

Appendix K: Response to Comments on the Draft CCP

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The following is a summary of the comments received on the Draft CCP and how the issues are addressed in the CCP.

Horicon National Wildlife Refuge

- 1 *Three organizations and several individuals endorsed the CCP as written and commended the Refuge and planning staff for their work on the plan.*

Comments acknowledged. The Service appreciates this endorsement of its proposed plan.

- 2 *Two organizations and two individuals oppose the inclusion of hunting and trapping in each of the management alternatives presented in the CCP/EA.*

Hunting is one of the six wildlife-dependent public uses of national wildlife refuges specifically encouraged by the National Wildlife Refuge System Management Act of 1997 (the “Organic Act” of the Refuge System). Whenever a particular type of hunting is compatible with the Refuge’s purposes, goals and objectives, and can be conducted in a sustainable manner, it may be permitted. Wildlife populations are monitored and whenever a population is below the population objective, hunting is suspended or reduced until the population recovers.

Limited trapping is conducted at Horicon of furbearers that damage infrastructure, like muskrat and beavers, and other mammalian predators and carnivores. Trapping does not occur every year as marsh conditions may be unfavorable. When it occurs, trapping is conducted by several permittees on a sustainable, relatively small scale. Trapping data indicate that there is no adverse direct effect on the long-term populations of target species or indirect effect on related prey species. As with hunting, trapping is suspended when the populations of target species appear to be low.

- 3 *Two organizations assert that the Draft CCP for Horicon 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. They state that 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.

The Draft CCP listed a number of wildlife surveys and censuses that are conducted at Horicon which 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.

- 4 *One organization states that the Service cannot continue to endorse hunting on any National Wildlife Refuge without analyzing its impact as required by the NWRSA of 1997 and NEPA through an Environmental Impact Statement.*

This comment letter makes reference to a legal complaint filed in Federal court, [The Fund et al. v. Williams et al., Civ. No. 03-677](#). The complaint is under evaluation by the court as of this writing and does not specifically discuss the hunting program on Horicon or Fox River Refuges. See the previous response, and Chapter 3 of the CCP, for the Service’s current approach toward hunting on the Horicon and Fox River Refuges.

- 5 *5. One regional organization endorsed the plan based on the increase in recreational opportunities for local tourism and businesses. The group also suggested that we send electronic copies of the final CCP to all*

municipal governments near the refuges to assist with their comprehensive planning efforts.

Comments acknowledged. We tried to include all local governments on our mailing list for notice of the draft and final plans. In addition, the entire final plan will be posted on the Service's planning website.

6 Three individuals and two statewide organizations suggested closing or re-routing State Highway 49 as the best solution to the high number of road-killed wildlife and the potential safety risk for wildlife observers.

We agree that the best permanent way to reduce wildlife-auto collisions may be to remove this high-speed roadway from the Horicon Marsh. However, the closure or re-alignment of a state-owned and operated highway is outside the jurisdiction of the U.S. Fish and Wildlife Service. As presented in Chapter 4 of the CCP, we will advocate for the best solution possible to reduce or eliminate wildlife deaths along State Highway 49.

7 One organization claimed that members observed the refuge staff using prescribed fire for habitat improvement this past summer during the nesting season. Members of the organization encourage us to use fire only during the pre-nesting season times.

A prescribed burn was conducted during the summer by Refuge staff and Wisconsin Department of Natural Resources staff. The objectives of the burn were 1) to remove as much of the organic layer as possible to prepare the site for a herbicide treatment that was scheduled in August and 2) to improve the habitat, which was a dense stand of cattail, for nesting birds. A fire research study is also ongoing on the Refuge, which designates several areas on the Refuge for summer burning. Burning during the summer is not necessarily going to be a regular occurrence. Refuge staff consider the impacts of the fire to a variety of factors, including nesting birds. Due to the fire study, one area is planned for burning in 2007.

8 One individual wrote to say that current hunting opportunities are adequate and extended seasons and opening dike roads to year-round foot and bike traffic is excessive and may impact the needs of wildlife. The

commenter states that the interior of the marsh should be left to Refuge personnel and the wildlife.

Comments acknowledged. The extension of the hunting seasons to coordinate with the State seasons is to lessen hunter confusion and is a recommendation in the Chronic Wasting Disease Management Plan for the Refuge. Increasing deer hunting opportunities is strongly encouraged by the State due to Chronic Wasting Disease in the deer within certain areas of the state.

Allowing wildlife observation and photography via hiking, cross country skiing, and bicycling year-round on the Refuge between December 1 and March 15 and on Main Dike Road west of the fishing site year-round is a compatible use. Currently wildlife observation and photography are only allowed on the two trail systems where as hunting is allowed on most of the Refuge. Refuge staff wanted to provide an additional opportunity for people who wanted to observe or photograph wildlife that was compatible with the Refuge purpose.

9 One individual requested that the Horicon NWR consider special hunts for Canada Geese, deer and turkey for persons with disabilities. The comment note acknowledged that access assistance for wheel chairs and persons with limited walking ability may be required to designated blinds. The blinds could be used for bird watchers during the non-hunting season.

The Refuge currently offers an 800-acre area to deer hunters with disabilities during the traditional nine day deer gun season at the end of November and during a special gun hunt designated by the State in October. Six accessible hunting blinds are available for hunters to use during the hunt. Hunters are required to have a special Refuge permit, as well as a Class A, B, or C disabled permit from the State. Currently no other opportunities exist for hunters with disabilities, for example for Canada geese or turkey. A Refuge Hunting Plan, which will discuss all aspects of hunting on the Refuge, will be completed in 2007.

10 One individual suggested that the Refuge should manage a limited archery, permit-only spring wild turkey hunt. Archers would need to demonstrate competence in shooting to receive a permit.

Refuge staff discussed turkey hunting during the CCP process. In the end, Refuge staff agreed that

turkey hunting in the spring is not compatible because of disturbance to nesting birds. The first couple of periods would probably be compatible, but Refuge staff felt it was too much of an administrative workload to only offer turkey hunting for such a small part of the season.

11 One statewide organization stated that sharpshooters are a more appropriate deer management tool for a Refuge than hunting. They cite problems of trespassing, littering, vandalism, and shortage of law enforcement as reasons for not conducting public hunts.

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Using sharpshooters instead of offering deer hunting as a deer management tool would not be economical or administratively efficient. The Refuge has adequate staffing to deal with any problems that may arise from the current public hunts.

12 One statewide organization urged the Service to eliminate the use of Rotenone for carp management. Total marsh poisoning and deposition of dead and decaying carp are given as reasons to eliminate this chemical control measure.

Rotenone has proven to be an effective method of control for invasive fish species. However, Refuge staff use an integrated fish management approach, which involves a variety of techniques including rotenone. Other techniques used include water level draw downs, carp gates, carp traps, and stocking of game fish.

Rotenone is a naturally occurring compound derived from the roots of certain tropical and subtropical legume plants. Rotenone kills by interfering with cellular use of oxygen. It affects all gill-breathing animals such as fish, amphibians, and insects. At normal application rates, mammals, birds, and reptiles are not affected because their skins inhibit absorption and enzymes in their

digestive systems break down small amounts of rotenone into harmless products.

13 One individual suggested that the Refuge restore spawning areas for northern pike and stock fish (rock bass, pike, perch, panfish) in the spring-fed areas of the marsh.

Fish stocking efforts continue each year on the Refuge as part of the carp control program and to improve marsh health after the carp treatments. Predator game fish are being restocked at every opportunity. Restocking with game fish in 2005 consisted of 400,000 northern pike fry, 10,660 bluegill fingerlings, 9,782 yellow perch fingerlings, and 13,600 black crappie fingerlings. Due to the drought in 2005, these fish were released upstream of the Refuge in Waupun’s Mill Pond. However, during normal water years, the fish are released directly into the Refuge.

14 One statewide organization would like the plan to address protection of the Horicon marsh periphery by including recommendations for neighboring municipalities and the state pertaining to wind farms, incompatible land uses, phosphorous bans, etc.

Comments acknowledged. Refuge staff recognizes the impact of outside threats to the marsh. However, many state, county and local governments have specific regulatory jurisdiction over industry and residential and agricultural developments. The Refuge will always need to work with these partners to accomplish tasks outside of U.S Fish and Wildlife Service jurisdiction. The plan specifically addresses two threats, sedimentation and phosphorus loading, in the plan with Objective 2.6. Eight strategies are listed, many which involve partners and public education which are important aspects to these challenging problems.

15 The WDNR is concerned that the proposed increase in open flowage on the Refuge’s main dike water control structure will increase sediment load in the State portion of the marsh and impact water recreation.

The movement of water and sediments through the marsh does indeed impact the State and Federal portions and downstream waters. The Refuge will continue to work closely with DNR marsh managers every time it is necessary to open the radial gate. Overall, the Service agrees with the DNR in that a “unified approach to address all issues pertinent to the management of the entire marsh will increase

protection of the marsh both in the Federal and State areas.”

16 *The WDNR is in favor of establishing an allowable deer density that can be modified as conditions change instead of the fixed 15-20 per square mile cited in the plan.*

We retained the population density figures in order to have a quantifiable objective target as required in refuge CCPs. However, we added a sentence stating these figures could be modified based on the future health of the herd and/or changes in state regulation.

17 *The WDNR and several individuals suggested that we evaluate whether to leave the auto tour route open during the winter; citing little visitor use and increased costs for snow plowing.*

Strategy 3.3.3 calls for extending the auto tour route season to be open year-round, *conditions permitting*. The Refuge does not intend to plow the road after moderate or heavy snowfalls and the “conditions permitting” clause was meant to convey this thought. We have added the phrase “weather conditions permitting” and added a statement about snowplowing in the text.

Fox River National Wildlife Refuge

1. *A short petition with 8 signatures was received in support of Alternative B, the preferred alternative. Specifically, the petition endorsed habitat restoration to historic conditions, increased visitor use, and designation of Fox River NWR as a State Natural Area by the Wisconsin DNR.*

Comment acknowledged. The Service appreciates this endorsement of its proposed plan.

2. *The DNR proposes to designate a State Natural Area on the Fox River NWR.*

The Service does not endorse the nomination of Fox River NWR as a State Natural Area (SNA). We acknowledge the program as a valuable way to provide protection and public recognition for endangered species habitat and rare natural features on county, state and some Federal and private lands. However, we feel that an SNA designation is redundant with the National Wildlife Refuge status of Fox River NWR. The Refuge is already protected and managed in way that

promotes the goals of the SNA program. Further, an SNA designation may actually create an unnecessary layer of governmental oversight in future management of the Refuge. For instance, SNA regulations require all scientific researchers to obtain a separate research and collections permit from the State.

3. *One individual wrote to dispute specific numbers of Sandhill Cranes (50 pairs) present on the Refuge during the summer and the existence of a rookery (or nesting colony) of wading birds.*

The Environmental Assessment prepared for establishment of the Refuge in 1979 cited the figure of 50-60 non-breeding cranes present during the summer. Between refuge establishment and 2004, surveys of nesting and summer resident cranes have been sporadic. We do know that use by nesting pairs and non-breeders changes from year to year. We removed the specific mention of 50 summer residents in the Final CCP to acknowledge this flexibility.

In addition, the 1979 EA described a small heron and egret rookery on a wooded island in the center of the marsh. In 1977, 14 pairs of great blue herons, five pairs of great egrets and several pairs of black-crowned night herons were observed nesting at the site. A literature citation for the 1979 EA was added to the text in the Final CCP.

4. *Three individuals commented that fishing may not be a compatible use on the Refuge. They mentioned litter, bird-fishing line entanglements, lead sinkers and law enforcement as reasons to not allow walk-in fishing as proposed in the CCP.*

Fishing is a priority public use on National Wildlife Refuge System Lands as identified in the Refuge Improvement Act of 1997. For years, people have expressed interest in fishing on Long Lake. The lake supports a diverse population of gamefish. The 1-mile hike from the parking lot to the potential fishing spot on Long Lake is expected to naturally limit the number of anglers.

We intend to monitor litter and habitat disturbance and provide signs to educate anglers to always carry out trash. Patrol by law enforcement staff will be necessary. The Service will need to revisit the fishing program on the Refuge if trash becomes an excessive problem. In the meantime, the Refuge Manager has determined that sport fishing on the

Fox River NWR, with proper stipulations, will not diminish the primary purpose of the Refuge.

5. *One individual suggested that we eliminate the firearms deer hunt in favor of an archery-only hunt. The commenter felt that an archery hunt is more compatible with the Refuge habitat restoration, adds to a tranquil environment and increases safety for hikers.*

As stated in the Draft CCP and EA, the deer population in Unit 67A, and in many places throughout Wisconsin, is considered too high to be supported by the habitat and may be contributing to the transmission of catastrophic diseases, such as Chronic Wasting Disease. Archery hunting has a much lower harvest rate than hunts using firearms. For this reason alone, the Service or the Wisconsin DNR cannot support a reduction in the harvest for this vicinity.

6. *A petition with 78 signatures was submitted as part of the planning record. The text of the 3-page petition contained commentary on past habitat restoration projects and made several specific requests for "local" involvement in future management of the refuge. The following is a summary of the statements and requests in the petition and the Service's response.*

6-a. The petition begins with an incomplete and misleading summary of the public scoping effort conducted for the CCP.

Please see Chapter 2 of the CCP for a full account of the public outreach efforts for the Fox River NWR CCP including a local open house event in March 2005. The open house was lightly attended. So, to ensure more widespread notice, the refuge biologist sent CCP comment forms and a packet of refuge information to approximately 100 neighbors and deer hunters later that month. The packet including a CCP process summary leaflet, comment form, Refuge fact sheet, summary of the oak savanna restoration project, and an invitation to take free firewood.

6-b. A statement that the oak savanna restoration project initiated by the Refuge in 2004 destroyed unique features and "natural gems" including three wild apple trees, a small red pine plantation, and a small natural spring.

The goal of habitat restoration on the Refuge is to more closely emulate the historic, pre-settlement conditions of the area. Oak savanna is a rare habitat type throughout its former range due to conversion

to agriculture, residential developments, invasive plants, and the need for periodic fire or grazing to maintain it. All non-oak species, including non-native planted trees such as red pine and "wild" apple are removed in favor of thinned native oak.

A small natural spring, one of many in the area, was indeed damaged by heavy equipment. However, water flow throughout the property is being restored by plugging and filling the extensive ditch system created by a former landowner. Natural water seeps and springs will be re-established in the process and protected to the extent possible in the Refuge.

6-c. A request that at least one local citizen representative, with full voting rights, be on the decision making team with the Service. The petition further requests that this person would be compensated "as are other consultants brought in by the F&WS." The petition also contained a request that any financial opportunities that become available at Fox River NWR be offered to the local community first.

See the following section for an alternative approach to local citizen involvement in Refuge management.

7. *The Service received a Resolution from the Town of Buffalo requesting that a Service representative attend their regular Township Board meeting on September 11, 2006 to "discuss the impact of the Fox River NWR CCP on the Town of Buffalo." Refuge Manager Patti Meyers attended the meeting and answered questions from the Board and local citizens (approximately 18 people were in attendance).*

Refuge Manager Meyers learned that the Town Chairperson had requested the meeting with a Service representative for two reasons. First, the Board was interested in the monetary aspects of the CCP, wanting to ensure that local businesses could participate in getting some of the bids for future projects. Ms. Meyers explained the Federal contracting process that requires multiple bids and the present budget situation for refuges. The habitat restoration work on the Refuge is nearly complete and funding for special projects will be difficult to obtain in the near future. However, any local contractors that can meet Federal contracting standards are welcome to bid on any future projects, should any funding materialize.

Secondly, Board members wanted to be part of a Committee making decisions for the Refuge. Ms. Meyers explained that such a committee would be very difficult to form as several Federal laws governed the amount of special interest involvement in Federal agency decisions. However, the request was resolved to mutual satisfaction when the Refuge Manager agreed to attend the spring annual township meeting and a fall Board meeting to notify them of what was happening on the refuge. In addition, several Board members stated their support for Alternative B (the preferred alternative), agreeing that they would like to see some usage of the refuge without major developments like roads or a visitor center.