

## Appendix K: Response to Comments on the EA and Draft CCP

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The Environmental Assessment and Draft Comprehensive Conservation Plan (EA/Draft CCP) was released to stakeholders and the public with a Notice of Availability (NOA) in the *Federal Register*, through local media outlets, and with mail and e-mail communications on September 20, 2013. The 30-day review and comment period was interrupted by the federal government shutdown from October 1–16, 2013, and was therefore extended for an additional three weeks, ending November 8, 2013. Following the federal government shutdown the public open houses originally scheduled for October 2 (DeSoto NWR) and October 3 (Fort Calhoun Library) were rescheduled to November 5 (Fort Calhoun Library) and November 7 (DeSoto NWR). Ten individuals or groups submitted comments containing over 25 individual comment topics. Some comments were received from members of the general public, but comments were also submitted by the Izaak Walton League of America, Missouri Valley Waterfowlers, Safari Club International, and the Rocky Mountain Region of the U.S. Fish and Wildlife Service.

Comments both supported and opposed a number of management actions proposed in the environmental assessment's range of alternatives. The comments spanned a wide variety of subjects including thoughts on a diversity of refuge habitats and wildlife; mixed reviews on the future of the refuge agriculture program; questions regarding the use of management tools like prescribed fire and chemicals; concerns about the control of invasive species; interest in land acquisition, floodplain conservation, and water rights; both pro and con reviews of public uses like hunting, mushroom gathering, and allowing leashed dogs; a number of questions and thoughts on overall public access and the development of visitor infrastructure; and a few comments on the refuge planning process. Overall, public comments were positive, constructive, and supportive of the proposed future direction of management on the refuges.

Each comment was carefully considered and, where appropriate, changes were made to the CCP in response to the thoughts and concerns expressed. The full range of comment submissions is represented in the sections below, but similar or duplicate comments were grouped or eliminated to reduce redundancy. Comments are grouped by subject, and a response has been provided to each by staff from the refuges.

The refuges thank all of the individuals who submitted comments and feedback during the CCP process.

### Biological Management

#### Comment 1: Agriculture

*Maintain agricultural acres around seasonally flooded wetlands so that they can provide supplemental migratory habitat and attract larger concentrations of migratory waterfowl.*

*No farming should occur on the refuges.*

*Maintaining farming on managed lands would provide income from rent and would help retain wildlife and migratory birds.*

**Response:** Limited agricultural practices will be used to further native habitat goals. Agriculture as a management tool is valuable for the preparation of seed beds and the ability to set back succession. Crops will be planted by refuge staff and will be non-GMO (non-genetically modified organism) with no pesticide or herbicide treatment. Crops will provide supplemental food for wildlife, and no crops will be harvested for profit.

### **Comment 2: Wetland Habitat**

*How many acres of wetlands will be created on DeSoto NWR? Are there plans to create wetlands on the west (Nebraska) side of the Missouri River at DeSoto NWR?*

*I am glad to see waterfowl numbers increasing on DeSoto NWR, keep restoring wetlands and pumping water to create new waterfowl habitat.*

**Response:** Under the preferred alternative, up to 1,900 acres of wetlands may occur seasonally on DeSoto and Boyer Chute Refuges during wet periods and high water events. Three wetland sites on the West Side Unit of DeSoto NWR are included in the Final CCP (see figure 4-2, Future Land Cover) and these areas will be considered for improvements in the habitat step-down management plan. The preferred alternative (D) of the EA calls for aggressive wetland restoration and management on the refuges to provide a diversity of bottomland habitats that have largely disappeared from the Missouri River floodplain.

### **Comment 3: Forest Habitat**

*The preferred alternative (D) may be a little aggressive in creating forest habitat.*

**Response:** Service policy calls for maintaining or restoring refuge habitats to historic conditions if doing so is feasible and does not conflict with refuge purposes. The forest habitat objective in Alternative D of the EA reflects what we believe was historically forested habitat along the Missouri River floodplain. In addition, there are many natural resource benefits to providing forested buffers along waterways including wildlife habitat, soil stabilization during rain and flood events, canopy interception of rain, thermal protection of water surfaces, and carbon sequestration.

### **Comment 4: Grassland Habitat**

*The grassland objectives for the 'no action' (alternative A) and the proposed action (alternative D) as expressed in Table 3-3 do not identify that grassland management priority is reduced.*

**Response:** Table 3-3 of the EA and Draft CCP provides a direct comparison of the objectives across all four alternatives. The grassland objective (1.3) for Alternative A maintains a combined 5,950 acres of grasslands, and Alternative D proposes a combined 3,850 acres. The 35 percent decrease in grassland acres illustrates the shift from grassland habitats to other habitat types on the refuges.

### **Comment 5: Prescribed Fire Program**

*Prescribed fire should not be used on the refuges because of the air pollution created, human health concerns, and cost to management.*

**Response:** Chapter 4 of the EA and Draft CCP contains an evaluation of the effects of prescribed fire on air quality (pages 126–127). Prescribed fire is an important mechanism, both historically and presently, for maintaining healthy and diverse prairies and grasslands. All tools for habitat management and restoration involve trade-offs. The adverse impacts and cost of herbicide use and heavy machinery required to maintain this habitat type without burning would exceed the adverse impacts of prescribed fire.

### **Comment 6: Invasive Species Control Methods**

*The Service should not use chemical methods (i.e., Glyphosate) for controlling invasive plant species.*

*We encourage the use of aggressive control measures to constrain the spread of invasive plant and animals species, especially Asian carp and zebra mussels.*

**Response:** As indicated in the EA and Draft CCP (page 150) the refuges use a variety of methods to control invasive species including herbicides. The type of invasive species in combination with site conditions help determine control methods. In general, the refuges minimize the use of herbicides, and their use and application must follow the Service's pesticide use policies. The refuges also maintain active partnerships with the Iowa Department of Natural Resources, Nebraska Game & Parks, and the Columbia (Missouri) Fisheries Office to find new and successful ways to control invasive species that affect the refuges. The use of chemical controls for non-native and invasive species is only used in situations where other means are not available or practical.

### **Comment 7: Management of DeSoto Lake**

*More detail should be included about changes to DeSoto Lake over the next 15 years under Alternative B (i.e., geomorphology changes due to sedimentation and degree of sustainability under present Corps management).*

*There is too much latitude provided for management of DeSoto Lake under the proposed action (alternative D); instead, one management condition should be specified.*

*The expected impacts to the abundance and distribution of sport fish in DeSoto Lake from its managed connectivity to the Missouri River should be further explained. Are the expected impacts justified? What are the expected benefits to endemic riverine fishes? How will success be measured?*

**Response:** The best available science was used to model a range of future conditions in DeSoto Lake under Alternative B, including high resolution LiDAR data and extrapolated seasonal flow conditions based on U.S. Army Corps of Engineers (Corps) management of the Missouri River. The future sedimentation rate within DeSoto Lake has a high degree of variability based on factors such as the design of the inlet and outlet water control structures, refuge management of flows, erosion and runoff in the surrounding watershed, and Missouri River sediment loads.

The preferred alternative (D) of the EA proposes to increase management options and flexibility for DeSoto Lake. In general, refuges strive to maintain a broad diversity of management options to ensure resiliency and adaptive management capacity.

Off-channel aquatic habitats such as backwaters, side-channels, and ephemeral wetlands are historically and scientifically validated management options for benefiting endemic riverine fish species. The success of changes to lake management will be measured through monitoring and surveys coordinated with partner agencies and organizations. Minimal impacts to DeSoto Lake's sport fishery are expected as connectivity is increased to the Missouri River. A number of fish species are expected to benefit from improved spawning habitat and a larger prey species population.

### **Comment 8: Waterfowl**

*What is DeSoto NWR's 15-year goal for waterfowl numbers?*

*We support restoring the habitat needed to attract and maintain migrating waterfowl populations as both refuges historically did.*

*Three million waterfowl use days may be too excessive. Waterfowl migration patterns are moving west and avoiding eastern Nebraska due to once pasture areas now having central pivot irrigation and growing crops, which in turn provides feeding areas.*

**Response:** The refuges worked with state partners to draft the waterfowl objectives and believe a target of three million annual waterfowl use days is achievable.

### **Comment 9: Marshbirds**

*There isn't much of a population of marshbirds on Boyer Chute NWR.*

**Response:** In the past, the availability of required habitats was a limiting factor for marshbird populations at Boyer Chute NWR. The preferred alternative (D) of the EA proposes to restore drained wetlands and provide the additional habitats required by these birds.

### **Comment 10: Water Rights**

*A water rights section should be added that includes a brief description of Nebraska and Iowa water law and administration, a concise description of each state's permitting requirements, and the water rights held by both refuges.*

**Response:** A water rights section has been added to the Final CCP (see the Water Resources section, chapter 3).

### **Comment 11: Levees**

*Changes to the levee system on DeSoto NWR are not evaluated across the alternatives, and there is no discussion of levee modifications to reconnect the floodplain to the river.*

**Response:** The levee system was discussed during the planning process on multiple occasions, and it was decided that no changes would be proposed under any alternative. The levee system on the refuge impacts a large geographic area, much of which spans non-Service lands. If changes are proposed to the levee system in the future, the changes will be discussed collaboratively in the levee district and fully evaluated for benefits and adverse impacts not only to the refuge, but on the entire impact area.

### **Comment 12: Floodplain Protection**

*Additional floodplain land should be put into conservation uses due to future flood risks.*

*We encourage the new management plan to consider levee setbacks whenever possible.*

**Response:** Refuge management supports these ideas, and all future land acquisition planning will consider these factors.

### **Comment 13: Boyer Chute NWR Land Acquisition**

*Management should emphasize the full acquisition of Boyer Chute NWR's existing authorized boundary.*

*Expand the Boyer Chute NWR acquisition boundary to include adjacent uplands for the restoration of native prairie habitat.*

**Response:** As funding and willing sellers allow, refuge management will continue its efforts to acquire the lands within Boyer Chute NWR's authorized boundary. At this time there are no plans to expand existing approved boundaries.

## **Visitor Services**

### **Comment 14: Hunting**

*Hunting should be reduced or eliminated – other wildlife population controls should be employed.*

*We support additional hunting on the refuges for use as a conservation tool and for the provision of additional recreational opportunities. Hunting has been recognized by the Service as a priority use of the National Wildlife Refuge System.*

*I am in favor of public lands being made available to the public for hunting and fishing. This produces people who are concerned for and support conservation (i.e. ducks unlimited, pheasants forever, etc.)*

**Response:** Hunting is a priority use of the National Wildlife Refuge System. The refuges administer hunt programs to achieve healthy local deer populations and to provide positive recreational experiences to the public.

### **Comment 15: Consumptive Uses of the Refuges**

*The refuges should not allow uses that incur take of animals or plants. Hunting, mushroom gathering, and wood cutting/harvesting should be prohibited on refuge lands.*

**Response:** These uses have been approved through the refuge compatibility process documented in appendix G of the EA and Draft CCP and are considered to have either beneficial effects or negligible adverse effects. In some cases these consumptive uses aid management by reducing maintenance costs or assisting with wildlife population management.

### **Comment 16: New Trails**

*New trails should not be expanded beyond current conditions; resources to build and manage new trails would be better spent on wildlife management and habitat enhancement.*

**Response:** New trails proposed in the preferred alternative (D) of the EA are intended to replace trails abandoned after the 2011 flood, and they will be planned and designed to minimize future maintenance costs. If there is a conflict between biological goals and public use, it is the refuges' responsibility to prioritize wildlife management and habitat enhancement.

### **Comment 17: Trails Damaged by Floods**

*Will the trails near the DeSoto NWR Visitor Center, the Bertrand Discovery Site, and Wood Duck area be restored? These were good wildlife observation trails.*

**Response:** Some of the refuges' flood-damaged trails will not be rebuilt because they are located in flood prone areas or pose safety risks due to flood-caused tree mortality. All refuge trails continue to be assessed for their ability to provide a quality and safe visitor experiences while minimizing disturbance to wildlife.

### **Comment 18: Seasonal Closure of DeSoto Lake**

*Why is it necessary to close the west arm of DeSoto Lake for the migration season?*

**Response:** DeSoto Lake has always closed during the migration season to reduce disturbance to migrating waterfowl and waterbirds during these critical periods.

### **Comment 19: Seasonal Closure of the South Gate**

*The South Gate should remain open year-round for public access.*

**Response:** The South Gate has always remained closed during the migration to avoid disturbance during these critical periods.

### **Comment 20: New Boat Ramp on DeSoto Lake**

*The future location of the new boat ramp on the south end of DeSoto Lake is a prime bank fishing area and launch activities will be disruptive to anglers. Why not use existing boat launch areas?*

**Response:** All boat ramps on DeSoto NWR were damaged during the 2011 flood and continue to be subject to periodic inundations. The objectives in the CCP seek to reduce impacts to infrastructure during floods and high water conditions. The new boat ramp is higher in elevation and will provide additional lake access while reducing the risk of infrastructure damage during floods. Bank fishing will still be available at the new ramp location, and should not be impacted by the ramp.

#### **Comment 21: Bertrand Discovery Site Interpretation**

*The pond and overlook at the Bertrand Discovery Site are enjoyed by many visitors. We hope that there isn't a plan to fill in the pond and remove the observation platform.*

**Response:** Much of the Bertrand Discovery Site was damaged during the 2011 flood and is in need of repair and improvement. The plan for interpreting the site has not yet been fully vetted or approved, and will be further evaluated through the visitor services step-down management plan. One of many options for the site's redevelopment is to fill in the excavation scar.

#### **Comment 22: Refuge Roads**

*Heavily used gravel roads should be paved (i.e. DeSoto Refuge's Loop Road) to improve the habitat quality, reduce maintenance costs, and improve visitor satisfaction.*

**Response:** The high cost of paving and the long-term maintenance of asphalt road surfaces are not justified for seasonally-used gravel roads.

#### **Comment 23: General Refuge Access**

*Maximize public access to areas of both DeSoto and Boyer Chute Refuges west of the Missouri river.*

**Response:** Public access to both refuges is being expanded under the preferred alternative (D). However, all changes to public access must be compatible with the purposes of the refuges and designed to support wildlife and habitat management. Access to DeSoto NWR's West Side Unit expands from a short mushroom collection season to three-season access (during non-migratory periods), and additional units of Boyer Chute NWR will be seasonally open to the public (see figures 4-4 and 4-5 of the Final CCP for additional information).

#### **Comment 24: Refuge Access for Wildlife Observation and Photography**

*Under the proposed future management hunters can access approximately 95% of both refuges during the hunting season, whereas non-hunters are limited to 45% at DeSoto NWR and 80% at Boyer Chute NWR. Is it possible to allow non-hunters into closed zones for special events or limited seasons?*

**Response:** While the majority of both refuges are open for controlled deer hunts, this is done so to regulate game species populations and has biological and management efficiency benefits. Management decisions to limit access to portions of the refuge, or

during specific seasons, are carefully evaluated by refuge staff in order to meet biological goals while providing the best visitor experiences possible.

#### **Comment 25: Dogs on Refuges**

*Allowing leashed dogs could result in greater disturbance to wildlife and to other visitors, and it may be difficult to enforce leash regulations.*

*I am pleased to see allowing leashed dogs is a part of the proposed plan and urge early implementation of this point.*

**Response:** Allowing leashed dogs on the refuges will increase management consistency with other national wildlife refuges throughout the Midwest Region of the Service. Refuge management does not anticipate that leashed dogs will increase the level of disturbance above that which occurs from regular refuge visitation.

#### **Comment 26: Floodplain Development**

*Government agencies should not build within the Missouri River floodplain.*

**Response:** Management under the preferred alternative (D) of the EA does not propose any new infrastructure in the floodplain. In fact, the preferred alternative actively reduces much of the current floodplain infrastructure including assets with a combined valued of over two million dollars.

#### **Comment 27: Refuge Support**

*It is important for the refuges to work in cooperation with the Iowa Department of Natural Resources and the Nebraska Game and Parks Commission, and to look for additional support through partnerships, volunteers, and collaboration.*

**Response:** The refuge will continue to expand and strengthen its relationships with these and other partners.

### **Planning Process**

#### **Comment 28: Comment Period Length**

*The public review period for the DeSoto and Boyer Chute Refuges' EA and Draft CCP should be extended because the federal government shutdown limited the resources available for review and comment.*

**Response:** The review and comment period was extended by three weeks from October 18 to November 8, 2013 to account for the sixteen days lost during the federal government shutdown. The review period extension was announced using the same methods used to announce the original review period dates: a notice in the Federal Register (78 FR 64970), media releases, a website, and an announcement sent to the refuges' mailing list.

### **Comment 29: Public Scoping Outreach**

*Additional open houses should be held in other states during public review of the DeSoto and Boyer Chute Refuges' Environmental Assessment (EA) and Draft Comprehensive Conservation Plan (CCP).*

**Response:** Resources available for review of the EA and Draft CCP are allocated as effectively as possible. Mailings and media releases are used to capture national and regional audiences, whereas open houses are held at the local level to engage the most frequent and invested visitors to the refuges. An open house was held on or adjacent to each of the refuges for public scoping (January/February, 2012) and again for public review of the EA and Draft CCP (September/October/November, 2013). According to a visitor survey conducted on DeSoto NWR (Sexton et al. 2011), most visitors to DeSoto NWR live within 50 miles of the refuge (63%) and 84% live in either Nebraska or Iowa.

### **Comment 30: Audience for Review of the EA and Draft CCP**

*Review of EA and Draft CCP should include a broader audience, including independent reviewers.*

**Response:** The availability of the EA and Draft CCP is announced nationally through the Federal Register, regionally and locally through media releases, and an announcement is sent to the refuges' mailing list. Everyone is encouraged to review and comment on the draft document and the proposed management direction. The comments received by the refuges on the EA and Draft CCP came from individuals and groups both locally and nationally.

## **Planning Document Structure and Content**

### **Comment 31: Combining the EA and Draft CCP**

*In the EA and Draft CCP why are the two documents integrated instead of separate documents as they have been in the past?*

**Response:** Service policy 602 FW 3 (<http://www.fws.gov/policy/602fw3.html>) guides development of CCPs. The policy offers two options for structuring the associated documents, one separates the NEPA document from the Draft CCP and the other integrates the two. The DeSoto and Boyer Chute Refuges' EA and Draft CCP is an example of the integrated document, though the Service has produced CCPs in the separated form as well. Separating the two documents places greater emphasis on the Draft CCP, less emphasis on the environmental assessment, and increases duplication of content. Integrating the NEPA document with the content of the Draft CCP places greater emphasis on the alternatives, "the heart of the NEPA process" as noted in Council on Environmental Quality (CEQ) regulations (Code of Federal Regulations 1502.14), and less on a discrete Draft CCP.

### **Comment 32: Organization of Chapter 4**

*The information presented in Chapter 4 (Refuge Environment, Current Management, and Environmental Effects) should have less detail and more organizational structure.*

*The Refuge Environment and Current Management sections should be separate from the Environmental Impacts section.*

**Response:** There is a larger volume of content in the Refuge Environment and Current Management chapter of this EA and Draft CCP, in part, because the document covers two refuges with very different establishment and management histories. Chapter 4 is organized to mirror the goal themes: habitat, wildlife, and people.

The environmental consequences can be organized by alternative or by resource. In the case of the DeSoto and Boyer Chute Refuges' EA and Draft CCP it has been organized by resource and deliberately placed in close proximity to the description of the environment and current management sections.

### **Comment 33: DeSoto NWR's 2001 CCP**

*The CCP should include the implementation status of the 2001 CCP.*

**Response:** Important information from the 2001 DeSoto NWR CCP is included as appropriate throughout the revised CCP, including a summary in chapter 2 with habitat targets and highlights from the 2001 CCP's goals, objectives, and strategies. Furthermore, the management of DeSoto NWR under the no action alternative (A) of the EA is an articulation of the 2001 CCP's management direction. The quantity of material (25 goals, 43 objectives, and 212 strategies) and general nature of the 2001 CCP's management direction made direct tracking of goals, objectives, and strategies within the revised CCP impractical. Objectives and strategies from the 2001 CCP that identified specific targets (e.g., landcover acreages, deer populations, and staffing goals) were used in the development of the revised CCP. Finally, changes in the refuge's natural resources (e.g., greatly reduced snow goose populations) and relevant science and Service policies (e.g., guidance on farming, climate change, and focal species) rendered aspects of the previous CCP out-of-date.

### **Comment 34: Purpose and Need Statement**

*The Purpose and Need statements in Chapter 1 address administrative requirements (the mandate to prepare a CCP) rather than on the existing challenges and resource conditions (planning issues), though the planning issues constitute a more compelling need.*

**Response:** The Purpose and Need statements in chapter 1 of the EA cite a number of reasons for this planning effort—only one of which is Service policy. The additional purposes and needs are as equally compelling and overlap the issues described in chapter 2, including two subsequent years of catastrophic flooding and the decision to complex DeSoto and Boyer Chute Refuges. Also cited are changing public values, new scientific information, new agency policies, the benefit of periodic re-evaluation of management direction, and the intent to “. . . select a management direction for the refuges that best achieves the refuges' purposes and vision; contributes to the mission of the Refuge System; is consistent with the principles of sound fish and wildlife management; and addresses relevant mandates, policy, and major issues developed during scoping.”

### **Comment 35: Connection Between Planning Issues and Alternatives**

*The EA should have a clearer and more specific connection between the planning issues and the components of each alternative.*

**Response:** Although there are no direct issue references for the components of each alternative, all planning issues were reviewed and considered during the construction of the alternative management scenarios. The four alternatives represent a reasonable range of management options associated with the challenges and opportunities presented in the issue statements.

### **Comment 36: Narrative Description and Comparison of Alternatives**

*In Chapter 3 more detail should be included for the narrative description of each alternative, and a clearer contrast between the alternatives.*

**Response:** Chapter 3 of the EA and Draft CCP provides a description of the alternatives in two formats: narrative and tabular. The narrative description is designed to be general in nature and more concise—providing a digestible overview of each alternative. The second representation of the alternatives found in table 3-3 of the EA provides a detailed, clearly articulated, side-by-side comparison of the objectives of the four alternatives. The redundancy of providing both formats is intended to offer audiences opportunities for both a brief, topical overview as well as a more detailed, in-depth analysis of the alternatives.

### **Comment 37: Environmental Consequence Table (3-4)**

*Table 3-4, Summary of Environmental Consequences across the Alternatives, is not helpful in evaluating the impacts of the alternatives.*

**Response:** The Environmental Effects table (3-4) is designed to provide a concise summary of the numerous and complex effects of the management across the alternatives. Additional detail is found in the effects write-ups accompanying each resource in chapter 4.

### **Comment 38: Specificity of Goals and Objectives**

*The EA/Draft CCP should include more specificity and detail as to how the refuge goals will be achieved, identifying the metrics for the successful implementation of the CCP.*

*Individual objectives lack specifics and do not allow the reader to distinguish how proposed management is different from current management.*

*There should be more detail and a clearer differentiation between the ‘no action’ alternative (A) and the proposed action (alternative D).*

**Response:** The term “goal” is defined in the glossary of the EA and Draft CCP as “a descriptive, open-ended, and often broad statement of desired future conditions that conveys purposes but does not define measurable units.” The goals in the EA and Draft CCP are consistent with this definition. The combination of objectives and strategies in the EA and Draft CCP (chapter 4 the Final CCP) are designed to be specific, measurable, attainable, results-oriented, and time-bound. Step-down management plans are obligated in situations where additional information is needed for management decisions and a finer resolution of management actions are to be prescribed.

The alternatives each offer a different way to meet the goals. Variation in amount, location, and type are common elements that provide the difference between alternatives. Table 3-3

in the EA and Draft CCP provides a direct, side-by-side comparison of all four alternatives. This table best illustrates the magnitude of change between Alternative A (no action) and Alternative D (proposed action).