

# **Appendix M: Summary and Disposition of Public Comments on the Draft Comprehensive Conservation Plan**



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Six organizations and fourteen individuals submitted comments on the Draft CCP during the 30-day June/July 2004 comment period. We considered the comments during preparation of the final plan. Specific and/or small changes to the text were incorporated directly into the final plan and are not addressed in this summary. The following paragraphs describe the remaining comments and our response to them.

## Refuge Jurisdiction

A recurring theme throughout the public planning process for the Refuge, including the public comment period on the Draft CCP, has been the issue of local/state/Federal jurisdiction. In general, many people have a difficult time understanding the limits of the Refuge and its legal jurisdiction on the land and waters of the Detroit River and Lake Erie. Understanding and accepting the limits of the Refuge (U.S. Fish and Wildlife Service) authority is crucial for our partners and the local public. We want to resolve any misconceptions people may have concerning the Refuge's ability to rectify complex environmental problems or user conflicts on the Detroit River. Misunderstanding legal jurisdiction and limits of the Refuge can lead to public anxiety or disappointment in future Refuge management actions.

Here are some facts concerning the limits of Refuge jurisdiction:

1. The Refuge is limited to only those lands owned by the U.S. Fish and Wildlife Service or managed under a lease or cooperative agreement with a private or public party.
2. Public Laws 107-91 and 108-23 for establishment and expansion of the Refuge did not change the authority of the State of Michigan or local governments over the waters and lands of the Detroit River and Lake Erie. The act merely established an authorized boundary within which the Service can acquire land or establish agreements and partnerships.
3. The Refuge cannot regulate recreational uses on waters of the Detroit River except where the Refuge actually owns a land interest (i.e. the shoals around Grassy Island).
4. The future of waterfowl hunting is not threatened by the presence of an authorized boundary for the Refuge. In fact, due to the legal mandates of the Refuge System, hunting is a priority use of lands owned by the Refuge. Waterfowl hunting will be allowed on lands owned by the Refuge, under state guidelines, if it is safe and compatible with Refuge purposes.

## Fishing

*Comment:* One group and one individual commented that the importance of the recreational fishery in the Detroit River and Lake Erie basin needs to be emphasized in the CCP.

*Response:* We recognize that fishing is a vital recreational use on these waters. However, the State of Michigan is primarily responsible for regulating the fisheries. We have added a section in Chapter 3 that describes the sport fishery and its popularity and economic importance within the region. Also, we have added text about the benefits of shallow marshes in the Refuge as spawning and feeding habitat for fish.

*Comment:* One individual commented that sturgeon fishing should be closed on the Detroit River until the species fully recovers.

*Response:* Sportfishing within the Detroit River is regulated by the State of Michigan. We agree that lake sturgeon populations should be closely monitored and subject only to a sustainable harvest.

*Comment:* One individual asked us to open Quarry Lake on Grosse Ile to fishing and install a fishing platform and abolish lead fishing tackle in the river.

*Response:* These issues are outside the jurisdiction of Refuge authority. Quarry Lake is owned by the U.S. Environmental Protection Agency but may eventually become part of the Refuge. The Refuge will consider this request if/when the USEPA property is transferred to or managed by the Service. The ingestion of lead sinkers by ducks, loons and other wildlife is indeed a concern of the Service and other resource agencies and conservation groups. The Michigan Department of Natural Resources and the Michigan Department of Environmental Quality sponsor programs to encourage the use of non-toxic fishing tackle.

## Hunting and Law Enforcement

*Comment:* Two individuals stated that hunting should not be allowed on a national wildlife refuge. One group suggested that the Humbug Marsh area should be closed to hunting in favor of wildlife observation during the fall bird migration.

*Response:* By law, hunting is a priority wildlife-dependent recreational use of national wildlife refuges. However, not all refuge lands are open to hunting as public safety and the needs of sensitive wildlife species are foremost. The refuge manager will consider all aspects of potential public uses and conflicts as lands are added to the Refuge in the future.

*Comment:* The south end of Calf Island and portions of other Detroit River islands have eroded considerably over the course of several decades. Riprap protection should be considered for the vulnerable parts of these islands.

*Response:* Erosion of islands in the Detroit River is a recognized problem by many resource agencies and local governments. Islands owned by the Refuge will be evaluated by Refuge staff. Bank stabilization projects, preferably using vegetation and natural materials, may be necessary in some cases.

*Comment:* Two individuals mentioned an apparent "disparity" in the amount of estimated funding to administer wildlife-dependent recreational uses in the Compatibility Determinations (Appendix D). Specifically, they asked why only \$37,000 is being allocated to administer hunting and fishing and nearly \$2 million is proposed for environmental education and wildlife observation.

*Response:* The estimated costs do not represent an actual commitment of funds to specific uses. The higher figure for environmental education/observation is based on a scenario where trails, boardwalks, signage, etc. will be needed as new lands are acquired and opened to the public. The estimate to administer hunting and fishing is primarily for seasonal law enforcement on Refuge-owned lands. There are few other administrative costs to operate small-scale hunts or fishing opportunities on the expected small land base of the Refuge. The \$37,000 estimate does not reflect the costs associated with habitat acquisition, improvement, and restoration that will occur on the Refuge and are of direct benefit to hunters and anglers.

*Comment:* One individual asked why hunters will be allowed to use dogs if no pets are allowed on Refuge lands.

*Response:* The Refuge manager has not yet completed a hunting plan to decide the parameters of hunting on Refuge lands. In general, most refuges allow waterfowl hunters to use dogs because they are an integral part of this wildlife-dependent activity and are always near and under the control of the hunter.

*Comment:* One individual suggested that the Refuge should consider "deputizing" a volunteer group of former military or civilian police for Refuge law enforcement duties.

*Response:* This is indeed a unique idea but it would be very difficult to implement and is unnecessary due to the small amount of land within the Refuge. Federal law enforcement officers must undergo specialized training for the types of duties encountered in their field; especially in remote or international border situations.

*Comment:* Several individuals expressed a desire that the Refuge continues to support waterfowl hunting even as other public uses grow. They emphasized the tradition of waterfowl hunting in the lower Detroit River and Lake Erie and the role that individual hunters have played in recent land conservation efforts in the region.

*Response:* Please see previous responses on hunting issues. We have recognized the tradition of waterfowl hunting in the goals for the Refuge and plan to support this use where it is feasible.

## **Habitat Conservation and Restoration**

*Comment:* Several individuals and groups stated that acquisition and conservation of remaining undeveloped land should remain a high priority of the Refuge.

*Response:* Land conservation is an integral part of the Refuge and is described in several management objectives in Chapter 4 and the Habitat Conservation Options section in Appendix K.

*Comment:* One group asked the Refuge to consider changing the status of the Raisin Point and Plum Creek Bay area to Conservation Priority 2 (Figure 10) due to ranking of Lake Erie (West) as a Biodiversity Investment Area by the State of the Lakes Environmental Conference.

*Response:* We agree that the marshes and riparian areas at the outlet of the River Raisin are of environmental importance. The Conservation Priority 2 status means that we would consider entering into land management agreements with private or corporate landowners in this area.

*Comment:* One group proposed a specific strategy to work with the Great Lakes St. Lawrence Seaway Study Steering Committee to provide sustainable wildlife habitat in close proximity to commercial navigation projects.

*Response:* The Service is represented on the committee by our Ecological Services Field Office in East Lansing, Michigan. Our representative will be aware of any proposals that can impact Refuge lands.

## Environmental Contaminants

*Comment:* One individual suggested that Grassy Island is an ideal candidate for a biological remediation study. Natural and introduced bio-remedial organisms should be studied over time instead of capping or removing the soil/sediment of Grassy Island.

*Response:* A report entitled "Preliminary Assessment and Site Inspection, Grassy Island Confined Disposal Facility, Wayne County, Michigan" will be issued for public review later in 2004. A Remedial Investigation of Grassy Island is recommended in this report and biological remediation will be examined in that document.

*Comment:* The Refuge should quantify the pollutant loading to the river due to public firework displays.

*Response:* This subject is beyond the scope of Refuge jurisdiction.

*Comment:* Several reviewers urged the Service to place a high priority on baseline wildlife research: especially monitoring songbird populations and the effect of contaminants on wildlife populations.

*Response:* Research will be an integral part of Refuge operations as the land base and staff grows in the future. However, specific topics and species will be selected as we further understand the management needs of this relatively new Refuge. The CCP does identify several research projects for future Refuge staff to assist with including investigations on lake sturgeon, waterfowl, and habitat restoration.