Appendix L: Standard Eligibility Questionnaire for the use of Genetically Modified Crops on National Wildlife Refuge System Lands

Standard Eligibility Questionnaire for the Use of Genetically Modified Crops on National Wildlife Refuge System Lands

The Biological Integrity, Diversity, and Environmental Health Policy (601 FW 3), as amended, states, "We do not use genetically modified organisms in refuge management unless we determine their use is essential to accomplishing refuge purpose(s) and the Regional Chief or the Assistant Manager, California/Nevada Operations Office (CNO), National Wildlife Refuge System, approves the use." Therefore, in order to approve the use of genetically modified crops (GMCs), the Regional Chief must concur that GMCs are "essential" for fulfilling refuge purposes.

However, several other factors may prevent a Regional Chief from approving the use of GMCs, even when GMCs are considered essential for fulfilling refuge purposes. For example, if a state or local law prohibits the use of GMCs, the Regional Chief may not approve the use of GMCs.

From 2004-2006 the FWS GMC Team developed an eligibility questionnaire for use by two primary parties: 1) Refuge managers, to determine the appropriateness of requesting approval for GMC use; and, 2) Regional Chiefs in considering the merits of requests for using GMCs. The intent now is to provide an eligibility questionnaire that will be used in all Regions, providing greater consistency and accountability throughout the Refuge System.

If GMCs are to be used, they must be addressed (along with farming in general) in refuge NEPA documents and compatibility determinations. However, once farming is determined to be an appropriate and compatible use, the eligibility questionnaire is the key document for determining whether GMCs will be used on refuges. Conversely, the process of filling out the questionnaire will also be useful to refuge staff in preparing NEPA documents and compatibility determinations in addition to determining whether to seek approval for the use of GMCs.

In general, 601 FW 3 clearly sets a high bar for the use of GMCs as well as farming and pesticides in general. This was intentional and is something to keep in mind when considering the content of the eligibility questionnaire and subsequently when considering requests for the use of GMCs.

Following is a revised eligibility questionnaire, based upon a combination of features from the GMC Team and comments from regions.

U.S. Fish and Wildlife Service, National Wildlife Refuge System
Genetically Modified Crops (GMC) Eligibility Questionnaire

Name of FWS representative: Timothy A. Miller

Title of FWS representative: Project Leader

Date: 12/9/13

Refuge(s): Iowa Wetland Management District

Refuge Purpose(s): See attached sheet

Instructions: Use this questionnaire to determine if GMCs are eligible for use on your refuge(s). If you determine that GMCs are eligible for use, you may submit the completed questionnaire to your Regional Chief with a memo requesting approval of the use of specific GMCs. Approval must be obtained prior to the use of GMCs. NEPA documentation, compatibility determination, and ESA Section 7 consultation addressing the use of GMCs must also be finalized prior to the use of GMCs. Once GMC approval is obtained, no renewal process is required.

1. Is it practicable to achieve refuge purposes by managing native plant communities and without growing domesticated crops?

☐ **Yes? Stop here. GMCs are not permitted and farming will not be practiced.**

☑ **No? Describe why and go to Question 2.**

see attached sheet

2. Is it possible to grow conventional crops (non-GMCs) in a quantity sufficient to achieve refuge purposes without using pesticides or herbicides?

☐ **Yes?** Stop here. Pesticides, herbicides, and GMCs are not permitted. Conventional crops may be used without the use of pesticides or herbicides.

☑ **No?** Describe why and go to Question 3.

see attached sheet

3. Are there any federal or state laws or regulations that prohibit the planting or production of GMCs on the refuge or in the area in which the refuge is located? (Contact the local County Extension Service in your area for updated information pertaining to this question.)

☐ **Yes? Stop here. GMCs are not permitted. (Please identify the law(s) or regulation(s) below for FWS informational purposes.)**

☑ **No?** Go to Question 4.

4. Which GMCs do you seek approval for using?

see attached sheet

5. Are there any known wild relatives of the GMCs listed above on or within 6 miles of the refuge?

☐ **Yes? Stop here. GMCs are not permitted. (Please identify the known wild relatives below for FWS informational purposes.)**

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☑ **No? Go to Question 6.**

6. Is the use of the GMCs listed under Question 4 considered essential for achieving refuge purposes?

☑ **Yes? Go to Question 7.**

☐ **No? Stop here. GMCs are not permitted. Conventional crops may be used, with or without the use of pesticides.**

7. Describe briefly how and where on the refuge(s) you would use the GMCs listed under Question 4, and why these GMCs are considered essential for fulfilling refuge purposes. (Include detailed information on refuge purposes. Also include information on how the use of these GMCs would assist with accomplishing habitat and population objectives. Attach another page if necessary.)

see attached sheet

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8. Do federally listed threatened or endangered species (or species proposed for listing) inhabit the refuge or does critical habitat (proposed or designated) as described in the Endangered Species Act occur on the refuge in and around the immediate areas in which GMC's will be grown?

☑ **Yes? Identify the species and critical habitat proposals and designations here and go to Question 9.**

☐ **No? Go to Question 11.**

Notes on threatened and endangered species, listing proposals, and critical habitat:

see attached sheet

9. Will the use of the GMCs listed under Question 4 potentially affect listed species (or species proposed for listing) and/or critical habitat (designated or proposed) directly or indirectly?

☐ **Yes? Initiate Section 7 consultation as required by the Endangered Species Act and go to Question 10.**

☑ **No? Go to Question 11.**

10. Do Section 7 consultations indicate that using the GMCs listed under Question 4 is likely to adversely impact or adversely modify a listed species or critical habitat in and around the immediate area in which GMCs will be planted? (Attach the biological opinion to the questionnaire.)

☐ **Yes? GMCs are not permitted.**

☐ **No? Go to Question 11.**

11. Is the use of the GMCs listed under Question 4 addressed in final NEPA documents?

☑ **Yes? Go to Question 12.**

☐ **No?. Approval for the use of GMCs may be requested after NEPA documentation is finalized. See also Question 12.**

12. Is the use of the GMCs listed under Question 4 addressed in a published compatibility determination?

☑ **Yes? Regional Chief's approval for the use of GMCs may be requested. The request must be in writing (hardcopy or email) and must include this questionnaire.**

☐ **No? Approval for the use of GMCs may be requested after a compatibility determination is published or in press.**

Signature of FWS Representative Completing Questionnaire — Date: 12/9/13

Request Approved — Request Denied

Regional Refuge Chief _____ Date 12-10-13

US Fish and Wildlife Service, National Wildlife Refuge System
Genetically Modified Crops (GMC) Eligibility Questionnaire

Iowa Wetland Management District
Refuge Purpose(s):

Waterfowl Production Areas - "...as Waterfowl Production Areas" subject to "...all of the provisions of such Act [Migratory Bird Conservation Act]....except the inviolate sanctuary provisions..." and "...for any other management purpose, for migratory birds."

FmHA fee title transfer properties - "for conservation purposes..."

Question 1.
Farming with the use of genetically modified crops (GMCs) on the Iowa WMD occurs solely to prepare fields for grassland restoration. In most cases these fields are crop fields recently purchased by the Service. In other situations the fields contain exotic grasses or other invasive/noxious plants and need to be farmed for several years to break up the weed cycle. Depending on the situation, we typically utilize cooperative farmers to farm the fields for 1 to 5 years and then the field is seeded to a local ecotype native grass/forb mixture. The Iowa WMD Comprehensive Conservation Plan allows for up to 3% of the upland acreage to be farmed to provide supplemental food for wildlife. All farming for supplemental food is conducted using conventional (non-GMC) crops.

Question 2.
If we did find someone to farm organically, we would probably have to farm the area for a much longer time period - thereby lengthening the time to meet our habitat goals and wildlife objectives. Also, some cover crops used in organic farming (such as sweet clover and red clover) consist of the invasive plants we are trying to control/remove with farming in the first place and are detrimental to establishment of native forb species.

Question 4.
Glyphosate-tolerant corn and soybeans.

Question 7.
Farming would occur on WPA tracts located in priority wetland complexes within the Iowa WMD. The Iowa WMD currently consists of 75 WPAs in 18 counties.

The use of farming provides a management tool that allows the WMD staff to meet wildlife and habitat goals and objectives. Service policy calls for maintaining or restoring WMD habitats to historic conditions if doing so does not conflict with refuge purposes (U. S. Fish and Wildlife Service 2001). Cooperators are limited to using only FWS approved herbicides. The use of glyphosate-tolerant corn and soybeans will be used on Service lands as authorized by current Regional policy.

The WMD will allow use of GMC crops only for the purpose of habitat restoration on Waterfowl Production Areas in north-central Iowa. This use will only be performed on previously disturbed areas such as previously farmed land which have unacceptable levels of chemical residue, noxious weeds, or invasive plant species or ecotypes.

This activity is implemented to prepare a quality seed bed for the establishment of native prairie species. Without the use of farming as a management tool, we would not be able to restore these areas back to native grasslands.

Question 8.
The endangered Indiana Bat, *Myotis sodalist,* Least Tern, *Sterna antillarum,* and Topeka Shiner, *Notropis topeka*; threatened Prairie Bush Clover, *Lespedeza leptostachya,* and Western Prairie Fringed Orchid, *Platanthera praeclara*; and candidate species the Dakota Skipper, *Hesperia dacotae,* Poweshiek Skipperling, *Oarisma poweshiek*, can be found within the affected counties. No critical habitat is found on current WPAs.

Although the WMD is within the range of these species, because of the location and type of activity proposed, the use of glyphosate-tolerant corn and soybeans will have no effect on these species. Farming will not be done near any streams or rivers to affect the Topeka shiner or least tern. The prairie bush clover, western prairie fringed orchid, Dakota skipper and Poweshiek skipperling are found in native prairie. Farming will only be allowed on crop fields or sites that were previously dominated by exotic cool season grasses and/or undesirable vegetation. The Indiana bat uses riparian forests along the river systems in the southern portion of the WMD. WPAs do not occur near these riparian forests.