# Appendix K: Response to Comments Received on the Draft Comprehensive Conservation Plan and Environmental Assessment

## Habitat Management Topics

1. *The Minnesota Department of Natural Resources concurs with the plan. The plan would be enhanced by a fuller discussion of planned partnerships in the managing of open land adjacent to the Kimberly Marsh Wildlife Management Area.*

   *Response:* The Refuge continues to appreciate the cooperation and partnership it experiences with the Minnesota DNR. Additions have been incorporated into the Final CCP to reflect the ongoing partnership and our joint activities.

2. *The Refuge should harvest hay from old crop fields to enhance wildlife viewing opportunities. The revenue from haying would benefit the Refuge. The reasoning behind conversion of the old fields to forest is not clear.*

   *Response:* The Refuge would hay to enhance, support, and contribute to established wildlife management objectives. Haying does not support the purpose of the Refuge for providing for migrating birds. The fields converted to forest will benefit forest-interior birds by increasing the block size of the Refuge forest as described in Objective 1.1. Revenue from haying would not be retained by the Refuge and would not, therefore, directly benefit the Refuge.

3. *The Refuge should have initiated discussion with other organizations, i.e.: Ducks Unlimited, Minnesota Deer Hunters Association, Grouse Society, Turkey Federation, and Minnesota Waterfowl Association, to achieve more balanced management objectives that aren't slanted towards songbirds.*

   Response: The Refuge mission as defined by the Mission of the National Wildlife Refuge System is to "…conserve a diversity of fish, wildlife, and plants…" as well as "Develop and maintain a network of habitats for migratory birds . . . to meet important life history needs of these species across their ranges." As such, the Refuge is managing for a wide assortment of migratory birds within their native range. Refuge management objectives will benefit waterfowl as well as songbirds. Forest restoration will also provide long-term benefits to ruffed grouse, whitetail deer, and wild turkey (if/when they become resident wildlife).

4. *The water level in Rice Lake should be maintained at the highest level possible in the fall to retain waterfowl, which would benefit hunting and the local economy. Water levels should not be manipulated to benefit only ricing. The Refuge should consult with Ducks Unlimited for assistance with lake management.*

   Response: The intent of water level variation as described in the plan is to ensure the long-term viability of a healthy rice crop, which will benefit both migrating fall waterfowl and ricing. The Refuge consulted with Ducks Unlimited and other experts in the past. As the Refuge implements and evaluates the results of the direction specified in the CCP, the consultations will continue.

5. *After a prescribed fire exotic invasives move in and native plants are lost forever.*

   *Response:* Prescribed fire benefits native plants, which have evolved with fire. The Refuge's prescribed fire operations are conducted in a way that minimizes the introduction of exotics. Fuel and soil moisture are considered before initiating a burn.

6. *The Refuge should burn the islands within the bog, which will improve sharptail grouse habitat.*

   *Response:* Periodic burning of the islands is expected. Although no extraordinary efforts will be used to prevent burning of islands, care will be taken to not burn the islands as frequently as the open bog. Frequent burns will be necessary to control brush in the open bog which will be beneficial for sharptail grouse.

7. *The Refuge should consider abandoning or removing existing ditches and water control structures altogether. The rhythm of the year's variation has served us well in other rice beds.*

   Response: The Refuge did consider removing the water control structure, but chose to enter a test phase of allowing natural variation of water levels with the structure open, but in place. The Refuge is reluctant to remove the structure, an expensive operation, without knowing the result of natural variation.

## Wildlife-Dependent Recreation Topics

8. *Hunting and trapping should not be allowed on the Refuge because it kills, harms, and disturbs wildlife.*

   *Response:* We understand some citizens' concern with hunting and trapping on national wildlife refuges. Rice Lake NWR, as well as the entire National Wildlife Refuge System, is guided by laws enacted by Congress and the President as well as policy derived from those laws. The 1997 National Wildlife Refuge System Improvement Act identifies hunting as one of six priority public uses to be facilitated when compatible with the purposes of a refuge and the mission of the Refuge System. Hunting is consistent with the purposes of the Refuge. While National Wildlife Refuges are managed first and foremost for wildlife, the focus is on perpetuating populations, not individuals. Hunting and trapping does adversely affect individual animals, but is allowed when it will not threaten the perpetuation of the population.

9. *The Draft CCP does not meet the requirements of the National Wildlife Refuge System Improvement Act of 1997 because insufficient investigation of biological integrity, diversity and environmental health were undertaken prior to plan preparation. Rigorous biological analyses, with conclusions published in a NEPA document subject to public review, need to be conducted of wildlife populations to ensure that there is a surplus, before making any compatibility determinations about the killing of wildlife.*

   Response: The Draft CCP listed a number of wildlife surveys and censuses that are conducted at Rice Lake that in sum provide an adequate basis for making informed decisions on the compatibility of hunting and trapping. In addition, the year-to-year trapping records themselves, and long-term trends in these numbers, furnish valuable information that can be used in opening or closing seasons. Recognizing that it does not have limitless budgetary and personnel resources to conduct ideal surveys that would yield perfect information on wildlife population sizes, the Refuge and Service use adaptive resource management, several features of which are monitoring, feedback, flexibility, and making adjustments in midcourse whenever the data point in that direction.

10. *The Service cannot continue to endorse hunting on any National Wildlife Refuge without analyzing its impact as required by the NWRSIA of 1997 and NEPA through an Environmental Impact Statement.*

    *Response:* The comment references a legal complaint filed in Federal court, The Fund et al. v. Williams et al., Civ. No. 03-677. The complaint has been responded to by the Service and is under evaluation by the court as of this writing. The complaint does not specifically discuss the hunting program on Rice Lake NWR. See the previous response, and Chapter 3 of the CCP, for the Service's current approach toward hunting on Rice Lake NWR.

11. *There are environmental education opportunities with the East Lake and McGregor schools.*

    *Response:* The Refuge will pursue these and other environmental education opportunities as the plan is implemented.

## Native American Topics

12. *There is a desire for federal recognition of the Rice Lake Band of Ojibwe.*

    *Response:* Federal recognition of a tribe is outside the Service's authority.

13. *The Rice Lake Band of Ojibwe desires a more active role in management of the Refuge.*

    *Response:* The Refuge welcomes the input of the Rice Lake Band among the many factors that it must consider in making management decisions. Any formal agreement with the Rice Lake Band would require federal tribal recognition.

## Other Topics

14. *Removing the buildings from Indian Point at an estimated cost of $3.9 million at a time of low funding does not seem like a wise use of funds, and $3.9 million seems like a very high estimate.*

*Response:* Moving the buildings will only be done when funding is available. The estimate for the project was provided by the Service's Engineering Division. Their estimate was based on their experience with similar projects and considers inflation.

15. *The Refuge should consider Native American concerns, habitat for threatened birds, and water quality as it implements the plan. Access should be limited to protect the land and animals.*

    Response: The CCP and its implementation will consider all the values noted. Access is only permitted when compatible with the purpose of the Refuge and the mission of the System.

16. *Prescribed fire results in an unacceptable change in air quality.*

    Response: Section 4.1.6 of the Environmental Assessment describes the actions the Refuge will take to mitigate the impacts on air quality in its prescribed fire operation.

17. *All federal agencies have an on-going obligation to ensure that Endangered Species Act listed species are not jeopardized by their actions.*

    Response: An Intra-Service Section 7 Biological Evaluation has been completed and is part of the formal record of the planning process.

18. *The Service should trade the Sandstone Unit for the Kimberly Marsh Wildlife Management Area.*

    Response: The concept of trading Refuge tracts with the Minnesota DNR lands was developed with the objective of simplifying management where Service and the DNR have small parcels intermixed. The Service and the DNR will consider exchanges anywhere in the State. An exchange of lands requires approval by both the Service and the DNR.

19. *The Refuge should not withdraw the Wilderness recommendation as proposed in the preferred alternative.*

    Response: The recommendation to consider a portion of the Refuge as Wilderness occurred in 1973. The recommendation has not been acted upon during the interceding 34 years. Refuge staff have concluded that the recommendation is no longer appropriate because the area fails to meet numerous criteria that were established to determine Wilderness suitability: it is less than 5,000 acres in size; human alterations to the habitat are readily apparent on portions of the area; it offers little opportunity for primitive recreational activities other than hunting; and it does not contain significant ecological, geological, scientific, educational, scenic, or historical features. Removing the Wilderness recommendation will allow for a complete range of management options to restore altered and/or degraded wildlife habitat.

20. *The CCP is good and the efforts of the Refuge staff are appreciated.*

    Response: The Service and Refuge appreciate the endorsement of the plan and their efforts.