosion. Our club Bylaws will include the following beginning in 2007:

*Wake Enhancement: The use of devices, equipment or placement of passengers on boats for the purpose of creating an enlarged wake is prohibited and will NOT be allowed on any boat used within The Stone Lake Wildlife Refuge Boundaries. Such devices and equipment include, but are not limited to; exterior panels or wings deployed underwater; rubberized, plastic or metal tanks or bags filled with any material; crowding of passengers to the rear; inside-the-hull water tanks; or boat hulls designed specifically to enhance the wake.*

We would continue to honor the current practice of leaving habitat along the shores "as is" by only relocating loose floating debris from our usage area with no significant impact to habitat.

Our members appreciate your willingness to work with us in an effort to secure the new site in Thornton to mitigate our waterway losses that we have enjoyed for over 35 years. We see this solution as an equitable trade-off for about half of our clubs' members. However, in order to fulfill our lease we would strongly request the continued use of a small portion of the waterway for the remaining 7 years.

58 We ask that a resolution be adopted as a part of the CCP that places no undue hardship on  
any party. We hope that the citizens from the 23 families that currently make up our club  
can continue to enjoy the recreational and natural beauty of this site for the remainder of  
59 our lease. The final 7 years of the clubs' lease related activities would be physically  
separated and buffered from all other uses that pose compatibility concerns. We are  
60 proposing to limit our usage area by 2 miles and reduce our temporal use to  
approximately a 4-month window outside the nesting season and influx of migratory  
birds. Furthermore, we feel the overall club usage would be reduced greatly with the  
introduction of the new Thornton site capturing at least half of the clubs' use while we  
conclude our phase out by 2014.

- 58) There is no provision in Refuge System policy to allow a phase out period in excess of 6 months, for a use found to be not compatible, from the date that a Compatibility Determination is signed, without written authorization by the Director. Therefore it is beyond the authority of the Refuge to permit a 7 year phase out period, for high speed boating on the Refuge, as recommended in the comment.
- 59) See response #46.
- 60) The Refuge will make a reasonable effort to assist the club with finding an alternative location, however the Refuge can not guarantee that an alternative location will be found that is acceptable to ski club members. Furthermore, the Refuge can not allow a use found to be not compatible to continue except with written authorization by the Director of the U.S. Fish and Wildlife Service (Service Manual, part 603 FW 2, 2.14) as described in response #49.

61 We look forward to our continued cooperative and mutually beneficial working relationship with you and your staff over the coming years.

Sincerely,

Marshall D. Schoewe  
President, Beach Lake Ski Club  
Affiliated Member Club USA Water Ski

cc: G. David Robertson  
Stacey McKinley  
Leon Larson, USA Waterski  
Harvey Collins  
Eric Hintz



Proposed location of buoy course use area once alternative site is secured on Thornton Rd

61) The comment is acknowledged.



**SOS Cranes**  
PO Box 22192  
Sacramento, CA 95822  
[www.soscranes.org](http://www.soscranes.org)

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October 26, 2006

David Bergendorf  
Refuge Planner  
2800 Cottage Way, W-1832  
Sacramento, CA 95825-1846

RE: Stone Lakes NWR Draft Comprehensive Conservation Plan

Dear Mr. Bergendorf:

62 Save Our Sandhill Cranes is a Sacramento based 501(c)(3) non-profit corporation which is concerned about the ongoing loss of open space habitat and agricultural lands that Sandhill cranes and other wildlife depend on for over-wintering in our area. (Please see our web page [www.soscranes.org](http://www.soscranes.org) for a better description of our mission and work.)

63 Greater and Lesser Sandhill cranes have been spending the winter in our area each year for about eleven thousand years. In the last one hundred years or so their habitat has been reduced tremendously. In reviewing the Draft Comprehensive Conservation Plan for the Stone Lakes National Wildlife Refuge we are pleased to see that there is actually an increase in the use of the Refuge by cranes. This success appears to be due to the improved and proper management of the Refuge which has increased the wildlife compatibility of the properties. We commend the staff and management for  
64 this success and look forward to its continuation.

65 The draft plan is a visionary document that will improve the habitat for cranes, other wintering migratory birds, and many other wildlife that are being pressured towards extinction due to urban development and conversion of agricultural lands to uses incompatible with healthy wildlife

- 62) The comment is acknowledged.
- 63) The comment is acknowledged.
- 64) The comment is acknowledged.
- 65) The comment is acknowledged.

66 populations. We are dismayed to see that the Refuge has, for the past few  
years, allowed a particularly egregious and incompatible use within its  
67 borders – highspeed boating and water skiing. We fully agree with the  
plan’s finding of incompatibility in Appendix A, page 127. We urge you to  
quickly put an end to this incompatible use within the bounds of the Refuge.

68 We look forward to the time when no motor driven craft, except staff  
operated, are allowed on any of the waters within the Refuge so that quiet,  
human powered canoes and kayaks can allow for improved public access.  
69 The use of motor boats is not only incompatible with wildlife use, it is very  
incompatible with paddle boats, especially in the narrow and confined  
waters of the Refuge. As a member of the volunteer Paddle Team at the  
70 nearby Cosumnes River Preserve, which leads public paddle trips on the  
Preserve, I can personally attest to this incompatibility. Furthermore,  
71 minimizing motor-powered craft to those necessary for Refuge staff and  
emergencies only, results in overall improvements in air quality, water  
quality, and fuel energy conservation as well as reducing erosion from the  
wave wash of the faster vessels. The benefits may seem incremental but  
they are a positive step in the right direction for the future of the Refuge.

Thank you for the opportunity of reviewing and commenting on this  
forward-looking and visionary plan which, if fully implemented, will greatly  
enhance the local environment for wildlife.

Michael Savino, President  
Save Our Sandhill Cranes

- 66) The comment is acknowledged.
- 67) The comment is acknowledged. See response #2 for a description of how Compatibility Determinations and Appropriate Use Determinations are made for Refuge uses.
- 68) The comment is acknowledged.
- 69) The Refuge agrees that high-speed boating will likely not be feasible alongside non-motorized boats such as canoes and kayaks, as described in draft Compatibility Determination for high-speed boating beginning on page 124 of the draft CCP.
- 70) The comment is acknowledged and we appreciate you sharing your personal observations.
- 71) The comment is acknowledged.



[REDACTED]  
 [REDACTED]  
 10/26/2006 11:20 PM

To david\_bergendorf@fws.gov  
 cc [REDACTED]  
 bcc [REDACTED]  
 Subject Comments for US Fish and Wildlife Service on D  
 Comprehensive Conservation Plan and Environr  
 Assessment for Stone Lakes National Wildlife R

[REDACTED]  
 [REDACTED]  
 [REDACTED]

David Bergendorf, Refuge Planner  
 US Fish and Wildlife Service  
 Stone Lakes National Wildlife Refuge  
 2800 Cottage Way, W-1832, Sacramento, CA 95825-1846.

Dear Sirs:

72

I was pleased to meet Fish and Wildlife Service staff  
 and obtain information on the Comprehensive Plan and  
 Environmental Assessment for the Stone Lakes National  
 Wildlife Refuge during a public meeting in Elk Grove.  
 I would like to commend all staff involved in  
 preparation of the documents for excellent assessments  
 of existing biological conditions.

73

As I live nearby and have long awaited the opportunity  
 for improved recreation access for the public lands  
 and waters within the refuge near my home, I would  
 like to take this opportunity to comment on the draft  
 plan and EA on behalf of myself, my family and my  
 friends, who did not have the time to respond  
 separately, as follows:

Comments for US Fish and Wildlife Service on Draft  
 Comprehensive Conservation Plan and Environmental  
 Assessment for Stone Lakes National Wildlife Refuge:

74

Comment: Please clarify apparent discrepancies  
 throughout the draft plan and EA on the acreages of  
 lands that are managed under the draft plan:

75

Approved Project Boundary of 17,640 (p. 1), 1,7640.7  
 (p. 7) or 18,129 acres (p. 216);

76

8,283 natural biotic communities (p. 56) and 10,321  
 agricultural cover total 18,604 acres;

77

9,000 acres core refuge area (p. 1), or 9,146 acres  
 (p. 7);

78

9,000 acres cooperative wildlife management area (p.  
 1), or 9,066 acres (p. 7);

79

6,200 acres actively managed by the Service (p. 1, 8)  
 or 6,000 acres (p. 109, 174);

80

6,200 acres within the approved project boundary (p.  
 8) or 4,000 acres (p. 216);  
 2,000 discontinuous acres contained in the Refuge (p.  
 313), but

- 72) The comment is acknowledged and we appreciate your attendance at the public comment meeting in Elk Grove.
- 73) The comment is acknowledged.
- 74) The approved Refuge boundary for Stone Lakes National Wildlife Refuge totals 17,641 acres. The errors are noted and have been changed in the CCP.
- 75) The comment is acknowledged, and the correct figures have been added to the CCP. The entire Refuge consists of 8,740 acres of agriculture, 743 developed acres and 8,158 natural areas. These land use types total to 17,641 acres.
- 76) The core Refuge area consists of 9,146 acres as described on page 7 of the CCP. In the introduction, on page 1, the intent was to describe an approximate acreage figure for the core Refuge area. However, for clarity the core Refuge figure on page 1 will be corrected to 9,146 acres.
- 77) The cooperative wildlife management area totals 9,066 acres. In the introduction, on page 1, the intent was to describe an approximate acreage figure for the cooperative wildlife management area. However, for clarity the cooperative wildlife management area figure on page 1 will be corrected to 9,066 acres.
- 78) While both of the actively managed acre figures are approximate estimates, the figure on page 1 and 8 (6,200 acres actively managed) is more accurate. The figures on page 109 and 174 (6,000 acres) have been changed to the more accurate estimate of 6,200 acres.
- 79) The figure on page 8 (6,200 acres actively managed) is the most accurate estimate. The figure on page 216 in the Fire Management Plan (4,000 acres actively managed) was considered an accurate estimate in 2001, when the Fire Management Plan was written. When the Fire Management Plan is updated in the future, the figure of actively managed acres will be updated as well.
- 80) The precise acreage owned in fee title is 1,746.9 acres. The figure for acreage owned in fee title on page 8 (1,740 acres owned in fee title) was intended as an approximate figure and was preceded by the word “about” to indicate that the figure was an estimate. The figure on page 8 has been corrected to 1,746.9 acres for clarity. The figure on page 313 of the “Wilderness Review” (2,000 discontinuous acres) is inaccurate and has been corrected and clarified.

1,740 acres in fee title ownership (p. 8);  
2,933 acres under cooperative agreement, "over 2,700  
81 acres" (p. 216);  
82 1,533 under agricultural easement (p. 8) - define  
terms and relation to other lands;  
1,900 acres annual or perennial grasslands (p. 59)  
83 -define terms and how grasslands would be expanded,  
presumably from other land types, in some  
alternatives.  
Also: About 5,000 acres publicly owned within the  
Refuge and CWMA are managed by five local and state  
84 agencies (p. 8). Comment: Identify more clearly  
which agencies manage which properties, and the  
specific terms and conditions of all cooperative  
agreements for those properties. Colored maps do not  
adequately describe what the cooperative agreements or  
management conditions represent in terms of existing  
or proposed federal policies or actions. Past actions  
should have respective NEPA and other environmental  
85 reviews summarized in this draft plan and EA.

86 P. 11 "The Service has finalized a cooperative  
agreement with Sacramento County Department of  
Regional Parks, Recreation and Open Space over  
management of the North Stone Lakes Unit." Comment:  
Such an agreement must be included in the draft plan  
87 and EA as executed. Explain how the agreement applies  
to the current draft plan. Appendix C.4 apparently  
shows a 1998 draft without signatures or dates and  
88 based solely on the 1992 plan that apparently is to be  
superseded by the current draft plan and EA. Define  
the terms and conditions in the Draft North Stone Lake  
Management and Restoration plan to be incorporated in  
the future Refuge plans (p. 82). Explain specifically  
what draft county policies will become federal  
policies and actions. Indicate how NEPA requirements  
were met for the previous draft cooperative agreement  
with the county and for the grazing cooperative land  
management agreement, or how those agreements are  
covered in this NEPA action. Explain how the hunting  
programs, past and proposed, can be conducted under  
provisions of Section 5.H. prohibiting hunting,  
firearms and shooting "on the Refuge" and how the  
agreement fits within the policies of the National  
Wildlife Refuge System. Explain how the Service  
complies with the county Flood Management Plan under  
Section 7.A. and how that requirement directly affects  
management options for the draft plan and indirectly  
affects the environment. The cooperative agreement  
contains many terms and conditions that may  
significantly affect the environment of the region.

P. 14 "The 2,791 Acre North Stone Lake Unit consists  
of two adjacent parcels owned by the DPR (1,224 acres)  
and Sacramento County (1,567 acres). The goal of the  
Service is to cooperatively manage both these parcels  
with the County and the State, as a unit of the  
Refuge." Comment: The preceding provides established  
federal policy and programs and precludes management  
options within the scope of the draft plan and EA.

- 81) The acres under conservation easements total 1,533.56. The acres under cooperative agreements total 1,567.00. The approximate estimate on page 8 has been corrected to reflect these, more accurate figures. The figure on page 216 in the Fire Management Plan (over 2,700 acres under cooperative agreement) was considered an accurate estimate of lands managed under cooperative agreements and easements in 2001, when the Fire Management Plan was written. When the Fire Management Plan is updated in the future, the figure of cooperatively managed acres and easement acres will be updated.
- 82) The general terms of easements and cooperative agreements that the Refuge will enter into are described under “Land Conservation Methods” and “Related Projects and Studies in the Area” on page 8 and 13 respectively of the CCP. The CCP describes the preferred alternative, which is consistent with the terms of all easements entered into or that would be entered into by the Refuge within the approved Refuge boundary. In addition, all individual easements and agreements are publicly-recorded documents that are available from the Refuge headquarters upon request.
- 83) Objective 1.H and the associated strategies describe how non-irrigated grasslands will be managed and enhanced on the North Stone Lake Unit. The CCP does not propose expansion of grasslands on the Refuge. The 30 acres planted to restore the native grassland community, described in the environmental assessment (alternatives table on page 190 of the CCP), will result in conversion of primarily non-native grasslands to primarily native grasslands and does not describe expansion of overall grassland acreage.
- 84) Lands described on page 8 as private lands and lands “managed for conservation purposes by five local and State agencies” are not all managed by the Refuge under cooperative agreements. However, lands owned by Sacramento County Parks (1,567 acres) and Caltrans (150 acres) are managed by the Refuge. Copies of these management agreements are available from the Refuge headquarters upon request. Lands owned by the California State Parks (1,073 acres), the California Department of Water Resources (410 acres) and the Sacramento Regional County Sanitation District (1,800 acres) are not managed by the Refuge, but may still be managed, by local and State agencies, for conservation purposes as indicated on page 8 of the CCP.
- 85) There is no requirement to provide a summary of environmental documentation for all prior actions on a Refuge in a CCP. The “History of Refuge Establishment and Acquisition” section summarizes previous land conservation efforts on the Refuge. Specific inquiries regarding other previous actions should be referred to the Refuge and are beyond the scope of the CCP.
- 86) The comment is acknowledged. See response #82.
- 87) The cooperative agreement with Sacramento County Department of Regional Parks, Recreation and Open Space was finalized in 1999 and relates to joint management of grassland habitat on the North Stone Lake Unit and is consistent with the habitat restoration and management goals and objectives of the CCP.
- 88) The draft cooperative agreement is included for illustrative purposes only. See response #82 for a description of why actual cooperative agreements have not been included with the CCP. There are no changes to the Fire Management Plan proposed as part of the CCP process, although it will be updated outside of the CCP process in the future. The Fire Management plan is included in the appendices for informational purpose only.
- 89) A summary of the Draft North Stone Lake Management and Restoration Plan is provided on page 14 of the CCP. The proposed action to manage the Refuge according to the goals, objectives and strategies described beginning on page 73 of the CCP is consistent with the Draft North Stone Lakes Management and Restoration Plan.

1,740 acres in fee title ownership (p. 8);  
2,933 acres under cooperative agreement, "over 2,700 acres" (p. 216);  
1,533 under agricultural easement (p. 8) - define terms and relation to other lands;  
1,900 acres annual or perennial grasslands (p. 59) -define terms and how grasslands would be expanded, presumably from other land types, in some alternatives.

Also: About 5,000 acres publicly owned within the Refuge and CWMA are managed by five local and state agencies (p. 8). Comment: Identify more clearly which agencies manage which properties, and the specific terms and conditions of all cooperative agreements for those properties. Colored maps do not adequately describe what the cooperative agreements or management conditions represent in terms of existing or proposed federal policies or actions. Past actions should have respective NEPA and other environmental reviews summarized in this draft plan and EA.

89 P. 11 "The Service has finalized a cooperative  
agreement with Sacramento County Department of  
Regional Parks, Recreation and Open Space over  
management of the North Stone Lakes Unit." Comment:  
90 Such an agreement must be included in the draft plan  
and EA as executed. Explain how the agreement applies  
to the current draft plan. Appendix C.4 apparently  
91 shows a 1998 draft without signatures or dates and  
based solely on the 1992 plan that apparently is to be  
superseded by the current draft plan and EA. Define  
the terms and conditions in the Draft North Stone Lake  
92 Management and Restoration plan to be incorporated in  
the future Refuge plans (p. 82). Explain specifically  
what draft county policies will become federal  
policies and actions. Indicate how NEPA requirements  
were met for the previous draft cooperative agreement  
with the county and for the grazing cooperative land  
management agreement, or how those agreements are  
93 covered in this NEPA action. Explain how the hunting  
programs, past and proposed, can be conducted under  
provisions of Section 5.H. prohibiting hunting,  
firearms and shooting "on the Refuge" and how the  
agreement fits within the policies of the National  
Wildlife Refuge System. Explain how the Service  
94 complies with the county Flood Management Plan under  
Section 7.A. and how that requirement directly affects  
management options for the draft plan and indirectly  
affects the environment. The cooperative agreement  
contains many terms and conditions that may  
significantly affect the environment of the region.

95 P. 14 "The 2,791 Acre North Stone Lake Unit consists  
of two adjacent parcels owned by the DPR (1,224 acres)  
and Sacramento County (1,567 acres). The goal of the  
Service is to cooperatively manage both these parcels  
with the County and the State, as a unit of the  
Refuge." Comment: The preceding provides established  
federal policy and programs and precludes management  
options within the scope of the draft plan and EA.

- 90) No County policies will become Federal policies.
- 91) The environmental assessment, Appendix B of the CCP, applies only to the current proposed action described in the CCP. Refuge land conservation efforts such as cooperative agreements are provided for under the 1992 Final Environmental Impact Statement, establishing the approved Refuge boundary (USFWS 1992). The Refuge determined that re-establishing a livestock grazing program on the North Stone Lake Unit was an acceptable habitat management approach and not a significant Federal action necessitating individual NEPA documentation. Please contact the Refuge for more information on prior actions, not addressed in this CCP.
- 92) See response #3 for a description of how Compatibility Determinations and Appropriate Use determinations will be made for Refuge uses. The section (5.F.) of the draft 1998 cooperative agreement (Appendix C.4) that you evidently refer to relates to Sacramento County not permitting hunting on their North Stone Lake property. The Refuge hunting program occurs in the South Stone Lake Unit on land owned in fee title by the Service and is consistent with policies of the National Wildlife Refuge System. For more information on refuge hunting, please refer to the Stone Lakes Waterfowl Hunting Plan, available on the internet at : <http://www.fws.gov/stonelakes/Waterfowl%20Hunt%20Plan.pdf>
- 93) The Service must obtain concurrence from Sacramento County Department of Water Resources that any earthwork proposed by the Service for the county-owned portion of the North Stone Lake property will not affect floodplain storage. Objectives and strategies for management of refuge floodplain lands are described on page 84 of the CCP.
- 94) The comment is acknowledged. The section referred to was completed in 2001 and is included for informational purposes only.
- 95) By definition, lands under joint management must be administered in a manner consistent with the goals of the cooperating parties signatory to the agreement. The Service has determined that the North Stone Lake Unit can be cooperatively managed consistent with the CCP and contribute to the mission of the National Wildlife Refuge System.

96 Define the terms and conditions of any existing or  
proposed cooperative management agreement or MOA. The  
97 acreage of the county property is given as 2,700 acres  
on page 218, for a difference of 91 acres with the  
acreage given on page 14.

P. 14 The Sacramento Regional County Sanitation  
District (SRCSO) constructed the Sacramento Regional  
Wastewater Treatment Plant and purchased 2,650 acres  
to serve as a buffer between the plant and surrounding  
residential areas. About 1,800 acres lie within the  
approved refuge boundary. The Service and SRCSO have  
drafted a cooperative agreement for management of the  
98 lands as a unit of the Refuge. Comment: The terms  
and conditions of such a cooperative agreement must be  
included in the draft plan and EA. Elsewhere in the  
draft plan, the term 'cooperative agreement' refers to  
grazing concessions.

P. 15. "The Wildlife Area lies approximately 15 miles  
northwest of the Refuge..." Comment: YBWA may be about  
15 mile drive by vehicle, but it is about eight to 11  
99 air miles northwest from the northern edge of the  
Refuge. There are several square miles of federal  
lands within the bypass and south of YBWA, directly  
west of the Refuge, that may present opportunities for  
co-management.

P. 15. The Cosumnes River Preserve seeks to preserve  
100 20,000 acres. Comment: The preserve lands now total  
approximately 40,000 acres per BLM and TNC.

P. 34 "While irrigated agriculture is conducted  
within the approved Refuge boundary, it is not  
conducted on lands under the control (i.e., fee title  
ownership, cooperative management agreement,  
101 conservation easement) of the Refuge (p. 34)".  
Comment: it is impossible to determine which forms of  
control apply to which lands as described in the draft  
plan and EA. Terms and conditions of each form of  
control must be explicitly described.

"...discharge from adjacent agricultural lands is  
ultimately the responsibility of the discharger."  
102 Comment: The landowner or management agency shares  
responsibilities for water quality on its land under  
state and federal law, including liability for cleanup  
or remediation. Revise the characterizations of  
103 resource conditions and management options to  
completely address water quality from all agricultural  
runoff within the Refuge boundaries. The Service  
apparently agreed to accept drainage from neighboring  
104 districts in Section 7.G. of the cooperative agreement  
with Sacramento County (p. 254).

P. 57 Water management. The draft plan says that  
water is managed for "floodup, drawdown, and summer  
irrigations" and mentions uses of appropriative and  
riparian water rights as available. Under the Winters  
Doctrine (1908), the establishment of a refuge creates

- 96) See response #82 for an explanation regarding inclusion of specific easements and agreements as part of the CCP.
- 97) Page 14, of the CCP, describes the total SRCSD property as 2,650 acres only 1,800 of which lie within the approved Refuge boundary. The Fire Management Plan, describes the North Stone Lakes Unit as being 2,700 acres in size which includes the treatment plant and the surrounding 2,650 acres of “buffer lands”. There is no contradiction in these acreage figures, but the reader should consider the figure of 2,650 as lands the Refuge would be interested in managing to fulfill Refuge purposes.
- 98) See response #82 for an explanation regarding inclusion of specific easements and agreements as part of the CCP. The precise acreage under a conservation easement is 1,533.56. The precise acreage under cooperative agreement is 1,567.00. The approximate estimate on page 8 has been corrected to reflect these more accurate figures.
- 99) The comment is acknowledged. The sentence has been edited to reflect accurate mileage.
- 100) The comment is acknowledged and the figure will be corrected to the current figure available from the Cosumnes River Preserve. The current total acreage of the Cosumnes River Preserve, at the time of CCP completion, was 46,000 acres (Jaymee Marty, pers. comm. Cosumnes River Preserve Biologist).
- 101) See response #82 for a description of the management that will be applied to lands within the Refuge under the proposed action. The manner in which Refuge lands have been conserved by the Service are illustrated in Figures 2, 3, and 4.
- 102) We agree that a landowner or management agency can be a discharger. On page 34 of the draft CCP the paragraph refers to adjacent irrigated lands that are not owned or managed by the Refuge. The paragraph has been clarified in the final CCP. The section referred to is under an introductory review of Refuge Resources and is not intended to be a definitive statement on discharged water quality laws, regulations or policies. Detailed questions about local water quality regulations should be referred to the Central Valley Regional Water Quality Control Board.
- 103) Given the limited resources available for preparation of the CCP, the Service believes it has adequately characterized issues related to water quality and agricultural drainage within the approved Refuge boundary.
- 104) The comment is acknowledged.

105 federal reserve water rights, outside of the system of  
state water rights except for date of priority, for  
the purposes for which the reservation of land was  
made. Federal reserve rights should thus be asserted  
to protect the uses of water on the Refuge for wetland  
106 habitat. All water sources, rights and management  
actions should be quantified in the draft plan and EA.

107 P. 81-82, Strategies. Comment: Explain strategies  
more clearly and completely. How would Strategy 1.K.6  
108 (p. 81) affect the environment, as the draft plan  
simply says that some sort of cooperative agreement  
would be finalized without providing any details on  
the nature of that agreement. How would Strategy  
109 1.L.2 (p. 82) "...secure long-term management through  
cooperative agreements..." for 1,224 acres of state  
lands? What is the current term of management  
110 agreement? What are the conditions or provisions of  
that agreement and the proposed update? How is the  
111 significance of any environmental impacts for such  
unexplained actions assessed? What does "joint  
112 management" of DWR's 410 acres entail in terms of land  
use, recreational opportunities, wildlife  
113 conservation, and changes to the environment? What is  
the "joint operating agreement" for the Cosumnes River  
Preserve and how would the incremental actions of  
114 various agencies in each area interrelate to  
cumulatively affect the environment in the long term?

115 P. 57 "During large rainfall events, water enters SP  
Cut when floodwaters overtop the Morrison Creek dam at  
the north end of Beach Lake." Comment: Limited  
public access has not adequately allowed public  
knowledge to engage in very specific discussion of the  
current management practices and their effects on the  
116 environment. While the safety of dams is an important  
and significant issue of concern in the region and may  
be an issue with overtopped structures on the Refuge.  
The draft plan and EA do not provide sufficient  
information to evaluate the effects of current and  
117 proposed water management practices and facilities on  
the surrounding environment. Operational details  
including responsibilities for dams and gates should  
be discussed in detail.

P. 91 Objective 4.E. and Strategy1. Comment: The  
goal of having a cooperative agreement does not  
suffice for the public review of the planning or for  
the assessment of environmental impacts under NEPA.  
NAGPRA agreements are positively described in terms of  
elements that they would entail, as required under  
NAGPRA, but still leave values neutral and actions  
open for creative interpretation in the mind of the  
reader and for implementation of the draft plan.  
Describe the management direction for policy or action  
supported by the draft plan and EA for each element as  
required by NEPA.

- 105) The comment is acknowledged. At this time the Service believes that the management of Refuge lands and waters described in the CCP is consistent with State water law, Refuge purposes, the National Wildlife Refuge System mission, and Service policies.
- 106) The comment is acknowledged. Given limited resources for plan development, the CCP can only describe the water resources necessary to achieve the action detailed in the CCP and does not seek to quantify all water sources, rights, and management actions.
- 107) Within the framework of the CCP an objective is a concise statement of what and how much is to be achieved, where it will occur and who is responsible for its completion. Objectives derive from goals and provide the basis for determining strategies. Strategies are a specific action, tool, technique, or combination of actions, tools, and techniques to meet unit objectives. Objectives and strategies are worded as specifically as possible. Any follow-up actions lacking sufficient detail in the CCP and associated NEPA document may require a separate analysis of potential impacts for compliance with the National Environmental Policy Act, the Endangered Species Act and other applicable laws and regulations.
- 108) Strategy 1.K.6. addresses a cooperative agreement with Sacramento Regional County Sanitation District for joint management of the Bufferlands surrounding the Regional Wastewater Treatment Plant. Finalization of this agreement would not necessitate additional NEPA documentation since the resulting inter-agency coordination and habitat management would not constitute a major new Federal action and would be consistent with the CCP.
- 109) Finalization of an agreement with California Department of Parks and Recreation would not necessitate additional NEPA documentation since the resulting enhanced inter-agency coordination and habitat management would not constitute a major new Federal action and would be consistent with the CCP.
- 110) See response #82 for an explanation regarding inclusion of specific easements and agreements as part of the CCP.
- 111) See response #109.
- 112) See response #109.
- 113) Preparation of a cooperative agreement with California Department of Water Resources for joint management of their 410 acres within the approved Refuge boundary (Strategy 1.L.3) would not necessitate additional NEPA documentation since the resulting inter-agency coordination and habitat management would not constitute a major new Federal action and would be consistent with the CCP.
- 114) The joint operating agreement for the Cosumnes River Preserve is the overall agreement defining the roles and responsibilities of the private and public cooperators participating in the Preserve. Addressing the cumulative environmental effects of this agreement was the responsibility of the signatories.
- 115) The comment is acknowledged.
- 116) The Morrisson Creek dam is actually a levee which is maintained by the City and County of Sacramento and does not currently lie within the Refuge. The City and County do not operate the levee other than passively allowing it to be overtopped as water surface elevations to the north or south increase. We believe that the environmental assessment (Appendix B) provides sufficient information to evaluate the effects of current and proposed Refuge water management practices on the environment as described under "Water Quantity and Quality" on page 208 of this CCP.
- 117) See response to #116.
- 118) Operational details of water control structures affecting the Refuge including gates and dams are discussed: under "Water Supply" beginning on page 37; under "Wetlands" beginning on page 58; and under "Basin Hydrology and

federal reserve water rights, outside of the system of state water rights except for date of priority, for the purposes for which the reservation of land was made. Federal reserve rights should thus be asserted to protect the uses of water on the Refuge for wetland habitat. All water sources, rights and management actions should be quantified in the draft plan and EA.

P. 81-82, Strategies. Comment: Explain strategies more clearly and completely. How would Strategy 1.K.6 (p. 81) affect the environment, as the draft plan simply says that some sort of cooperative agreement would be finalized without providing any details on the nature of that agreement. How would Strategy 1.L.2 (p. 82) "...secure long-term management through cooperative agreements..." for 1,224 acres of state lands? What is the current term of management agreement? What are the conditions or provisions of that agreement and the proposed update? How is the significance of any environmental impacts for such unexplained actions assessed? What does "joint management" of DWR's 410 acres entail in terms of land use, recreational opportunities, wildlife conservation, and changes to the environment? What is the "joint operating agreement" for the Cosumnes River Preserve and how would the incremental actions of various agencies in each area interrelate to cumulatively affect the environment in the long term?

118 P. 57 "During large rainfall events, water enters SP Cut when floodwaters overtop the Morrison Creek dam at the north end of Beach Lake." Comment: Limited public access has not adequately allowed public knowledge to engage in very specific discussion of the current management practices and their effects on the environment. While the safety of dams is an important and significant issue of concern in the region and may be an issue with overtopped structures on the Refuge. The draft plan and EA do not provide sufficient information to evaluate the effects of current and proposed water management practices and facilities on the surrounding environment. Operational details including responsibilities for dams and gates should be discussed in detail.

119 P. 91 Objective 4.E. and Strategy1. Comment: The goal of having a cooperative agreement does not suffice for the public review of the planning or for the assessment of environmental impacts under NEPA. NAGPRA agreements are positively described in terms of elements that they would entail, as required under NAGPRA, but still leave values neutral and actions open for creative interpretation in the mind of the reader and for implementation of the draft plan.

120 Describe the management direction for policy or action supported by the draft plan and EA for each element as

121 required by NEPA.

- Water Quality” beginning on page 66.
- 119) The comment is acknowledged.
  - 120) The comment is acknowledged.
  - 121) The Service believes there is adequate description of the policies and actions proposed by the CCP to satisfy NEPA requirements.

122 P. 216 An agreement with Elk Grove Community Services  
District for fire suppression is shown in Appendix D.  
123 As indicated, the public supports prescribed burning.  
The cooperating agency should be clarified, as it  
perhaps changed names and is listed variously in the  
124 plan as Elk Grove CSD, Elk Grove Fire Protection  
District, and Elk Grove. This emergency agreement,  
although important in itself, is probably of less  
interest to the public and less relevant to the  
assessment of environmental impacts of the draft plan  
125 that the cooperate management agreements for the  
various lands within the area. Show all existing and  
proposed agreements.

126 Environmental Assessment Comments: The Refuge  
purposes and goals expressed in Chapter 1 of the EA  
were extended with specific terms of management  
agreements executed over the years. Those terms  
should be specifically included in the base and  
proposed conditions and evaluated for incremental and  
cumulative impacts.

127 P. 190 Boating Comment: The State Lands Commission  
may own land in Snodgrass Slough in fee title as a  
navigable waterway of the Delta since statehood,  
including areas within the Refuge boundary. Federal  
management jurisdiction for boating in the slough and  
128 other navigable waterways under any ownership is  
limited and probably does not extend to control of  
water skiing. Planners should formally inquire of the  
129 State Lands Commission regarding ownership of the bed  
and banks of navigable waterways including Snodgrass  
Slough.

130 P. 191. Hunting Comment: Deer are resident and move  
within one to two square miles in valley habitats, so  
131 deer hunting would not impact populations or public  
safety under state regulations. State regulations are  
protective of the environment and the public. If any  
132 restrictions must be applied specifically for federal  
lands, then archery, shotgun and muzzleloader hunting  
should be allowed due to the limited ranges for those  
methods of take. The fact that lands in federal fee  
133 ownership are in several parcels provides an excellent  
opportunity for dispersing hunters safely and  
providing for quality experiences. The likelihood of  
134 success should be judged by the hunters in terms of  
their personal values, rather than presumptively by  
the planners on behalf of the hunters. Horses  
135 Comment: Trails for horses can be readily built into  
levees, existing service routes, and recreational  
trails to provide low-impact access opportunities.  
There are no real conflicts between equestrian and  
136 other recreational uses such as boating, observing and  
photographing wildlife, hiking or hunting. On public  
137 lands throughout the West, horses are often used as  
part of other wildlife-dependent recreational  
activities. Equestrians may enjoy better views of  
138 wildlife over high tules than pedestrians, and some  
species of wildlife are often less disturbed by

- 122) The comment is acknowledged.
- 123) The comment is acknowledged. Any cooperating fire management agency or agencies will be clarified in future agreements.
- 124) The comment is acknowledged.
- 125) The comment is acknowledged. The Service believes there is sufficient background information provided in the CCP regarding existing and proposed agreements.
- 126) As defined in the National Wildlife Refuge System Improvement Act of 1997, the terms “‘purposes of the refuge’ and ‘purposes of each refuge’ mean the purposes specified in or derived from the law...establishing, authorizing, or expanding a refuge, refuge unit, or refuge subunit.” The purpose(s) of a refuge unit do not change over time. We respectfully disagree with the statement that the “Refuge purposes and goals...were extended ...over the years.” The goals presented in the CCP and associated NEPA document are unique to the CCP. Prior management agreements were in accord with the Environmental Impact Statement finalized in 1992, prior to Refuge establishment in 1994.
- 127) The comment is acknowledged.
- 128) There is no proposal in the CCP to control waterskiing on the Refuge. See response #2 for a discussion of compatible and appropriate uses of Refuge lands, including waterskiing associated with high speed boating. There is well-established legal precedent under the Endangered Species Act of 1973 (16 U.S.C. 1531-1544, 87 Stat. 884) and the Migratory Bird Treaty Act of 1918 (16 U.S.C. 703-712; Ch. 128; July 13, 1918; 40 Stat. 755) as amended for the Service to regulate boating on navigable and non-navigable waters of the U.S. when these waterways are under the ownership of the Service.
- 129) The comment is acknowledged. The Service has adequately determined the extent of property boundaries to be able to administer visitor activities on lands and waters within the Refuge.
- 130) The comment is acknowledged. Deer do not occur on the Refuge in sufficient numbers to warrant consideration of a deer hunting program.
- 131) The comment is acknowledged.
- 132) See response #130.
- 133) The comment is acknowledged.
- 134) The comment is acknowledged.
- 135) The comment is acknowledged. See response #3 for a description of how Compatibility Determinations and Appropriate Use Determinations are made for Refuge uses.
- 136) We respectfully disagree. See response #3 for a description of how Compatibility Determinations and Appropriate Use determinations are made for Refuge uses.
- 137) The comment is acknowledged.
- 138) The comment is acknowledged.

139 persons on horses than by persons on foot. Horses for  
intermittent recreational use will have less impact  
140 lands and waters than long-term cattle grazing. The  
incidence of horse use is likely to be insignificant  
under any circumstances due to limitations of trailer  
access, weather, mosquitos, and other natural  
conditions.

141 Overall Comments: 1. An Environmental Impact  
Statement should be prepared due to the potential  
significance of the proposed actions to the local area  
and migratory waterfowl, even though the impacts are  
142 mostly beneficial. That would enable future  
site-specific projects (such as pending management  
agreements or parking areas and trails developments)  
to tier from it by Environmental Assessment, but an EA  
cannot tier to an EA. 2. Favor Alternative D with  
143 additional trails for hiking and boating, and other  
wildlife-oriented recreational opportunities to be  
planned for minimal impact to the environmental  
values. Public lands with even 1,760 acres should  
144 have at least 15 miles of trails open to the public,  
as occurs for example on 1,418 acres at BLM's new  
Cronan Ranch near Coloma under agreements that protect  
natural values. Alternative D has the least  
145 environmental impact and is most sustainable due to  
less long-term dependence on limited water resources  
for wetlands, and more emphasis on native grasslands  
for newly acquired lands. For that reason and for  
146 improved recreation access with low chance of  
significant impacts to other resources, I favor the  
adoption of Alternative D for the plan.

My family and I appreciate the opportunity to learn  
more about the refuge planning and to comment on the  
draft documents. Thank you for your consideration of  
the above comments which are intended solely to  
encourage strong refuge planning. Please withhold my  
name, email address and residential address from  
publication.

Sincerely,

████████████████████  
████████████████████  
████████████████████

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<http://mail.yahoo.com>

- 139) See response #3 for a description of how Compatibility Determinations and Appropriate Use Determinations are made for Refuge uses. Grazing has been found to be a compatible use with stipulations in the Compatibility Determination for grazing on the Refuge, which is included in Appendix A. As stated in the Compatibility Determination's justification, the goals for grazing on the Refuge are to conserve, enhance, restore and manage Central Valley wetland, riparian, grassland and other native habitats to benefit their associated fish, wildlife, plants and special status species.
- 140) The comment is acknowledged; however see response #3 for a description of how Compatibility Determinations and Appropriate Use Determination will be made for Refuge uses.
- 141) We respectfully disagree. The Service has found no evidence to suggest that there would be any significant impacts to the environment from the proposed action.
- 142) Any future projects or actions lacking sufficient detail in the CCP and associated NEPA document will receive separate analyses of potential impacts in compliance with the National Environmental Policy Act, the Endangered Species Act and other applicable laws, policies, and regulations.
- 143) There is no Alternative D in the Environmental Assessment for the CCP.
- 144) See response #3 for a description of how Compatibility Determinations and Appropriate Use Determinations are made for Refuge uses. Lands managed as part of the National Wildlife Refuge System are managed to fulfill the Refuge purpose(s), the mission of the National Wildlife Refuge System and Service policies. Policies for the management of National wildlife refuges may or may not coincide with the management policies for other federal lands. The Service does not prescribe to a formulaic acreage-based approach to determine the extent of public trails on a refuge unit.
- 145) There is no Alternative D in the environmental assessment for the CCP.
- 146) There is no Alternative D in the environmental assessment for the CCP.

15069 Robles Grandes Dr.  
Rancho Murieta, CA 95683  
October 27, 2006

Mr. David Bergendorf  
CA/NV Refuge Planning Office  
2800 Cottage Way, W-1832  
Sacramento, CA 95825-1846

Dear Mr. Bergendorf:

The National Wildlife Refuge Association (NWRA) appreciates the opportunity to comment on the Draft Comprehensive Conservation Plan and Environmental Assessment (CCP/EA) for Stone Lakes National Wildlife Refuge. The NWRA is a national membership organization whose mission is to protect, enhance and expand the National Wildlife Refuge System (NWRS) ---lands and waters set aside by the American people to conserve our diverse wildlife heritage.

147 Overall, we feel that the draft CCP/EA is extremely well done and wish to complement those responsible for its preparation.

148 We found the background information provided quite detailed and very useful to understanding the context of the plan. Likewise, we were impressed with the quality of the thought that went into the analysis and recommendations contained in Section 5, Refuge Vision, Goals and Objectives. We endorse those as written.

We were especially pleased to see the continued emphasis on coordination and collaboration with other private and public conservation efforts in addressing regional habitat conservation

- 147) The comment is acknowledged.
- 148) The comment is acknowledged.

149 needs. This is clearly essential for any unit of the NWRS, but especially one located in an environment undergoing the kind of intense urban development pressures that face the Stone Lakes NWR and adjacent diminishing wildlife habitats. We applaud those efforts.

150 We are very supportive of Goal 3 in Section 5, concerning the commitment to providing compatible wildlife-dependent recreation, interpretation and education opportunities for refuge visitors. Such programs can have far reaching benefits in terms of fostering public understanding and appreciation for the importance of wildlife and wildlife habitats to society in general, but especially to those living in an urban environment.

151 In that vein, we were pleased to see that the high speed boating and associated waterskiing that has occurred in the Beach Lake and North Stone Lake units since prior to when the refuge was established was found to be Not Compatible. We have long felt that this non-wildlife oriented activity was not compatible with refuge purposes and strongly support the decision to phase out and terminate such use. The basis for our position on this issue are clearly and accurately reflected in the Justification section of the Compatibility Determination.

152 In terms of Section 6, Implementation and Monitoring, given the inter-relatedness of wildlife, fisheries and habitat management, we would suggest that you consider one, comprehensive step down management plan that incorporates and integrates all three aspects. We suspect that from a practical management standpoint, this could provide some very real benefits in terms of the ease of plan preparation, the effectiveness of integrating the various considerations involved with each, and the comparative simplicity of plan implementation. We also believe that one, comprehensive step down management plan that integrates wildlife, fisheries and

- 149) The comment is acknowledged.
- 150) The comment is acknowledged.
- 151) The comment is acknowledged. However, please note that the Compatibility Determination will be considered final when the Refuge Compatibility Determination and Concurrence have been signed by authorized representatives of the U.S. Fish and Wildlife Service.
- 152) The Refuge has attempted to include sufficient detail related to wildlife and habitat management in this CCP such that a step down habitat management plan may not be necessary. In the event that more site or species-specific planning becomes necessary and as more staffing and resources become available, the Refuge will consider preparation of further step-down plans. We agree with the comment's suggestion that fisheries, wildlife, and habitat management are inter-related and the Refuge will consider integrating these plans.

habitat management would be much easier for the public (and future refuge staff) to understand.

We appreciate the obvious effort that went into this excellent document, and the opportunity to comment on it.

While our comments are being e mailed to you on this date, our original letter will be mailed under separate cover.

Sincerely,

Joseph P. Mazzoni  
California/Nevada Representative

Cc: Evan Hirsche, President

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October 27, 2006

Mr. David Bergendorf  
CA/NV Refuge Planning Office  
2800 Cottage Way, W-1832  
Sacramento, CA 95825-1846

Dear Mr. Bergendorf:

SUBJECT: Draft Comprehensive Conservation Plan and Environmental Assessment (CCP/EA) for Stone Lakes National Wildlife Refuge

The staff of the Delta Protection Commission (Commission) has reviewed the subject document dated September 27, 2006. Staff has determined that the habitat restoration and public access actions proposed in the document are located within the Primary Zone of the Legal Delta. The Commission therefore offers the following comments regarding consistency of the CCP/EA with the Land Use and Resource Management Plan for the Primary Zone of the Delta (Management Plan).

153 The Delta Protection Act (Act) was enacted in 1992 in recognition of the increasing threats to the resources of the Primary Zone of the Delta from urban and suburban encroachment having the potential to impact agriculture, wildlife habitat, and recreation uses. Pursuant to the Act, the Commission's Management Plan was completed and adopted by the Commission in 1995.

154 The Management Plan sets out findings, policies, and recommendations resulting from background studies in the areas of environment, utilities and infrastructure, land use, agriculture, water, recreation and access, levees, and marine patrol/boater education/safety programs. As mandated by the Act, the policies of the Management Plan are incorporated in the General Plans of local entities having jurisdiction within the Primary Zone, including Sacramento County. Both the Act and the Management Plan are available for your reference at the Commission's website, [www.delta.ca.gov](http://www.delta.ca.gov).

155 The policies and recommendations from the Management Plan that are relevant to this project include, but are not limited to, the following:

Environment

- Policy 1: The priority land use of areas of prime soil shall be agriculture. If commercial agriculture is no longer feasible due to subsidence or lack of adequate water supply or water quality, land uses which protect other beneficial uses of Delta resources, and which would not adversely affect agriculture on surrounding lands, or

- 153) The comment is acknowledged.
- 154) The comment is acknowledged.
- 155) The comment is acknowledged.

viability or cost of levee maintenance, may be permitted. If temporarily taken out of agriculture production due to lack of adequate water supply or water quality, the land shall remain reinstatable to agricultural production for the future.

- Policy 3: Lands managed primarily for wildlife habitat shall be managed to provide several inter-related habitats. Deltawide habitat needs should be addressed in development of any wildlife habitat plan. Appropriate programs, such as "Coordinated Resource Management and Planning" and "Natural Community Conservation Planning" should ensure full participation by local government and property owner representatives.
- Recommendation 1: Seasonal flooding should be carried out in a manner so as to minimize mosquito production. Deltawide guidelines outlining "best management practices" should be prepared and distributed to land managers.
- Recommendation 2: Wildlife habitat on the islands should be of adequate size and configuration to provide significant wildlife habitat for birds, small mammals, and other Delta wildlife.
- Recommendation 5: Publicly-owned land should incorporate, to the maximum extent feasible, suitable and appropriate wildlife protection, restoration and enhancement as part of a Deltawide plan for habitat management.
- Recommendation 6: Management of suitable agricultural lands to maximize habitat values for migratory birds and other wildlife should be encouraged. Appropriate incentives, such as conservation easements, should be provided by nonprofits or other entities to protect this seasonal habitat through donation or through purchase.
- Recommendation 7: Lands currently managed for wildlife habitat, such as private duck clubs or publicly-owned wildlife areas, should be preserved and protected, particularly from destruction from inundation.

#### Land Use

- Policy 2: Local government general plans and zoning codes shall continue to strongly promote agriculture as the primary land use in the Primary Zone; recreation land uses shall be supported in appropriate locations and where the recreation uses do not conflict with agricultural land uses or other beneficial uses, such as waterside habitat.
- Policy 3: New residential, recreational, commercial, or industrial development shall ensure that appropriate buffer areas are provided by those proposing new development to prevent conflicts between any proposed use and existing agricultural use. Buffers shall adequately protect integrity of land for existing and future agricultural uses. Buffers may include berms and vegetation, as well as setbacks of 500 to 1,000 feet.
- Policy 7: Structures shall be set back from levees and areas which may be needed for future levee expansion.

Recommendation 1: A program by non-profit groups or other appropriate entities should be developed to promote acquisition of wildlife and agricultural conservation

easements on private lands with the goal of protecting agriculture and wildlife habitat in the Delta.

- Recommendation 2: Public agencies and non-profit groups have or propose to purchase thousands of acres of agricultural lands to restore to wildlife habitat. Lands acquired for wildlife habitat should also be evaluated for recreation, access, research and other needed uses in the Delta. Habitat restoration projects should not adversely impact surrounding agricultural practices. Public-private partnerships in management of public lands should be encouraged. Public agencies shall provide funds to replace lost tax base when land is removed from private ownership.
- Recommendation 3: Multiple use of agricultural lands for commercial agriculture, wildlife habitat, and, if appropriate, recreational use, should be supported, and funding to offset management costs pursued from all possible sources. Public agencies shall provide funds to replace lost tax base when land is removed from private ownership.

#### Agriculture

- Policy 7: Local governments shall encourage acquisition of agricultural conservation easements as mitigation for projects within each county, or through public or private funds obtained to protect agricultural and open space values, and habitat value that is associated with agricultural operations. Promote use of environmental mitigation in agricultural areas only when it is consistent and compatible with ongoing agricultural operations and when developed in appropriate locations designated on a countywide or Deltawide habitat management plan.
- Policy 8: Local governments shall encourage management of agricultural lands which maximize wildlife habitat seasonally and year-round, through techniques such as sequential flooding in fall and winter, leaving crop residue, creation of mosaic of small grains and flooded areas, controlling predators, controlling poaching, controlling public access, and others.

#### Water

- Policy 2: Local governments shall ensure that design, construction, and management of any flooding program to provide seasonal wildlife habitat on agricultural lands shall incorporate "best management practices" to minimize mosquito breeding opportunities and shall be coordinated with the local vector control districts.

#### Recreation and Access

- Policy 3: Local governments shall develop siting criteria for recreation projects which will ensure minimal adverse impacts on: agricultural land uses, levees, and public drinking water supply intakes, and identified sensitive wetland and habitat areas.
- Policy 6: Local governments shall support multiple uses of Delta agricultural lands, such as seasonal use for hunting, or improved parking and access sites.

David Bergendorf  
October 27, 2006  
Page 4

- Policy 7: Local governments shall support improved access for bank fishing along State highways and county roads where safe and adequate parking can be provided and with acquisition of proper rights-of-access from the landowner. Adequate policing, garbage cleanup, sanitation facilities, and fire suppression for such access shall be provided.
- Policy 9: Local governments shall encourage new recreation facilities that take advantage of the Delta's unique characteristics.
- Recommendation 7: Local governments should develop design guidelines for new or enlarged recreation facilities to protect adjacent agricultural land uses.

156 Stone Lakes NWR personnel has participated in meetings of the Commission's  
157 Recreation Citizens' Advisory Committee, providing information for both the Delta Boating Needs Assessment (CA Dept. of Boating and Waterways, 2002) and the Commission's Aquatic Recreation Component of the Delta Recreation Strategy Plan (Dangermond, 2005). The Commission is pleased to see that some of the unmet recreational needs in the Delta identified in both documents (i.e., hunting and fishing access, restrooms, non-motorized boating trails, and wildlife observation and interpretation areas) may be funded and implemented at Stone Lakes NWR. One suggestion Commission staff offers for the CCP (Figure 7) is the addition of picnic areas along some of the restored riparian zones slated for public access.

Thank you for the opportunity to review and comment on this proposal. Please contact me at (916) 776-2292 or [lindadpc@citlink.net](mailto:lindadpc@citlink.net) if you have any questions about the Commission or the comments provided herein.

Sincerely,

Linda Fiack  
Executive Director

- 156) The comment is acknowledged.
- 157) Construction of picnic areas has not been considered on the Refuge due, in part, to limited Refuge staff for the maintenance of picnic facilities. Picnicking is also not identified as a priority wildlife-dependent use in the National Wildlife Refuge Improvement Act of 1997. See response #3 for a description of how Compatibility Determinations and Appropriate Use Determinations are made for Refuge uses.

**Comments and Suggestions**

**Pages 31-35, 66. Water Quality**

Morrison Creek receives up to 6.5 mgd (9.9 cfs) of remediated water from Aerojet facilities upstream under permit by the Central Valley Regional Water Quality Control Board. Numerous wells to the east have been closed due to contamination from various chemicals. The California Dept. of Health Services (DHS) recently proposed water quality standards of 6 mg/L for perchlorate, which bioaccumulates and adversely impacts the food chain. The past and future discharges upstream will likely impact wildlife and may incur liability for cleanup on federal lands and water downstream. Fish kills on Morrison Creek (p. 45) indicate that more investigation is needed to specifically identify the source(s) of the water and contaminants or other water quality problems there. The Sacramento County Water Agency, a groundwater regulatory authority, has acquired the rights to groundwater and partly remediated surface waters in areas upstream which discharge into the Morrison Creek watershed. Needing clarification: "Before the turn of" which century were levees constructed that divide Upper and Lower Beach Lakes (p. 35)? **Suggestions:** Plans should explore and mitigate impacts to wildlife from additional contaminants. Perchlorate, NDMA, TCE, and other post-remediation constituents should be considered as constituents of concern and added to the water quality monitoring program for both surface and ground waters. Planning should coordinate with other responsible agencies including County of Sacramento, Sacramento County Water Agency, EPA, Regional Water Quality Control Board, and DHS for monitoring, mitigation, and remediation. Provide data on the quantities of estimated streamflows in each stream or watercourse in more detailed discussions of hydrology including maps. Discuss water rights in and around the project area in detail. Distinguish among quantities, sources and dispositions of stormwater runoff, treated water runoff, tailwater, groundwater springs and adsorptions; tidal flows, standing water bodies, floodwaters backing up from the Cosumnes and Mokelumne Rivers, and natural accretions and streamflows to the extent possible. Determine the source(s) of groundwater assumed to be coming from the river (p. 35). Provide data on output from the seven pumps. Acquire water rights where available for beneficial uses. Define the role of the federal lands and waters as mitigation for upstream releases of contaminants in direct benefit to local agencies. Monitor groundwater quality, especially for saltwater intrusions as found elsewhere around the Delta. Engage the services of water modeling consultants if necessary to characterize the hydrology and water quality.

**Pages 50 – 86 Strategy**

Boating occurs under existing programs and opportunities can be expanded. Public rights to navigation exist on all navigable streams and tidal channels under state and federal laws and the Public Trust Doctrine, and thus boating on nonflood waters in the area is legal (p. 51, 52). Boating can be considered wildlife dependent as it would generally involve fishing, hunting and/or wildlife observation and photography. **Suggestions:** Expand recreation opportunities greatly. Do not consider recreation as a threat to 'moist soil impoundments' (mud) or most other habitats. Allow access roads to serve multiple uses for hiking, biking, and horse riding as are public roads in most of the Central Valley in the vicinity of agricultural areas and wetlands. Revise strategy 1.G.1. to be consistent with Goal 3 and to reflect the very limited impacts from dispersed recreation on nesting

1

- 158) The comment is acknowledged.
- 159) The sentence will be corrected to the turn of the 20<sup>th</sup> century, for clarification.
- 160) The Refuge agrees that it would be desirable to monitor for Perchlorate, NDMA, TCE and other constituents, however additional staff and project funds will be required to implement such a monitoring program.
- 161) The comment is acknowledged. With the staff resources available, the Refuge seeks and will continue to seek opportunities to work with partners, including those mentioned to fulfill the Refuge purpose, to fulfill the mission of the National Wildlife Refuge System and to comply with Service policies.
- 162) The comment is acknowledged. Obtaining and providing the data requested would be an unreasonable burden in the completion of the CCP and could only be obtained with great cost, particularly given the need for complex modeling to estimate highly variable stream flows and hydrology.
- 163) The comment is acknowledged. Obtaining and providing complete water rights information for areas around the Refuge would be an unreasonable burden in the completion of the CCP and could only be obtained with great cost.
- 164) See response #162.
- 165) See response #162.
- 166) See response #162.
- 167) The comment is acknowledged.
- 168) Generating the data requested regarding mitigation would be an unreasonable burden in the completion of the CCP and could only be obtained at great cost.
- 169) The comment is acknowledged, but we disagree with the suggestion. Within Refuge staff and monitoring resources, the ground water monitoring described is not considered feasible. The Refuge's highest priorities are to fulfill the Refuge purpose and to fulfill the mission of the National Wildlife Refuge System.
- 170) The comment is acknowledged, however given limited project funds the Refuge's highest priorities are to fulfill the Refuge purpose and to fulfill the mission of the National Wildlife Refuge System.
- 171) See response #3 for a description of how Compatibility Determinations and Appropriate Use Determinations are made for Refuge uses.
- 172) The comment is acknowledged.
- 173) The comment is acknowledged.
- 174) See response #3 for a description of how Compatibility Determinations and Appropriate Use Determinations will be made for Refuge uses.
- 175) The comment is acknowledged.
- 176) See response #3 for a description of how Compatibility Determinations and Appropriate Use Determinations are made for Refuge uses.
- 177) We disagree that strategy 1.G.1. is inconsistent with Goal 3. We believe visitors can be provided with wildlife recreation, interpretation, and education opportunities which foster an understanding of the Refuge's unique wildlife and plant communities in an urban setting (Goal 3) while at the same time reducing wildlife disturbance by limiting access to certain locations (strategy 1.G.1.).
- 178) The comment is acknowledged. Please note that the Refuge supports an adaptive management approach.

178 birds and other wildlife in deep water habitats, particularly because access is limited  
naturally by mud, water, vegetation, and other environmental conditions. Monitor  
recreation use and adapt management to circumstances as they are identified objectively.

**Page 86 - 110 Objectives**

179 Objective 3.B. (p. 86) places an arbitrary and capricious quota of 10,500 'visit  
180 opportunities' on the recreational uses of the lands. The term 'visit opportunities' is not  
defined and is confusing or misleading. Most recreation activities are normally limited in  
181 quantity by external conditions, and inherently timed and spaced for minimal conflict  
with other uses and with the environment. Use limits still allow adverse behaviors that  
182 can better be prevented by management programs. **Suggestions:** Revise all discussions  
of recreation to remove pejorative approaches and, instead, support and guide beneficial  
183 recreation activities. Specifically, the prescription for boating only with undefined  
trolling motors is inconsistent with 3.B.7, and is also confusing and inappropriate as  
184 many boaters would prefer not to use motors out of consideration for the wildlife and  
other visitors. Boating trails should be defined for much more effective reduction of  
185 impacts to wildlife than would occur with seasonal restrictions or the imposition of 'no  
wake' zones. Remove seasonal restrictions due to natural limitations on use in cold  
186 weather with short days and poor fishing conditions. Separate the strategies for parking  
lots, fishing access, and boating provisions in Objectives 3.B and 3.E where they are  
partly intertwined and confusing, or make one objective for all water-oriented access.

**P. 115-116 Compatibility Determinations**

187 Assessments of compatibility misconstrue impacts from recreational use for spurious  
188 reasons (p. 110) such as for **bank fishing** impacts on vegetation. In reality, vegetation is  
a natural barrier to fishing access and tends to regulate impacts to banks and to limit the  
amounts of use. Bank fishing is less likely to impact shorelines than carrying or dragging  
189 cartop boats across banks for access between parking areas and the water, for example.  
Less effort is needed for staff to monitor bank fishing than for boat fishing.  
190 Requirements that encourage fishing from boats contradict goals for protection of deep  
191 water habitats. Requirements for use of boats unreasonably remove opportunities for  
192 lower-income persons or youth who do not have special skills or access to boats.  
Physical requirements for cartop boats are excessive for most persons. **Suggestion:**  
193 Bank fishing is a safe, standard recreation activity with minimal impacts to the shoreline  
environment in both type and extent, and it should be allowed where substantial impacts  
to wildlife would not likely occur (not near rookeries).

194 Compatibility determination for **wildlife observation and photography** inappropriately  
assumes trail construction and related impacts are necessary for these activities.

195 **Suggestions:** The plan should rather recognize that wildlife observation is an implicit  
196 part of all legal recreation likely to occur in this area under many forms of access,  
including vehicle, boat, and on foot or horseback. Existing roads and the railroad  
easement should be used to the extent possible for recreation access. The former rail  
route and trestles provide a unique but unrecognized opportunity for an elevated trail for  
wildlife observation and photography, needing simple improvements in surface and  
197 protective railings. Unprofessional references to highly unusual behaviors of  
photographers or other recreationists (e.g., Dobb 1998) are misinterpreted and should be  
198 removed (p. 116). Educational materials should be developed and employed to define  
and promote low-impact styles of recreation for the wildlife resources present.

- 179) The target of 10,500 visit opportunities per year is not a limit, but rather a target number of opportunities to offer to the public.
- 180) The term visit opportunities can be defined as “An opportunity for a member of the public to visit the Refuge for a staff guided or self-guided wildlife-dependent recreation or other event.” This definition has been added to the glossary.
- 181) The comment is acknowledged. See response #3.
- 182) The comment is acknowledged. See response #3.
- 183) There is no prescription in the draft CCP for boating only with undefined trolling motors. Please see the Compatibility Determination for Recreational Boating, in Appendix A, for a full discussion of boating, other than high-speed boating, on the Refuge.
- 184) It is not clear how the comment defines boating trails. See response #3 for a description of how Compatibility Determinations and Appropriate Use Determinations are made for Refuge uses.
- 185) The comment is acknowledged. See response #3.
- 186) The comment is acknowledged. It is not clear from the comment which sections are considered by the author to be partly intertwined and confusing.
- 187) We disagree that the CCP or Compatibility Determinations misconstrue impacts. The Compatibility Determinations reflect the sound professional judgment of the Refuge Manager.
- 188) We disagree that vegetation is a barrier to access, particularly along roadways where vegetation is regularly mowed. Proposed car top boating access on the Refuge would only occur at specific improved access sites and therefore would have no incremental or cumulative impacts.
- 189) Given currently available staff and project funds, we disagree that bank fishing requires less staff effort, based largely on the need for regular trash removal and public safety associated with bank fishing on the Refuge. Please note that a step-down fisheries management plan is proposed for completion in 2008, which will address management of fishing on the Refuge, possibly including bank fishing.
- 190) We disagree, and the comment offers no evidence to support this statement.
- 191) The comment is acknowledged but it is unclear what if any opportunities are being removed. While boating may require special skills and access to boats, it is not clear how this would remove opportunities from others without boats and special skills as suggested in this comment.
- 192) The comment is acknowledged.
- 193) The comment is acknowledged. See response # 189.
- 194) The Compatibility Determination for wildlife observation and photography describes facilities and materials to support the level of uses as described in the CCP, which would require additional project funds and staff.
- 195) The Compatibility Determination for wildlife observation and photography found that the use is compatible with stipulations, as can be seen in Appendix A. See response #3 for a description of how Compatibility Determinations and Appropriate Use Determinations are made for Refuge uses.
- 196) The comment is acknowledged. Improvements to the railroad right-of-way would be at the discretion of the landowner, since the alignment does not currently lie within the Refuge. With available resources the Refuge’s highest priorities are to fulfill the Refuge purpose and to fulfill the mission of the National Wildlife Refuge System.
- 197) The comment is acknowledged, but we disagree with your conclusion. The author does not offer any evidence to contradict findings in the cited reference.
- 198) We agree and content related to environmentally-friendly recreation already is and will continue to be a part of the educational programs proposed for the Refuge in the CCP.

**DEPARTMENT OF TRANSPORTATION**

CT 3, SACRAMENTO OFFICE, MS 15  
 TEWAY OAKS DRIVE, SUITE 100  
 SACRAMENTO, CA 95833  
 (916) 274-0586  
 (916) 274-0602  
 (916) 741-4509



*Flexya  
 Be energy*

October 27, 2006

Mr. David Bergendorf  
 CA/NV Refuge Planning Office  
 2800 Cottage Way, W-1832  
 Sacramento, CA 95825-1846

Dear Mr. Bergendorf:

Thank you for the opportunity to review the *Draft Comprehensive Conservation Plan and Environmental Assessment (CCP/EA)* for Stone Lakes National Wildlife Refuge. Because Caltrans currently owns the Beach Lake Mitigation Bank property within Stone Lakes National Wildlife Refuge, it is important that we are able to review your conservation plans for the future of the Refuge. Alternative B documents sound management principles, is a feasible alternative, and is consistent with Caltrans goals for Beach Lake Mitigation Bank.

As stated in your purpose and need, “the refuge will be managed in a way that ensures the long-term conservation of fish, wildlife, plants, and their habitats and provide for compatible wildlife-dependent recreation.” In addition, the “Service’s management priorities will be communicated with their conservation partners, neighbors, and visitors.” Furthermore, that the maintenance of biological integrity, diversity and environmental health are ensured.” These aspects of the CCP/EA are important to Caltrans and consistent with the plans for Beach Lake Mitigation Bank. The following paragraphs outline specific comments I have on the CCP/EA.

According to the map on page 27 (Figure 4), the Lewis Unit and Beach Lake appear to be separate units. On page 39, the CCP states that valley oak woodland can be found on the Lewis Unit. If the Lewis Unit incorporates the Beach Lake unit, then no correction is needed. However, if the two are separate units, it should be noted that valley oak woodland habitat can also be found on the Beach Lake Unit (as is found on the Beach Lake Mitigation Bank property).

It is also noted on page 194 that “portions of the Beach Lake, North Stone Lake, and South Stone Lake units would be closed as a sanctuary. The Lewis property of the Beach Lake Unit and the Wetland Preserve and portions of the Headquarters unit would be subject to seasonal closure to provide wildlife sanctuaries.” While Caltrans makes no recommendations for sanctuary status regarding the Beach Lake Mitigation Bank property, we like the idea.

On page 41, the CCP references Appendix E as a detailed list of birds found on the refuge. This should be corrected to Appendix D.

Page 44 states that “amphibians such as the California Tiger Salamander” are found when standing water is available. No where else in the document are CTS called out, even in the discussion on threatened and endangered species or in Appendix D. Is this in error? Are CTS

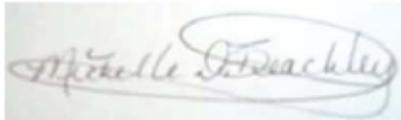
- 199) The comment is acknowledged.
- 200) The comment is acknowledged.
- 201) The comment is acknowledged.
- 202) The comment is acknowledged.
- 203) The comment is acknowledged and a correction has been made.

Mr. Bergendorf  
October 27, 2006  
Page 2

- 204 found on the refuge? Referencing this so casually may create complications and would certainly raise questions regarding Section 7 consultation.

Again, thank you for the opportunity to review the CCP/EA. I would appreciate a copy of the final document when it becomes available. If you have any questions or comments regarding my comments, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script, reading "Michelle D. Beachley", enclosed in a light blue oval.

MICHELLE D. BEACHLEY  
Associate Environmental Planner, Natural Science  
Office of Environmental Management

- c: John Webb, Chief, Office of Environmental Management  
Japtej Gill, Senior Environmental Planner, Office of Environmental Management

204) The statement regarding the California tiger salamander was intended as a general statement and should not be interpreted as applying to the Refuge since there have been no documented sightings of California tiger salamander on the Refuge. The statement has been clarified.



vey F. Collins, Ph.D.  
ois Ruth Collins

## BEACH LAKE STABLES

October 27, 2006

Thomas E. Harvey  
Project Leader  
FISH AND WILDLIFE SERVICE  
Stone Lakes National Wildlife Refuge  
1624 Hood-Franklin Road  
Elk Grove, CA 95757

Dear Mr. Harvey:

Re: Stone Lakes National Wildlife Refuge (SLNWR)

To the extent that time allowed, I have reviewed the Draft Comprehensive Conservation Plan and Environmental Assessment for the SLNWR that was provided at the public hearing on October 4, 2006. I have also reviewed the letter to you dated 10/23/06 from the Beach Lake Ski Club regarding the finding that water skiing is an incompatible use of the SLNWR waterways.

205 In my opinion some of the justification points regarding that incompatible finding, e.g., high-  
speed boating erodes shorelines and levees, is site specific and erosion may not occur in the  
presence of dense growths of wild blackberry vines etc. such as found growing along the levees  
and shorelines of the SLNWR. Be that as it may, the overall finding of incompatibility is  
206 understandable. As discussed below, however, the prohibition of high-speed boating can be  
“phased-in” and concomitantly minimize the hardship on the Beach Lake Ski Club and the  
financial impact on Beach Lake Stables.

207 Beach Lake Stables is a privately-owned equestrian and recreation business located  
approximately 1.2 miles south of Freeport that has been in business since 1971. My wife and I  
own several acres of Beach Lake as well as land adjacent to the old SP cut which was excavated  
during construction of the railroad embankment. As with all small businesses, we are hard-  
pressed to stay afloat financially. In order to supplement our income, we have rented access to  
Beach Lake and the SP cut waterway to fishermen and to the Beach Lake Ski Club for many  
years.

208 In view of the fact that the Beach Lake Ski Club has a long historic use (approximately 35 years)  
of these waterways, I trust that the Fish and Wildlife Service will work with the club in  
developing a plan to allow the club to co-exist with the planned uses of the refuge during a  
phase-out period of 7 years as proposed in their letter to you. That period would also provide my  
wife and me with some much-needed time to try and develop another source of income to make  
up for loss of revenue from the club.

209 On a different subject, I also urge you to reconsider allowing horseback riding on designated  
trails of the refuge (see page 20 of the SLNWR Comprehensive Conservation Plan). As pointed

- 205) The comment is acknowledged.
- 206) The comment is acknowledged. See response #42.
- 207) The comment is acknowledged.
- 208) The comment is acknowledged. See response #42.
- 209) According to the Beach Lake Ski Club (see response #41), the Club is “... financially obligated to a 10-year contractual lease agreement with Mr. Harvey Collins for access purposes...expiring year end 2013.” If this statement, from the Beach Lake Ski Club, is accurate then the author would have in excess of 7 years to find alternative uses for the property described. In addition, the Refuge is bound to follow federal policies for allowing use on Refuge lands and waterways as described in response #3.

Page 2  
Thomas E. Harvey  
October 27, 2006

210 out in that document, equestrians have gone on record of historic use (since 1970) of lands now  
controlled by the refuge. We have been told by your staff that such use is not compatible with  
the uses identified in the National Wildlife Refuge System Act of 1997. In my opinion,  
211 however, that is strictly a policy decision. For example, the SLNWR Comprehensive  
Conservation Plan, pp 163 *et seq.*, proposes the continued use of refuge lands for grazing even  
though such use is “not identified as a wildlife dependent public use by the National Wildlife  
Refuge System Act of 1997.” Thus it appears that uses may be permitted on the refuge even  
though such uses are not identified in the 1997 Act. Couldn’t equestrian trails be developed on  
212 refuge lands that would allow equestrians to “observe the wildlife” of the refuge which is a  
compatible use? Riding trails strategically located on the refuge would be of immense benefit to  
equestrians who keep their horses at Beach Lake Stables. Such trails would also benefit other  
equestrians by providing them with the opportunity of riding the trails and enjoying the benefits  
of observing the varying species of wildlife in their natural habitat. I recommend that you  
213 provide the leadership necessary to bring this plan to fruition.

Thank you for the opportunity to comment on the Draft Comprehensive Conservation Plan and  
Environmental Assessment for the SLNWR.

Sincerely,

  
Harvey F. Collins

cc: Marshall D. Schoewe  
President, Beach Lake Ski Club  
Congressman Lungren  
Congressman Pombo

- 210) The comment is acknowledged. See response #3.
- 211) See response #3 for a description of how Compatibility Determinations and Appropriate Use Determinations will be made for Refuge uses. Grazing has been found to be a compatible use, with stipulations, in the Compatibility Determination for grazing on the Refuge, found in Appendix A. As stated in the Compatibility Determination justification, the goals for grazing on the Refuge are to conserve, enhance, restore, and manage Central Valley wetland, riparian, grassland and other native habitats to benefit their associated fish, wildlife, plants, and special status species.
- 212) The comment is acknowledged. See response #195.
- 213) See response #3 for a description of how Compatibility Determinations and Appropriate Use Determinations are made for Refuge uses.



**"Bud Getty"**  
**<bud@midtown.net>**  
10/28/2006 03:07 PM

To <David\_bergendorf@fws.gov>  
cc  
bcc  
Subject Draft Comprehensive Conservation Plan

Mr. Bergendorf:

Thank you for giving me the opportunity to respond to the subject plan. I attended both public meetings and made comments at those times. My comments now will be similar.

214 The presence of high speed boating and water-skiing is not compatible with the missions of Stone Lake National Wildlife Refuge. It contributes to many problems of the refuge. Water, air, and noise pollution all diminish the habitat quality. Erosion of the levee banks also is accelerated by these activities.

215 Good management practices have resulted in the production of better habitat and the increase of bird nesting and increases of refuge use by target species such as the Sandhill Crane. I predict that removal of high speed boating from the present use area will enhance the quality of the habitat and further favor the wildlife uses of the refuge.

216 One of the arguments that the people favoring the continuation of high speed boating seems to rely on a study done in the everglades area of Florida which purports to see this activity as beneficial because it stirs up the water and lessens the stagnation. There is a myriad of variations between the two areas which would question the validity of this study in our area.

Stone Lakes National Wildlife Refuge – IS for the birds.

Maurice H Getty

Sacramento, California

- 214) See response #42.
- 215) The comment is acknowledged.
- 216) The comment is acknowledged, however we are not aware of the study referenced by the comment's author, nor was the citation offered. See response #3 for a description of how Compatibility Determinations and Appropriate Use Determinations are made for Refuge uses.



**Dorene Clement**  
<dorenecomm@yahoo.com>  
10/29/2006 08:37 AM

To: david\_bergendorf@fws.gov  
cc:  
bcc:  
Subject: Stone Lakes

I appreciate the opportunity to comment on the Stone Lakes NWR draft plan, as I have visited Stone Lakes a number of times. I would therefore like to submit the following comments for consideration:

217 I am very concerned about the negative impact of high-speed boating, waterskiing, or other noisy motorized sports in an area that should be set aside for wildlife and quiet pursuits. I am strongly in favor of closing Stone Lakes to all activities that are incompatible with the core values of a wildlife refuge. It's not a refuge for wildlife--or a place I'll want to visit again--if power boats are blasting through it. Please close the refuge to such incompatible activities.

Thank you for considering my comments.

Dorene Clement  
Sacramento

---

We have the perfect Group for you. Check out the [handy changes to Yahoo! Groups](#).

217) See response #3 for a description of how Compatibility Determinations and Appropriate Use Determinations are made for Refuge uses.



S. Adams  
Secretary for  
Environmental  
Protection

## California Regional Water Quality Control Board Central Valley Region

Robert Schneider, Chair



Arnold  
Schwarze  
Governor

### Sacramento Main Office

11020 Sun Center Drive #200, Rancho Cordova, California 95670-6114  
Phone (916) 464-3291 • FAX (916) 464-4645  
<http://www.waterboards.ca.gov/centralvalley>

27 October 2006

Mr. David Bergendorf  
CA/NV Refuge Planning Office  
2800 Cottage Way, W-1832  
Sacramento, CA 95825-1846

### STONE LAKES NATIONAL WILDLIFE REFUGE DRAFT COMPREHENSIVE CONSERVATION PLAN AND ENVIRONMENTAL ASSESSMENT

Thank you for the opportunity to review the draft Comprehensive Conservation Plan (CCP) and Environmental Assessment for the Stone Lakes National Wildlife Refuge. Activities in the CCP include increasing the acreage of riparian and oak woodland habitat, manipulating seasonal wetlands, increasing wetland acreage, and constructing a boat ramp, parking area, and trails. These activities may be regulated under a number of Regional Water Board programs. We are pleased that you recognize your obligation to seek coverage under the irrigated lands conditional waiver. Please note that there is a deadline of 31 December 2006 for enrollment under the Coalition Group Conditional Waiver.

The following programs may also apply to discharges from the planned activities:

The discharge of dredge or fill material to waters of the United States, or waters of the State, is subject to Section 401 of the Clean Water Act and the California Water Code (CWC). Section 401 requires that you obtain a Water Quality Certification from the State before the Corps of Engineers may issue a Section 404 permit. Any person discharging dredge or fill materials to waters of the State must file a report of waste discharge pursuant to Sections 13376 and 13260 of the CWC. You may meet both the requirement to submit a report of waste discharge and apply for a water quality certification by using the same application form. If waters on the project site are not under federal jurisdiction, the Discharger will still need to submit a Report of Waste Discharge (Form 200) to the Regional Water Board. However, the Regional Water Board recommends that the Discharger submit a 401 Water Quality Certification application rather than a Report of Waste Discharge because a 401 application can be processed more quickly than proceeding with Regional Water Board adopted waste discharge requirements.

Dischargers of storm water to surface waters associated with construction activity, including clearing, grading, and excavation activities of one-acre or more, must obtain coverage under the State Water Resources Control Board, Order No. 99-08-DWQ, National Pollutant Discharge Elimination System, General Permit No. CAS000002, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity (General Permit). Dischargers must also implement Best Available Technology Economically

- 218) The comment is acknowledged.
- 219) The comment is acknowledged.
- 220) The comment is acknowledged.

Achievable (BAT) and Best Conventional Pollutant Control Technology (BCT) to reduce or eliminate storm water pollution.

221 To obtain authorization for proposed storm water discharges to surface waters, the Discharger must submit a Notice of Intent (NOI) with a vicinity map and the appropriate fee to the State Water Resources Control Board prior to commencement of construction activities. Coverage under the General Permit shall not occur until the applicant develops a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP must identify Best Management Practices that utilize the BAT/BCT performance standard to control pollutant discharges. These controls must reduce pollutants and implement any more stringent controls necessary to meet water quality standards contained in the Regional Water Board's Basin Plan.

222 In addition, it is not apparent that you evaluated the potential impacts of your activities in regards to methylmercury. The Stone Lakes National Wildlife Refuge is located in the Sacramento-San Joaquin Delta Estuary, which is on the Federal Clean Water Act list of impaired water bodies due to elevated concentrations of methylmercury in fish. Recent data suggest that methylmercury created and discharged from seasonal and permanent wetlands may be responsible for increasing methylmercury levels in fish tissue.

223 Regional Water Board staff is working on a Delta methylmercury control program to protect Delta beneficial uses. The methylmercury control program will be formalized through amendments to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins (Basin Plan). The current draft Basin Plan amendment includes requirements for control actions to reduce methylmercury loads and concentrations in the Delta, including recommending control actions for existing and proposed native and managed wetlands. A draft staff report was released in June 2006 for scientific peer review.

224 The environmental assessment should recognize these potential impacts and the CCP should include actions consistent with the Basin Plan.

If you have any questions on these matters, please feel free to contact me at (916) 464-4643 or byee@waterboards.ca.gov.



BETTY YEE  
Senior Water Resources Control Engineer

- 221) The comment is acknowledged.
- 222) The Refuge recognizes that wetlands may contribute to biomagnifications of methylmercury through the food web. What is known about methylmercury and other contaminants on the Refuge is summarized under "Contaminants and Water Quality" beginning on page 32 of the CCP. Objective 1.N., beginning on page 85 of the CCP, specifies that the Refuge will monitor for mercury and other contaminants and work toward achieving the water quality standard for wetlands and fish and wildlife resources set forth by the USEPA, the DFG and the Regional Water Quality Control Board. Furthermore, as stated on page 210 of the environmental assessment " Refuge staff will continue to comply with National Pollution Discharge Elimination System general permit protocols and best management practices for aquatic herbicide applications and water quality monitoring that were developed by the Central Valley Regional Water Quality Control Board to avoid adverse effects on water quality and aquatic wildlife."
- 223) The comment is acknowledged.
- 224) The comment is acknowledged. We believe that nothing in the CCP is inconsistent with the draft Basin Plan. No actions proposed in the CCP should be interpreted to suggest violation of the water quality supply standard for wetlands and fish and wildlife resources set forth by the USEPA, the DFG or the Regional Water Quality Control Board. For additional information, please contact Refuge staff.

October 24, 2006

Sandra Witwick  
9634 Mardelle Way  
Elk Grove, CA 95624  
916/ 685-8611

David Bergendorf  
Refuge Planner  
2800 Cottage Way, W-1832  
Sacramento, CA 95825-1846  
Fax 916/ 414-1832

Dear Mr. Bergendorf,

225 I am writing this letter in regards to the Stone Lakes NWR Draft Comprehensive Conservation Plan and Environmental Assessment. First of all, I would like to comment on the Water-skiing proposal. I don't feel it's compatible or in the best interest of Stone Lakes NWR. Being a Docent for the refuge I have witnessed and experienced negligent behavior concerning water-skiing and have seen how its effect on Stone Lakes as a whole. It is noisy, unhealthy, and dangerous to wildlife, the environment, causes wake erosion and interferes with observation and group education. I happen to know there is plenty of other places that water-skiing is allowed that would not produce these negative effects, as it would have on the refuge. Because of the encounters that have already taken place I feel this is a very important issue. The definition of a refuge is shelter or protection from danger or distress: a place that provides protection. Water-skiing does not provide this. I realize that the community is important but not all groups can be completely accommodated for the sake of Stone Lakes. Mr. Bergendorf your deep consideration in this matter and the rest to follow is appreciated, as I know I am only one voice of many who feel this way.

226 Secondly, on the issue of Kayaking and Canoeing, this would be great for Stone Lakes NWR. Many people would love to get the opportunity to see the refuge up close and personal. This being a quiet sport, they'll experience Stone Lakes, the wildlife and get exercise all in one. As it is now a lot of people, in the community, do not know that the refuge exists. This would also help in creating more support and publicity for Stone Lakes. However I do think it should be regulated and restricted, such as: boat and motor size (if any), days and times (to give wildlife and environment a break) and fishing (if allowed and limits) so the refuge wouldn't be over fished. If boats with motors are let in then everyone will expect to bring in whatever they would like. As you know, motors and larger boats can cause damage so kayaking and canoeing would be perfect for the refuge.

227 Lastly, there have been many discussions on how nice it would be to have the Miwok Indians more involved at the refuge especially with education. Personally I would like to see them put a village over by the old ramp and the SP Cut. Maybe even

- 225) See response #3 for a description of how Compatibility Determinations and Appropriate Use Determinations are made for Refuge uses.
- 226) See response #3 for a description of how Compatibility Determinations and Appropriate Use Determinations are made for Refuge uses. The Compatibility Determination for recreational boating on the Refuge, contained in Appendix A, found that recreational boating was compatible with stipulations.
- 227) Please see some actions related to your suggestions under Goal 4 and the related objectives, beginning on page 92 of this CCP. While there is no plan to construct a village on the Refuge, the CCP does propose to work with the Ione Band of Miwok Indians or with other involved tribal organizations to meet some of the educational goals that the author suggests.

hold classes and demonstrations on how they lived, their customs and survival tactics. Maybe they could also cultivate some of the plants that are used for food and medicine to make Stone Lakes more abundant again. Many of us would be willing to assist with this.

228 So upon closing this letter I would like to thank you for encouraging those who are not actually with the service to voice their opinion. We all go through life trying to make correct decisions that will benefit others or us. In this case, each proposal has the question of whether or not Stone Lakes will benefit environmentally from it. I hope this letter will assist you in any of the decisions that are as hand. If you have any questions, please call me.

Sincerely

A handwritten signature in cursive script, appearing to read "Sandra Witwick".

Sandra Witwick

228) The comment is acknowledged. The U.S. Fish and Wildlife Service's mission is: "Working with others, to conserve, protect and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people." We always appreciate hearing from those outside of the Service.

Comments on the Stone Lakes National Wildlife Refuge draft  
Comprehensive Conservation Plan and Environmental Assessment by Grant  
Lynes  
- received by telephone on November 22, 2006 by David Bergendorf  
(USFWS).

- 229 • The Refuge should be open to hunting by the general public and not  
just youth and disabled hunters. The general public should be given  
first priority, youth should be given second priority and disabled  
should be given tertiary priority in access for hunting.
- 230 • The noise from shot guns should not be excessively disruptive to the  
surrounding community.
- 231 • I would like to see Stone Lakes NWR be a showcase refuge for the  
surrounding area and be connected up with surrounding refuges such  
as the Cosumnes River Preserve and the Sacramento NWR.

- 229) The comment is acknowledged. The current Refuge waterfowl hunting program offers the greatest number of hunting blinds to the general public and secondarily to youth and disabled hunters.
- 230) The comment is acknowledged.
- 231) The comment is acknowledged.

Stone Lakes National Wildlife Refuge  
Draft Comprehensive Conservation Plan and Environmental Assessment

Reviewer's Name: B. Young, Natural Resource Supervisor, Sacramento Regional County Sanitation District	Date: Nov. 27, 2006
--	---------------------

Preparer: U.S. Fish and Wildlife Service

Project Title: SLNWR CCP and EA

	DRAWING OR PAGE.	COMMENTS	REVIEWER INITIALS
232	1 Figure 5	Figure 5 "Land Cover" inaccurately reflects the SRCSD Demonstration Wetlands as Upland Forrest. It also depicts the managed area of Upper Beach Lake as Passive Seasonal Wetlands.	BY
233	2 Page 45	SRCSD hydrology information in the "Fish" section is dated. Nicolaus Pond no longer receives water from the Captein Dairy as the dairy is no longer operable. The aquaculture facility on the Bufferlands is no longer the Laguna Creek Fish Farm. The current operator is Stolt Sea Farms. Because this is a leased facility, I recommend referring to it as "a leased aquaculture facility on the Bufferlands."	BY
234	3 Page 79 - 80	Objective 1. H and 1.I should incorporate language regarding the conservation, restoration, and/or enhancement of native grassland communities. The strategies for 1. H should include strategy #4 from 1.I (Develop a monitoring plan to survey native grasses...)	BY
235	4 Page 79 - 80	Mention of native grass efforts in Objectives 1.H, 1.I, and 1.J should be broadened to encompass native grassland species. This would include native forbs that are an important component of the grassland ecosystem.	BY

- 232) The comment is acknowledged. Figure 5 has been corrected in this CCP.
- 233) The text has been changed to reflect the current situation.
- 234) The text has been clarified for strategy 1.H.6.
- 235) The comment is acknowledged. Please note that strategy 1.J.4. calls for using local expertise in developing native grassland restoration plans. When restoration plans are finalized, it is possible that native forbs and other components of native grasslands will be included as a part of the restoration plan. However, resources for restoration are limited and while the complete restoration of native grassland habitats including native forbs is desirable, it may not be possible within the life of the CCP given limited resources available for grassland restoration.

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1600 Sacramento Inn Way • Suite 222 • Sacra  
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November 25, 2006

Mr. David Bergendorf  
CA/NV Refuge Planning Office  
2800 Cottage Way, W-1832  
Sacramento, CA 95825-1846

**RE: Stone Lakes NWR CCP**

Dear Mr. Bergendorf:

On behalf of the California Waterfowl Association (CWA), I would like to take this opportunity to provide input on the U.S. Fish and Wildlife Service's Draft Comprehensive Conservation Plan (CCP) and Environmental Assessment for the Stone Lakes National Wildlife Refuge (NWR).

236 As a 20,000-member nonprofit organization dedicated to the protection of California's waterfowl, wetlands and hunting heritage, CWA generally urges the Service to adopt management efforts at Stone Lakes NWR which restore and enhance habitat for migratory and resident waterfowl populations while providing much needed hunting and other wildlife-dependent recreational opportunities for the public. As you are aware, California has lost over 90% of its historical wetlands, which has contributed to a significant drop in waterfowl and other wildlife populations. In addition, many lands and waters that were previously available for hunting have been lost or degraded, particularly in the Sacramento area where many of the California's waterfowl hunters reside. CWA therefore supports Alternative B, which would continue the waterfowl hunting program established last season and maximize the amount of riparian, wetland and upland habitat that is conserved at Stone Lakes NWR.

Specifically, CWA would like to offer the following comments on the Draft CCP:

237 1. Opening Additional Lands/Waters to Waterfowl Hunting – CWA generally supports the current waterfowl hunt program at Stone Lakes NWR, and urges that additional opportunities be provided as soon as new lands are available, such as the Lodi Gun Club and Lewis Investment Company properties. However, recognizing that the hunt program currently only offers hunting from fixed blind sites and emphasizes opportunities for juniors, we also urge the Service to consider diversifying its program to serve the broadest possible constituency of hunters. Free roam and/or assigned pond hunting should therefore be offered as new lands become available, as many waterfowl hunters favor these types of hunting. In addition, any new hunting opportunities should be available to hunters of all ages, not just juniors.

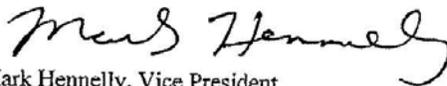
239 The Service should additionally permit hunting by boat on navigable waters of the refuge, particularly portions of Snodgrass Slough and South Stone Lake where hunting has occurred for decades. As you may be aware, navigable waters are burdened by public trust obligations, regardless of whether they flow over public or private lands, and the California Attorney General has determined that hunting is a Constitutionally protected use of navigable waters (Opinion # 85-602). Please also note, as required by the 1997 NWR System Improvement Act, hunting is a "priority use" of the refuge system.

- 236) The comment is acknowledged.
- 237) The comment is acknowledged.
- 238) The comment is acknowledged. Please see response #229 for a discussion of current hunt opportunities on the Refuge.
- 239) See response #3 for a description of how Compatibility Determinations and Appropriate Use Determinations will be made for Refuge uses.
- 240) The comment is acknowledged. There is well-established legal precedent under the Endangered Species Act of 1973 (16 U.S.C. 1531-1544, 87 Stat. 884) and the Migratory Bird Treaty Act of 1918 (16 U.S.C. 703-712; Ch. 128; July 13, 1918; 40 Stat. 755) as amended for the Service to regulate boating on navigable and non-navigable waters of the U.S. when these waterways are under the ownership of the Service.
- 241) The comment is acknowledged.

- 242 2. Upland Hunting Program – An upland hunting program for small game (rabbits,  
squirrels), deer and especially game birds (doves, quail, pheasants, snipe) should be  
implemented even prior to the acquisition of additional lands. We believe the Refuge’s  
fee-title lands are, in fact, large enough (1,740 acres) to safely support hunting with  
243 shotguns and/or archery equipment. Although the Draft CCP mentioned that only about  
half of the Service’s fee-title acreage consists of upland areas, many other types of habitat  
that are found on Stone Lakes NWR support these game species. Please also note that,  
according to the Department of Fish and Game, approximately 190,000 upland game bird  
244 stamps are purchased in California each year, making upland game bird hunters one of  
the largest hunting constituencies in California. Thus, we believe that considerable  
demand exists for this type of hunting at Stone Lakes NWR.
3. Breeding Waterfowl Habitat – As you are aware, the management of wetlands in the  
Central Valley has traditionally focused on meeting the habitat needs of migrating  
waterfowl and other waterbirds each fall and winter through the moist soil management  
of seasonal wetlands to encourage the growth of waterfowl food plants. In fact, moist  
soil management remains the most important tool for providing wintering waterfowl food  
resources. In addition, due to legally mandated reductions in rice straw burning,  
245 Sacramento Valley rice farmers must now necessarily flood their post-harvest fields for  
rice straw decomposition purposes, providing hundreds of thousands of additional acres  
of wintering waterfowl habitat each year. While the habitat needs for migrating  
waterfowl have thus been fairly well addressed in the Central Valley, the habitat  
requirements for breeding waterfowl, particularly resident mallards, have not. Therefore,  
CWA urges the Service to create additional summer water sources as waterfowl brood  
246 habitat on the refuge, while taking necessary steps to increase and enhance associated  
upland nesting cover.
4. Mosquito Abatement – CWA has strong concerns that some mosquito abatement  
activities on managed wetlands are excessive, unnecessarily depriving waterfowl broods  
247 of important invertebrate food sources and removing vegetative cover vital for thermal  
cover and food. While many mosquito abatement districts, including Sacramento-Yolo  
Mosquito Vector Control District, have partnered with the Department of Fish and Game,  
Central Valley Joint Venture and others to develop best management practices (BMPs) to  
control mosquito populations on managed wetlands, such BMPs are not supposed to  
degrade waterfowl habitat conditions or limit food resources for waterfowl. We therefore  
urge the Service to insist on the use of only the most waterfowl and wildlife-friendly  
248 BMPs when mosquito control efforts become necessary, and to ensure that any BMPs are  
not causing more ecological harm than good.

Thank you for the opportunity to provide input. If you have any questions or need further  
clarification regarding CWA’s comments, please call me at 916-643-4607.

Sincerely,



Mark Hennelly, Vice President  
California Outdoor Heritage Alliance

Cc: Robert McLandress, President, CWA  
CWA’s Unattached Hunters Committee

- 242) The comment is acknowledged, however we disagree. In the sound professional judgment of the Refuge manager there is not enough land owned in fee title to provide a safe and quality upland game hunting experience on the Refuge.
- 243) The comment is acknowledged.
- 244) The comment is acknowledged.
- 245) The comment is acknowledged.
- 246) The comment is acknowledged. Many strategies associated with objectives under Goal 1 detail the proposed enhancements of wetland and associated upland habitats.
- 247) Mosquito control on the Refuge was found to be a compatible use in the Compatibility Determination, contained in Appendix A, of this CCP with the stipulations listed.
- 248) The comment is acknowledged.

Reclamation District 813  
P.O. Box 557  
Courtland, Calif. 95615  
Ph (916) 871-4060  
Fax (916) 775-4101

November 27, 2006

David Bergendorf  
CA/NV Refuge Planning Office  
2800 Cottage Way, W-1832  
Sacramento, Ca 95825-1846

Dear David:

249 We want to thank you for extending the comment period on the draft comprehensive  
conservation and environmental assessment of the SLNWR. Comments: (1) As an alternative to  
250 the South Stone Lakes area we would like to see this area a sanctuary whereas no public to enter.  
You are bringing people into this area which will be disturbing the environment and the wildlife  
251 of this area. (2) Again to comment on buffer zones. We would like to see any wetland projects  
have a self contained buffer zone whether from your development, purchase of another party's  
252 property or developed by another party. (3) As for natural escaping of species during flooding we  
would like to see either an incidental taking plan or a plan for removal of these species back to  
the better environment in the refuge.

Thank You,



Thomas Herzog  
President

CC:  
Congressman Dan Lungren  
Tom Harvey, Refuge manager  
Christopher Lcc, Attorney at law

- 249) The comment is acknowledged.
- 250) The comment is acknowledged. See response #3 for a description of how Compatibility Determinations and Appropriate Use Determinations are made for Refuge uses.
- 251) The comment is acknowledged. The Service has and will continue to abide by commitments made as part of the 1992 Final Environmental Impact Statement (EIS) and subsequent Record of Decision establishing the Stone Lakes NWR approved boundary. For example as cited on page FJ-52, of the 1992 Final EIS, the Service will establish adequate internal buffers "...whenever sensitive wildlife habitat areas are developed adjacent to any farmlands other than range or pasture."
- 252) As we have previously communicated, Refuge staff are willing to assist the author and other interested landowners to secure an "incidental taking plan" (i.e., Safe Harbor Agreement) that addresses routine land management operations on nearby privately-owned properties.



David Bergendorf  
CA/NV Refuge Planning Office  
2800 Cottage Way, W-1832  
Sacramento, CA 95825-1846

November 30, 2006

Dear Mr. Bergendorf:

I am submitting the following comments and recommended changes to the Draft *Compatibility Determination for Mosquito Control on the Stone Lakes National Wildlife Refuge* on behalf of the Sacramento-Yolo Mosquito and Vector Control District. Please feel free to contact me by email ([jbbuettner@sac-yoloMVCD.com](mailto:jbbuettner@sac-yoloMVCD.com)) or by phone at (916) 405-2085 if you have any questions or require further supporting material.

Sincerely,

Joel Buettner, Water Management Specialist  
SYMVCD

Recommended Changes to the DRAFT *Compatibility Determination for Mosquito Control on the Stone Lakes National Wildlife Refuge*

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1. Page 46; paragraph 2; sentence 2 reads:

*Although 12 mosquito borne viruses are known to occur in California, only western equine encephalomyelitis virus (WEE).... (CDHS 2003)*

Replace this sentence with the following more current statement:

**Although 12 mosquito-borne viruses are known to occur in California, only West Nile virus (WNV), western equine encephalomyelitis virus (WEE) and St. Louis encephalitis virus (SLE) are significant causes of human disease as of 2006. (CDHS 2006)**

Also add:

**As we learned with the recent WNV outbreak, it is possible that new mosquito-borne diseases may cause outbreaks in the future. Since, each disease and associated vector has specific biological and ecological characteristics, a wide variety of control methods, in accordance with the**

- 253) The comment is acknowledged, and the text has been updated.
- 254) The comment is acknowledged, and the text has been updated.

**principles of integrated pest management, must be kept available to prevent and respond to new outbreaks in a timely manner.**

Reference:

California Department of Health Services, CALIFORNIA MOSQUITO-BORNE VIRUS

SURVEILLANCE AND RESPONSE PLAN, 2006 url:

[http://www.dhs.ca.gov/ps/dcdc/pdf/2006\\_CA\\_Mosquito\\_Response\\_Plan\\_June.pdf](http://www.dhs.ca.gov/ps/dcdc/pdf/2006_CA_Mosquito_Response_Plan_June.pdf)

- 255 2. Throughout the Compatibility Determination for Mosquito Control on the Stone Lakes National Wildlife Refuge section pages 145-161.

The mosquito genus referred to as *Ochlerotatus* has been changed to *Aedes*. Please replace all reference to *Ochlerotatus* abbreviated *Oc.* to *Aedes* abbreviated *Ae.*

3. page 148; paragraph 4; last sentence:

256 *The District proposes to use the formulated methoprene product Altosid in pellets or A.L.L. Growth Regulator.*

Replace this sentence with the following:

**The District proposes to use the insect growth regulators, most commonly the formulated methoprene products such as Altosid<sup>®</sup> Liquid, Altosid<sup>®</sup> Pellets, and Altosid<sup>®</sup> XR-G.**

3. page 147 very last sentence:

257 *The threshold for initiating a larval control response will be a density of 0.1 mosquito larva [sic] per 350-ml dipper of water for all species.*

Replace this sentence with the following:

**Treatment thresholds as of 2006 were 0.1 mosquito larvae per 350-ml dipper of water for all species; however, this may change to respond to changes in mosquito populations, disease levels, or other factors that affect public health. (Boyce 2005)**

Reference:

Boyce, K.M. Mosquito and Mosquito-Borne disease Management Plan revised 2005, Sac-Yolo MVCD, url:

[http://www.fightthebite.net/download/Mosquito\\_Management\\_Plan.pdf](http://www.fightthebite.net/download/Mosquito_Management_Plan.pdf)

4. Page 149; entire first paragraph:

*The thresholds for adult control are... Adult mosquito thresholds are generally determined through historical levels of adult mosquitoes in the area.*

258 Replace this paragraph with the following:

**Treatment thresholds for adult control are based on multiple factors including: date, mosquito-borne virus response level, mosquito species, and meteorological conditions. As with larval treatment thresholds, adult threshold are subject to change to respond to changes in mosquito populations, disease levels, or other factors that affect public health [See figure below] (Boyce 2005)**

- 255) The comment is acknowledged, and the text has been updated.
- 256) The comment is acknowledged, and the text has been updated.
- 257) The comment is acknowledged, and the text has been updated.
- 258) The comment is acknowledged, and the text has been updated.

Reference:

Boyce, K.M. Mosquito and Mosquito-Borne disease Management Plan, revised 2005, Sac-Yolo MVCD, url: [http://www.fightthebite.net/download/Mosquito\\_Management\\_Plan.pdf](http://www.fightthebite.net/download/Mosquito_Management_Plan.pdf)

**Figure 1** Treatment thresholds based on surveillance data as of 2006 (Boyce 2006). Note threshold values in bold refer to Level 1 or Standard Control Activities; values in parentheses refer to Level 2-5 Mosquito-borne Virus Response.

<b>Integrated Vector Management</b> Adult Mosquito Guidelines		
<b>Continuance Criteria</b>		
<b>Level 1- Standard Mosquito Control Activities</b> (Level 2, 3, 4 or 5-Response to Mosquito-borne Virus Activity)		
24 hour EVS trap or Mosquito Magnet Trap collection with	<b>100 (25) or more female <i>Culex tarsalis</i> or <i>Cx. pipiens</i> and/or →</b> <b>150 (50) or more of any female <i>Aedes</i>, <i>Anopheles</i>, <i>Coquillettidia</i>, <i>Culex</i>, <i>Culiseta</i>, <i>Ochlerotatus</i>, or <i>Orthopodomyia</i> species and/or →</b> <b>200 (75) or more total female mosquitoes →</b>	<b>Consider Meteorological Conditions / treatment a</b>
less than <b>100 (25) female <i>Culex tarsalis</i> or <i>Cx. pipiens</i> and/or</b> less than <b>150 (50) female of any <i>Aedes</i>, <i>Anopheles</i>, <i>Coquillettidia</i>, <i>Culex</i>, <i>Culiseta</i>, <i>Ochlerotatus</i>, or <i>Orthopodomyia</i> species and/or</b> less than <b>200 (75) total female mosquitoes</b> ↓	24 hour American Light or Gravid Trap collection with	<b>25 (10) or more female <i>Culex tarsalis</i> or <i>Cx. pipiens</i> and/or →</b> <b>50 (25) or more female of any <i>Aedes</i>, <i>Anopheles</i>, <i>Coquillettidia</i>, <i>Culex</i>, <i>Culiseta</i>, <i>Ochlerotatus</i>, or <i>Orthopodomyia</i> species and/or →</b> <b>75 (50) or more total female mosquitoes →</b>
less than <b>25 (10) female <i>Culex tarsalis</i> or <i>Cx. pipiens</i> and/or</b> less than <b>50 (25) female of any <i>Aedes</i>, <i>Anopheles</i>, <i>Coquillettidia</i>, <i>Culex</i>, <i>Culiseta</i>, <i>Ochlerotatus</i>, or <i>Orthopodomyia</i>, species and/or</b> less than <b>75 (50) total female mosquitoes</b> ↓	One-Minute Sweep Net or Landing Count collection with	<b>10 or more female <i>Aedes</i> or <i>Ochlerotatus</i> species and/or →</b> <b>25 or more female mosquitoes →</b>
less than <b>10 female <i>Aedes</i> or <i>Ochlerotatus</i> species and/or</b> less than <b>25 female mosquitoes</b> ↓	<b>Do Not Institute Adult Mosquito Management Measures</b>	

259 Page 149, paragraph 2; second sentence:  
*The district proposes to continue to use the adulticides Pyrocide 7338 or Scourge (resmethrin), which have synthetic pyrethrins as the active ingredient.*

Replace this sentence with the following:

**The District proposes to continue to use currently labeled adulticides containing active ingredients pyrethrin (e.g. Pyrocide<sup>®</sup> 7338, Evergreen<sup>®</sup> 60-6), pyrethroids (e.g. Scourge<sup>®</sup>).**

260 Page 154, very first sentence:  
*The application of adulticides... permanent emergent wetlands*  
Please delete this sentence. This has been already stated in context on page 149 at the end of the third paragraph. We feel that the page 149 location more clearly reflects our agreement in the larger context of adulticide operations.

- 259) The comment is acknowledged, and the text has been updated.  
260) The comment is acknowledged, and the text has been updated.

7. Page 154; second paragraph in the Wetlands and Waterfowl section; fourth sentence:

*Though methoprene has not been shown to pose a threat to birds from direct exposure, it may affect insectivorous species by decreasing the invertebrate food source.*

261

Please make the indicated change, or cite data to support the second assertion. Based on the relatively slow action of juvenile hormone mimics such as methoprene, the larvae remain alive and in the aquatic food chain during immature stages. JH mimics disrupt the metamorphosis process from pupae to the adult stage, causing mortality.

261) The comment is acknowledged, and the text will be updated.