

U.S. Fish and Wildlife Service

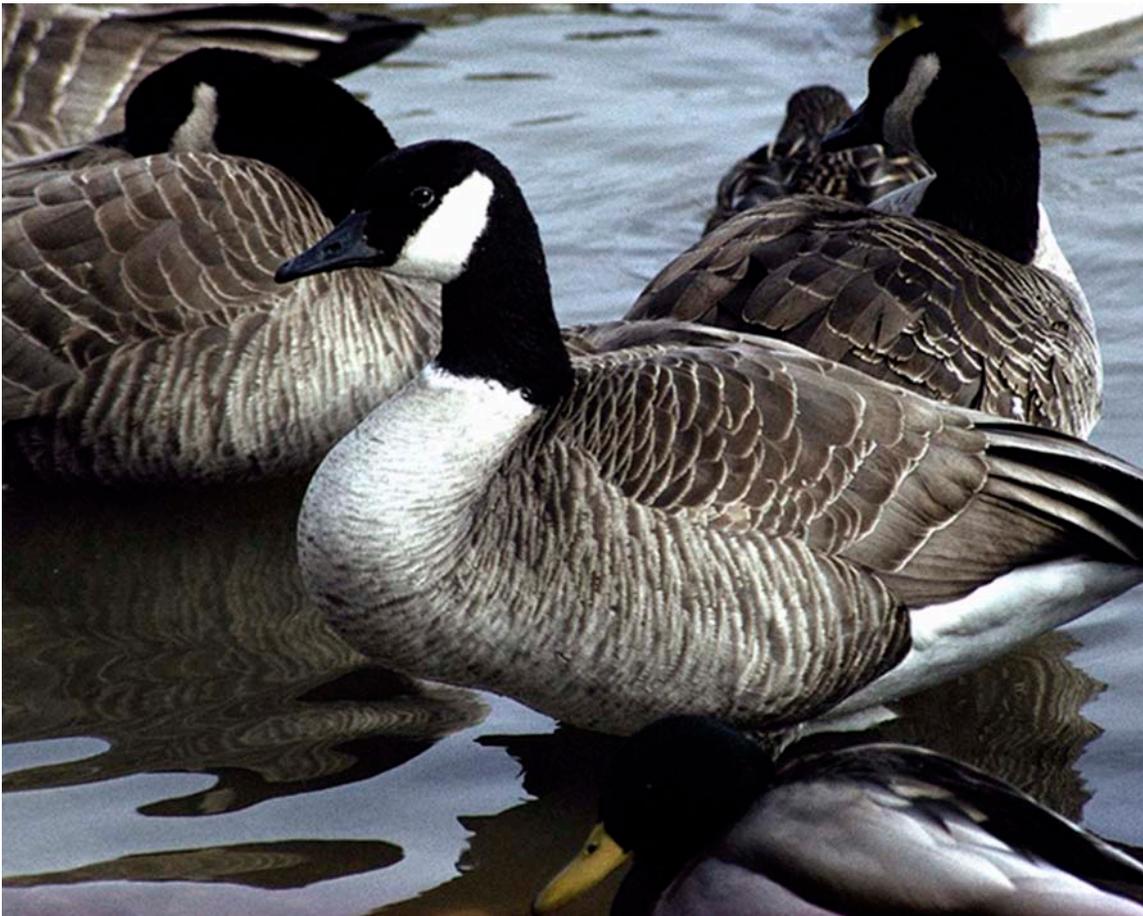
Crab Orchard

National Wildlife Refuge

Environmental Impact Statement and Comprehensive Conservation Plan

Record of Decision

October 2006



Introduction

This Record of Decision (ROD) has been developed by the U.S. Fish and Wildlife Service (Service) in compliance with agency decision-making requirements of the National Environmental Policy Act of 1969 (NEPA), as amended. It documents the decision of the Service, based on the information contained in the Final Environmental Impact Statement (EIS) for the Comprehensive Conservation Plan and the entire administrative record. The Service has selected the preferred alternative (Alternative E) as described in the Final EIS as the best alternative for the Comprehensive Conservation Plan for the Crab Orchard National Wildlife Refuge (NWR). A notice of this decision will be published in the *Federal Register* and a news release will be sent to the media. This document will also be posted on the planning website for the Refuge.



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mandates of the National Wildlife Refuge System Improvement Act of 1997, which requires the Service to develop and implement a Comprehensive Conservation Plan for each national wildlife refuge.

Purpose of Action

The purpose of this action is to specify and adopt a long-term management direction for the Crab Orchard NWR that will achieve the Refuge purposes and the mission of the National Wildlife Refuge System (Refuge System).

Need for Action

For Crab Orchard National Wildlife Refuge, there is a need to meet the Refuge purposes of wildlife conservation, recreation, industry and agriculture as much as possible as a unit of the National Wildlife Refuge System that emphasizes its mission of wildlife conservation. This need has proven difficult to meet in the past because the purposes of the Refuge, which outrank the mission of the Refuge System, often conflict with wildlife conservation and compete unfavorably in the budgeting process. There is a need to specify the priority wildlife species of management concern and, within budget constraints and other limitations, reduce habitat fragmentation. There is a need to recognize the recreational demands of the public, and within budget constraints and the Refuge mission, attempt to meet this demand. There is a need to address the conflicting demands of wildlife- and non-wildlife-dependent recreation. There is a need to improve the relations between the community and the Refuge. In addition, a plan is needed to satisfy the legislative

Key Issues

Through public scoping and with input from various agencies and publics, key issues and possible solutions were identified. The issues were grouped into six main topics: 1) recreation, 2) wildlife conservation, 3) refuge purposes, 4) recreational boating, 5) role in regional economy, and 6) communication between the Refuge and community. These issues were thoroughly examined in the Draft and Final EIS.

Alternatives Considered

Five alternatives and their consequences were described in detail in the Draft and Final EISs. Under all alternatives the objective to provide enough food for wintering Canada Geese to support 6.4 million goose-use-days annually would be met; federally listed species, state-listed species and federally proposed species and their habitats would be protected; resident fish and wildlife populations would be maintained or enhanced; communication between the Refuge and the community would be improved; cultural resources, the health and safety of refuge users and staff, and the ecological integrity and the wilderness character of the Crab Orchard Wilderness would be protected; and the Refuge's Fire Management Plan would guide prescribed fire and wildland fire prevention and suppression. The following policies would also apply under all

alternatives: The concept of classifying Refuge lands for various uses and designation as Areas I, II, and III would be dropped; only the industrial area would retain the designation “restricted use area” for safety and security reasons. The length of stay at Refuge campgrounds would be limited to 14 consecutive nights. Group camps would be required to provide environmental education as specified in current agreements. Recreational fees would be made consistent with the Federal Lands Recreation Enhancement Act of 2005 and the standard schedule of fees for most refuges. Small competitive fishing events called “fish-offs” would be limited to three events per year per organization and managed under a permit system. All mowing of pastures, hay fields, and clover fields would take place after August 1 to protect nesting birds.

Alternative A. Current Management (No Action)

Under this alternative the current management activities at the Refuge would continue. The Refuge would continue to provide sufficient habitat for the needs of wintering geese. All current authorized recreation uses and patterns on the Refuge would continue. Current industrial policies would remain in place and the Refuge would provide facilities for the



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existing tenants at fair market value rental rates. The amount of agricultural land would remain fairly constant. However, some loss of cropland may occur through installing buffer strips needed for soil and water protection.

Alternative B. Reduced Habitat Fragmentation: Wildlife-dependent Recreation Emphasis With Land Exchange

Through the years the Refuge has been criticized for its lack of support of the recreational purpose of the Refuge. Recreation on the Refuge drew the greatest number of comments during the scoping of issues. When the Refuge was established, the Director of the Service assured Congress that the Service would be able to manage for the four purposes of the Refuge. In 50 years of management, the Service has not been able consistently to provide facilities and management for quality non-wildlife-dependent recreational experiences. Providing for swimming, picnicking, and power boating does not fit well with the capabilities and resources of the Service. Under this alternative the non-wildlife-dependent recreation that would remain the responsibility of the Refuge would be guided by the philosophy of “consolidate and improve.” Over the last decade habitat fragmentation has been identified as a significant result of changing land use. Habitat fragmentation is known to have negative effects on biological diversity.

Under this alternative, management emphasis would be on reducing habitat fragmentation and reconciling conflicts between the Refuge’s recreation purpose and the Refuge System mission by focusing on wildlife-dependent recreation on the Refuge while still providing a full spectrum of recreational activities in the area.

Some of the current management activities at the Refuge would be modified to provide greater benefits to wildlife. The main point of this alternative is to offer increased recreational opportunities by exchanging land in the developed northwestern portion of the Refuge for undeveloped land at another location.

The Refuge would update the industrial use policy with the intent of not promoting expansion and consolidating the areas occupied by industrial tenants. The Service would aim to not compete with neighboring industrial parks. If an industrial tenant were to leave the Refuge and their facilities were suitable for occupancy, the Refuge would make them



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available for new tenants. The amount of row crops would decrease slightly. Current acreage of hay fields and pastures would remain about the same. The Refuge would convert fescue pastures to other cool-season and native warm-season grasses over a period of 15 years and modify grazing regimes to benefit grassland birds.

Alternative C. Open Land Management: Consolidate and Improve Recreation

Both grassland and forest species are negatively affected by habitat fragmentation. Under this alternative the Refuge would take advantage of the lands that are already open and consolidate existing large blocks of open land for grassland dependent species, especially birds. The Refuge recognizes that improvements in the recreation program are needed. Under this alternative the Refuge would satisfy the Refuge's recreation purpose as much as possible within Service budget priorities and expanding emphasis on wildlife-dependent recreation.

Under this alternative cropland and grassland would increase slightly. Pasture and hayfield management would change to provide more emphasis on habitat quality for grassland birds. The Refuge would manage one large forest block to benefit area-sensitive forest birds. To enhance non-wildlife-dependent recreational activities, the Refuge would consolidate marinas and picnic areas, upgrade existing boat ramps, and designate times and places for the various types of boating activities. Camping capacity would be reduced, the quality of camping facilities would be upgraded, and a 14-day maximum stay policy would be implemented. A spectrum of recreational opportunities ranging from more

developed recreation at Crab Orchard Lake to less developed opportunities at Devils Kitchen Lake would be provided. If an industrial tenant left the Refuge, the Refuge would not seek a new tenant for the vacant facility. The amount of row crops would increase slightly.

Alternative D: Forest Land Management: Consolidate and Improve Recreation

Under this alternative the Refuge would take advantage of the natural tendency and historical prevalence of forests in the area and consolidate existing large blocks of forest for forest-interior species, especially birds. The Refuge would manage two large forest blocks to benefit area-sensitive forest birds. The Refuge would maintain some early successional habitat. Pasture and hayfield management would change to provide more emphasis on habitat quality for grassland birds, along with an emphasis on cattle production on pastures. To enhance non-wildlife-dependent recreational activities, the Refuge would consolidate marinas and picnic areas, upgrade existing boat ramps, and designate times and places for the various types of boating activities. Camping capacity would be reduced, the quality of camping facilities would be upgraded, and a 14-day maximum stay policy would be implemented. If an industrial tenant left the Refuge, the Refuge would not seek a new tenant for the vacant facility. The amount of row crops and hay fields would decrease slightly. The Refuge would increase forage diversity and use rotational grazing in pastures to increase cattle production.

Alternative E: Reduced Habitat Fragmentation: Consolidate and Improve Recreation (Preferred Alternative)

This alternative has the same habitat, industrial, and agricultural programs as Alternative B and the same recreation management program as Alternative C.

Under this alternative, management emphasis would be on reducing habitat fragmentation by making small changes in the current habitat cover to gain larger, unfragmented blocks of both forest and grassland habitats. Some of the current management activities at the Refuge would be modified to provide greater benefits to wildlife.

The Refuge would update the industrial use policy with the intent of not promoting expansion and

consolidating the areas occupied by industrial tenants. The Service would aim to not compete with neighboring industrial parks. If an industrial tenant were to leave the Refuge and their facilities were suitable for occupancy, the Refuge would make them available for new tenants. The amount of row crops would decrease slightly. Current acreage of hay fields and pastures would remain about the same. The Refuge would convert fescue pastures to other cool-season and native warm-season grasses over a period of 15 years and modify grazing regimes to benefit grassland birds.

The Refuge would satisfy the Refuge's recreation purpose as much as possible within Service budget priorities and expanding emphasis on wildlife-dependent recreation. To enhance non-wildlife-dependent recreational activities, the Refuge would consolidate marinas and picnic areas, upgrade existing boat ramps, and designate times and places for the various types of boating activities. Camping capacity would be reduced, the quality of camping facilities would be upgraded, and a 14-day maximum stay policy would be implemented. A spectrum of recreational opportunities ranging from more developed recreation at Crab Orchard Lake to less developed opportunities at Devils Kitchen Lake would be provided.

Environmentally Preferable Alternative

The Council on Environmental Quality (CEQ) regulations for implementing the NEPA require that the ROD specify "the alternative or alternatives which were considered to be environmentally preferable" (40 CFR 1505.2(b)). This alternative has generally been interpreted to be the alternative that will promote the national environmental policy as expressed in NEPA's Section 101 (CEQ's "Forty Most-Asked Questions," 46 Federal Register, 18026, March 23, 1981). Ordinarily, this means the alternative that causes the least damage to the biological and physical environment; it also means the alternative that best protects, preserves, and enhances historic, cultural, and natural resources.

All action alternatives (B through E) are considered environmentally preferable alternative to Alternative A (No Action). Among the four action alternatives there is little to distinguish their environmental impacts. The primary differences among the alternatives relate to the recreational

uses of the Refuge. Alternatives B and E balance benefits to forest and grassland birds slightly more than Alternatives C and D. In Alternative B some wildlife habitat would be lost as additional recreation areas were developed, although overall there would be an increase of about 1,200 acres of wildlife habitat. Alternative E is the alternative considered to have the least adverse effects on the physical and biological environments.

Basis for the Decision

The Service selected Alternative E, as described in the Final EIS, as the best alternative for the Comprehensive Conservation Plan to guide refuge management for the next 15 years. The rationale for choosing the selected alternative as the best alternative for the Comprehensive Conservation Plan is based on the impact of this alternative on the purposes of the Refuge and the issues and needs that surfaced during the planning process. Other factors considered in the decision were public and resource benefits gained for the cost incurred and the extensive public comment. Alternative E is the most environmentally preferable alternative. Alternative E is likely to lead to improvements under the agricultural, wildlife conservation, and recreation purposes of the Refuge. Alternative E is also expected to lead to wider and fairer access to public recreational opportunities. Alternative A was not selected because it would inadequately address the needs and issues that were documented during planning. Alternative B was not selected because the land exchange, which was the heart of the alternative, could not be accomplished within the authorities of the Department of the Interior. Alternatives C and D served to contrast an emphasis on grassland birds with an emphasis on forest birds, and we learned that only marginal benefits would accrue to either group of birds over the reduced habitat fragmentation approach of Alternative B or E.

Chapter 7 of the Final EIS summarized all written comments submitted to the Service regarding the Draft EIS and gave the Service's response to the comments. Based on the comments the preferred alternative was modified to: include an objective and strategies related to hardwood forest management; more explicitly describe the implementation of the 14-day camping length of stay; include a provision for primitive camping at Devils Kitchen Campground; expand the area on Devils

Kitchen Lake in which gas motors would be permitted; and reduce the extent of no wake zoning on Crab Orchard Lake.

Public Comments to Final EIS

The Service filed the Final EIS for the Comprehensive Conservation Plan for Crab Orchard National Wildlife Refuge with the Environmental Protection Agency (EPA) on September 1, 2006. In compliance with agency decision-making requirements of the National Environmental Policy Act of 1969, as amended, the Service is required to circulate the Final EIS for 30 days after filing with the EPA before issuing a Record of Decision on the Comprehensive Conservation Plan.

The Final EIS was announced in the *Federal Register* (71 FR 52138-52139) and distributed to agencies, state and local elected officials, local newspapers, and to businesses and organizations with an interest in the Refuge. The Final EIS was also placed in thirteen local libraries and posted on the planning website for the Refuge. A news release was sent to local newspapers announcing the availability of the Final EIS, and a summary of the Final EIS was mailed to over 1,750 people on the planning mailing list.

During the 30-day circulation period, which ended October 9, 2006, the Service received 67 written comments, which are on file at Refuge headquarters in Marion, Illinois. With one exception, the comments did not raise any issues not addressed in the Final EIS, and the comments did not result in changes to the analysis of environmental consequences or affect the Service's response to similar comments in the Final EIS/CCP. One comment pointed out an inconsistency in the document, which was introduced in the final editing, related to the acres of new moist soil impoundments in the preferred alternative. The Refuge's intention is, as indicated by the response on page 181 of the Final EIS/CCP, to develop 150-200 additional acres of moist soil impoundments. The stand-alone CCP will reflect that intention. The new topic raised during the waiting period was an advocacy for rock climbing on the Refuge.

During the comment period for the Draft EIS/CCP we received only two comments on rock climbing; both were opposed to allowing it on the Refuge. However, sixty-one comments received

during the waiting period concerned rock climbing. The Access Fund, a national advocacy organization whose mission is to keep climbing areas open and to conserve the climbing environment, is concerned that we prohibited rock climbing without preparing a Compatibility Determination (CD). They requested that we complete a CD for rock climbing and amend the Final EIS/CCP prior to a Record of Decision. During the waiting period, other citizens and groups have expressed an interest in allowing access for climbing. The Service's consideration of rock climbing is described in the following paragraphs.

Background

Rock climbing has been occurring on Crab Orchard National Wildlife Refuge as an unauthorized use. It has never been officially permitted, nor has it been explicitly addressed in past regulations or plans. In contrast to most public lands that are open to a use unless it is specifically prohibited, a national wildlife refuge is closed until it is opened for a particular use.

To address past ambiguity, the policy of not permitting rock climbing was stated explicitly in the Draft and Final Environmental Impact Statements (EIS) and Comprehensive Conservation Plan (CCP) as a policy common to all alternatives. This policy is not a change from the past. It is an explicit statement of current policy.

The only known location rock climbing occurs on the Refuge is at a rock formation near the Devils Kitchen Dam climbers have named "Opie's Kitchen." The following section describes the Service procedure for determining whether a use is appropriate for a refuge and the application of the procedure to rock climbing at Crab Orchard NWR.

Service Guidance for Determining Appropriate and Compatible Uses

"The refuge manager will decide if a new or existing use is an appropriate use. If an existing use is not appropriate, the refuge manager will eliminate or modify the use as expeditiously as practicable. If a use is not appropriate, the refuge manager will deny the use without determining compatibility." (603 FW 1.3). If a use is found to be appropriate, then it must be determined to be compatible before it is allowed on a refuge. A refuge use is appropriate if the use meets at least one of the following three conditions:

1. It is a wildlife-dependent recreational use.
2. It contributes to fulfilling the refuge purpose(s), the Refuge System mission, or goals or objectives described in a refuge management plan approved after October 9, 1997.
3. The refuge manager has evaluated the use following the guidelines in the appropriate use policy and found that it is appropriate. (603 FW 1.11A)

Rock climbing was evaluated against the above three conditions.

Rock climbing is not a wildlife-dependent recreational use and, therefore, does not meet the first condition.

Rock climbing is recreation and the Refuge has a recreational purpose. The Refuge's recreational purpose is limited, however. The Service's interpretation of the Refuge's purpose is derived from the intent when the Refuge was established. These uses included public hunting, picnicking, fishing, boating, and other aquatic activities. Additionally, there was the expectation of group camps, such as Boy and Girl Scout camps. Rock climbing is considered to be outside the original intent of the recreational purpose and, therefore, does not contribute to the refuge purpose. Rock climbing does not contribute to the Refuge System mission or goals or objectives described in a refuge management plan approved after October 9, 1997. Rock climbing does not meet the second condition.

The refuge manager determines appropriateness of a use by evaluating the use against ten criteria (603 FW 1.11A(3)). Refuge Manager Dan Frisk evaluated the appropriateness of rock climbing and found:

The rock formation used by climbers is within an area of the Refuge designated as the Devil's Kitchen Dam Research Natural Area. The area was designated as a Research Natural Area in 1970. Rock climbing is inconsistent with the goals and objectives of the Devil's Kitchen Dam Research Natural Area in which activities are limited to research, study, observation, monitoring, and educational activities that are non-destructive, non-manipulative, and maintain unmodified conditions (8 RM 10.2). When established, the area was recognized as having a Grade A (essentially undisturbed) sandstone cliff community. Climbers have trampled vegetation, exposed soil to erosion,



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and exposed tree roots in a sensitive zone known for supporting rare plants. Magnesium carbonate chalk left on rock faces is an additional, visible modification to the area. The nearby Shawnee National Forest also contains natural areas. In 1997 the USDA Forest Service closed approximately half of their natural areas to rappelling and rock climbing. The remaining natural areas are being analyzed for future closures.

Rock climbing is not manageable within available budget and staff and its management would divert efforts and resources away from the proper and reasonable management of other priority programs. The possibility of relying heavily on volunteers to aid in management was considered, but the coordination of volunteer efforts would still divert efforts and resources from other priority management needs directly related to the Refuge's purpose and the System mission.

Rock climbing will not be manageable in the future within existing resources. Resources available to the Refuge must be managed carefully to meet its core responsibilities. Given the fifteen year program described in the CCP and the prospect of increasingly tight budgets, we project that it will be even more challenging to meet our core responsibilities in the future. We can envision no scenario where we will have the resources necessary to manage rock climbing.

Rock climbing does not measurably contribute to the public's understanding and appreciation of the Refuge's natural or cultural resources. Certainly, as an outdoor activity, rock climbing may add to a participant's appreciation for the Refuge's natural resources and climbing on a natural feature has characteristics that can not be duplicated indoors. However, given the impacts to the resource, rock climbing's focus on the physical aspect of the sport, and in comparison to other visitors whose intent is

nature study and appreciation, rock climbing does not warrant an evaluation as contributing to understanding and appreciation of the Refuge's natural resources.

Rock climbing can not be accommodated without reducing the potential to provide quality, compatible, wildlife-dependent recreation into the future. As noted in the discussion of budget and staff requirements above, management of rock climbing would divert efforts and resources away from other priority needs, including the provision of quality, compatible, wildlife-dependent recreation.

Summary Finding

The Service generally does not allow a use if any of the ten appropriate use decision criteria receives a negative evaluation, but our guidance does point out the possibility of an exception. "There may be situations where the refuge has exceptional or unique recreational resources, such as rock climbing, that are not available nearby, off the refuge, and the use requires insignificant management resources. In such cases, we may further consider a use" (603 FW 1.11B). This exception does not apply to the Refuge. There are other opportunities to rock climb on public lands in nearby Giant City and Ferne Clyffe State Parks and Shawnee National Forest. And, if rock climbing were allowed on the Refuge, its management would require more than "insignificant management resources." Some climbers claim that the particular challenges and type of climbing (bouldering) that occurs on the Refuge can not be found in nearby areas. We do not think the personal preference to use a specific rock formation outweighs the impacts to resources that occur and the conflicts with other compatible uses and the aims of the Research Natural Area.

Based on an overall assessment of factors contained in Service policy, the Refuge Manager has found that rock climbing at Crab Orchard National Wildlife Refuge is not appropriate. (FWS Form 3-

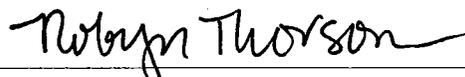
2319, Finding of Appropriateness of a Refuge Use, is on file at the Refuge office.) As a result of this finding and according to Service procedure, rock climbing on the Refuge has been denied by the Refuge Manager without determining compatibility.

Mitigation

Because all practicable means to avoid or minimize environmental harm have been incorporated into the preferred alternative, no mitigation measures have been identified. Means to minimize environmental harm are complemented by a Biological Assessment that was prepared to address any impacts to federally-listed threatened or endangered species. This assessment calls for a tiered approach, whereby impacts and mitigation will be handled on a project-specific basis when project scope and design is articulated. The Biological Assessment concluded that implementation of Alternative E is not likely to adversely affect the Bald Eagle and not likely to jeopardize the continued existence of the Indiana bat. In addition, compatibility determinations were prepared for all uses identified in Alternative E, and these determinations contain stipulations to avoid, minimize, or mitigate any environmental impacts from these uses and associated facilities.

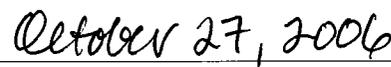
Conclusion

Based on a thorough review of the Administrative Record for this project, and careful consideration of the full range of impacts from the Comprehensive Conservation Plan on all aspects of the human environment, including the social, economic, cultural, and natural resources of the area, I have decided to implement the Comprehensive Conservation Plan for the Crab Orchard National Wildlife Refuge as described in Alternative E in the Final EIS (September 2006).



Robyn Thorson

Regional Director
U.S. Fish and Wildlife Service



Date