

# INTRODUCTION/BACKGROUND

The U.S. Fish and Wildlife Service is the principal agency responsible for conserving, protecting, and enhancing fish and wildlife and their habitats. The Service manages a diverse network of more than 500 National Wildlife Refuges, a system which encompasses more than 92 million acres of public land and water. National Wildlife Refuges are established for specific purposes and provide habitats for more than 5,000 species of birds, mammals, fish, and insects. The Marais des Cygnes National Wildlife Refuge (9,300 acres) is one of the newest refuges in the system. It was established to protect bottomland hardwood habitats along the Marais des Cygnes River in Linn County, Kansas.

## **Purpose and Need for a Plan**

All units of the National Wildlife Refuge System are required to have and implement a Comprehensive Conservation Plan. A CCP describes how the purposes for which a refuge was established are to be pursued over a 10-15 year period. The plan sets goals and objectives which are based on refuge purposes, other Federal laws, National Wildlife Refuge System goals, and Fish and Wildlife Service policies. Management activities are then selected based on their efficacy in accomplishing refuge objectives.

The plan is comprehensive in the sense that it addresses all activities that occur on the refuge. However, management activities or strategies are stated broadly in the CCP. Detailed step-down plans and budgets are then prepared describing how a management strategy such as prescribed burning or grazing is to be applied. These plans are adjusted frequently (usually annually) based on monitoring results, available funds, staff, and current Service policy. The effects of management actions are documented to provide information to future managers and managers of other refuges.

This plan describes how the refuge landscape will look when the goals and objectives are accomplished. It also addresses five of the eight issues (see page 7) raised during the refuge acquisition process:

- the reduction of a bottomland hardwood habitat,
- the need to maintain habitat for state and federally-listed threatened and endangered species,
- the enhancement of habitat for migratory bird species,
- the continuance of biodiversity in a regionally unique ecosystem, and
- the restoration of natural flooding characteristics in a portion of the river's floodplain.

In 1992, the Service assessed four alternatives in an Environmental Assessment for the management of the Refuge. This plan is the implementation of the "Direct Management Alternative." Since that alternative was found not to have any significant environmental impacts, no further environmental analysis is being undertaken through this planning process. In addition, all the management techniques presented in this plan have been determined to be "categorically

excluded” from NEPA documentation because they are not major Federal actions and they have no significant impacts on the human environment, individually or cumulatively.

The EA was developed with input from a number of sources. Scoping meetings and contacts occurred with residents and landowners of Linn County, the Kansas Department of Wildlife and Parks, other agencies of the State of Kansas, conservation organizations such as The Nature Conservancy, and the cities of Pleasanton, La Cygne, and Mound City. A variety of Federal, State, and local entities were also contacted. Input on the Refuge acquisition proposal was solicited through personal contacts, phone interviews, correspondence, notices in the media, and public meetings.

Notification of the Service proposal was provided to the public in the form of a regional news release and direct contacts. The Service provided a briefing to the Linn County Commissioners in mid-October 1991. A preliminary meeting was held on November 18, 1991, in the Pleasanton High School designed specifically to address any concerns of landowners within the project boundary. Approximately 35 landowners attended that meeting. Only one landowner within the project was unable to attend. Following release of the draft EA, a public meeting was held on November 19, 1991, at the Pleasanton High School. Notification of the project and sufficient copies of the EA were provided to the Office of the Governor, State of Kansas for review and response in compliance with E. O. 12372 - Intergovernmental Review of Federal Programs.

A draft of this comprehensive plan was made available to the public for review and comment. As part of this review, an open house was held in Pleasanton, Kansas on April 29, 1997. It was attended by approximately 40 people. Most of the comments received at the open house or by letter dealt with public use of the Refuge, especially public safety during the hunting seasons. There was also concern expressed dealing with wildlife habitat.

## **National Wildlife Refuge System Mission**

The mission of the National Wildlife Refuge System is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.

## **National Wildlife Refuge System Policies**

To manage each refuge to fulfill the mission of the System, as well as the specific purposes for which that refuge was established.

Compatible wildlife-dependent recreation is a legitimate and appropriate general public use directly related to the mission of the system and the purposes of many refuges.

Compatible wildlife-dependent recreational uses are the priority general public uses of the System and shall receive priority consideration in refuge planning and management.

When a wildlife-dependent recreational use is compatible within a refuge, that activity should be facilitated, subject to such restrictions or regulations as may be necessary, reasonable and appropriate.

## **Key Mandates**

Management actions on National Wildlife Refuges are circumscribed by many mandates (laws, Executive Orders, etc.) the latest of which is the National Wildlife Refuge System Improvement Act of 1997. The regulations that affect refuge management the most are listed below.

**National Wildlife Refuge System Improvement Act of 1997:** Sets the mission and administrative policy for all refuges in the National Wildlife Refuge System.

**Executive Order 13007 Indian Sacred Sites (1996):** Directs Federal land management agencies to: accommodate access to and ceremonial uses of Indian sacred sites by Indian religious practitioners, avoid adversely affecting the physical integrity of such sacred sites, and where appropriate, maintain the confidentiality of sacred sites.

**Executive Order 12996 Management and General Public Use of the National Wildlife Refuge System (1996):** Defines the mission, purpose, and priority public uses of the National Wildlife Refuge System. It also presents four principles to guide management of the system (see below). See Appendix E.

**Americans With Disabilities Act (1992):** Prohibits discrimination in public accommodations and services.

**Native American Graves Protection and Repatriation Act (1990):** Requires Federal agencies and museums to inventory, determine ownership of, and repatriate cultural items under their control or possession.

**Federal Noxious Weed Act (1990):** Requires the use of integrated management systems to control or contain undesirable plant species; and an interdisciplinary approach with the cooperation of other Federal and state agencies.

**Emergency Wetlands Resources Act (1986):** The purpose of the Act is to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of wetlands by the acquisition of wetlands and other essential habitat, and for other purposes.

**Archaeological Resources Protection Act (1979) as amended:** Protects materials of archaeological interest from unauthorized removal or destruction and requires Federal managers to develop plans and schedules to locate archaeological resources

**American Indian Religious Freedom Act (1978):** Direct agencies to consult with native traditional religious leaders to determine appropriate policy changes necessary to protect and preserve Native American religious cultural rights and practices.

**Surface Mining Control and Reclamation Act (1977):** Regulates the industry by designating certain areas as unsuitable for coal mining operations. Title V, Section 522(e)(1) of the Act states in part: "...no surface mining operations . . . shall be permitted -- on any lands within the boundaries of units of . . . the National Wildlife Refuge System . . ." The exclusion of refuge system lands is subject to valid existing rights.

**Executive Order 11988 (1977):** Requires Federal agencies to provide leadership and take action to reduce the risk of flood loss and minimize the impact of floods on human safety, and preserve the natural and beneficial values served by the flood plains.

**Clean Water Act (1977):** Requires consultation with the Corps of Engineers (404 permits) for major wetland modifications.

**Archaeological and Historic Preservation Act (1974):** Directs the preservation of historic and archaeological data in Federal construction projects.

**Rehabilitation Act (1973):** Requires programmatic accessibility in addition to physical accessibility for all facilities and programs funded by the Federal government to ensure that anybody can participate in any program.

**Endangered Species Act (1973):** Requires all Federal agencies to carry out programs for the conservation of endangered and threatened species.

**Uniform Relocation Assistance and Real Property Acquisition Policies Act (1970):** The purpose of the Act is to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally-assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally-assisted programs.

**National Environmental Policy Act (1969):** Requires the disclosure of the environmental impacts of any major Federal action significantly affecting the quality of the human environment.

**Architectural Barriers Act (1968):** Requires federally owned, leased, or funded buildings and facilities to be accessible to persons with disabilities.

**National Historic Preservation Act (1966) as amended:** Establishes as policy that the Federal Government is to provide leadership in the preservation of the nation's prehistoric and historic resources.

**National Wildlife Refuge System Administration Act (1966):** Defines the National Wildlife Refuge System and authorizes the Secretary to permit any use of a refuge provided such use is compatible with the major purposes for which the refuge was established.

**Land and Water Conservation Fund Act (1965):** Uses the receipts from the sale of surplus Federal land, outer continental shelf oil and gas sales, and other sources for land acquisition under several authorities.

**Refuge Recreation Act (1962):** Allows the use of refuges for recreation when such uses are compatible with the refuge's primary purposes and when sufficient funds are available to manage the uses.

**Fish and Wildlife Coordination Act (1958):** Allows the Fish and Wildlife Service to enter into agreements with private landowners for wildlife management purposes.

**Fish and Wildlife Act (1956):** Established a comprehensive national fish and wildlife policy and broadened the authority for acquisition and development of refuges.

**Migratory Bird Hunting and Conservation Stamp Act (1934):** Authorized the opening of part of a refuge to waterfowl hunting.

**Migratory Bird Conservation Act (1929):** Establishes procedures for acquisition by purchase, rental, or gifts of areas approved by the Migratory Bird Conservation Commission.

**Migratory Bird Treaty Act (1918):** Designates the protection of migratory birds as a Federal responsibility. This Act enables the setting of seasons, and other regulations including the closing of areas, Federal or non-Federal, to the hunting of migratory birds.

**Antiquities Act (1906):** Authorizes the scientific investigation of antiquities on Federal land and provides penalties for unauthorized removal of objects taken or collected without a permit.

## Guiding Principles

**Public Use:** The Refuge System provides important opportunities for compatible wildlife-dependent recreational activities involving hunting, fishing, wildlife observation, photography, environmental education and interpretation.

**Habitat:** Fish and wildlife will not prosper without high quality habitats, and without fish and wildlife, traditional uses of refuges cannot be sustained. The Refuge System will continue to conserve and enhance the quality and diversity of fish and wildlife habitats within refuges.



**Partnerships:** America's sportsmen and women were the first partners who insisted on protecting valuable wildlife habitats within wildlife refuges. Conservation partnerships with other Federal agencies, State agencies, Tribes, organizations, industry, and the general public can make significant contributions to the growth and management of the Refuge System.

**Public Involvement:** The public should be given a full and open opportunity to participate in decisions regarding acquisition and management of our National Wildlife Refuges.

## **Refuge Establishment and History**

The Refuge was established in 1992 to protect bottomland hardwood habitats along the Marais des Cygnes River in Linn County (*Marais des Cygnes National Wildlife Refuge Decision Document*). Marais des Cygnes Basin, including threatened and endangered species, will be preserved in coordination with partners. Additionally, the Refuge will serve as an area for wildlife-dependent environmental education, interpretation, and compatible recreational day use.

The Refuge was purchased with approximately \$5 million in Land and Water Conservation Fund money. The initial purchase was made from the Pittsburgh and Midway Coal Company, a subsidiary of Chevron U.S.A., Inc., by the Fish and Wildlife Service and The Nature Conservancy (whose land was later bought by the Service). Land was also purchased from the Midland Cattle Company. The remainder of the acquisitions have been from individual landowners.

All lands have been acquired from willing sellers. All future acquisitions will also be from willing sellers. In the last ten years, the Service has used the power of condemnation less than 0.03 percent of the time. Many refuges have existed for decades with land within the authorized boundaries still in private ownership. The Service will pay fair market value for all property acquired, based on real estate appraisals. Landowners that sell property are eligible for relocation assistance.

The Refuge was established under the Fish and Wildlife Act of 1956 and the Emergency Wetland Resources Act of 1986:

**Emergency Wetland Resources Act:** The purpose of this Act is: "To promote the conservation of migratory waterfowl and to offset or prevent the serious loss of wetlands by the acquisition of wetlands and other essential habitat, and for other purposes." "... the conservation of the wetlands of the Nation in order to maintain the public benefits they provide and to help fulfill international obligations contained in various migratory bird treaties and conventions . . ."

**Fish and Wildlife Act:** "... for the development advancement, management, conservation and protection of fish and wildlife resources . . ."

## **Planning Issues and Opportunities**

The Marais des Cygnes River Basin contains a biological diversity unique in Kansas. Several species of concern occur in or around the Refuge, including Federal and State-listed endangered and threatened species. Bottomland hardwoods, upland shrub, grasslands, wetlands, and croplands provide food, cover, and nesting habitat for neotropical migrants, shorebirds, waterfowl, and resident wildlife ranging from insects to big game.

Of the estimated 215 million acres of wetlands existing in the conterminous United States at the time of European settlement, only 94 million acres (44 percent) are estimated to remain. Wetland's losses still continue at a level estimated at several hundred thousand acres each year (National Wetlands Priority Conservation Plan, 1989). The National Wetlands Priority Conservation Plan identified forested wetlands as a high priority. In addition, the Fish and Wildlife Service's Regional Wetlands Concept Plan for Region 6 has identified bottomland hardwood wetland associations along the Marais des Cygnes River as a high priority area for preservation in Kansas. A 4,000 acre tract of land adjoining the State of Kansas, Marais des Cygnes Wildlife Management Area was identified as the initial area requiring protection. After detailed study of the area was initiated, the area of interest was expanded to 9,300 acres between U.S. Highway 69 and the Missouri state line (see Map 1). Areas adjacent to the Kansas state line in Missouri are also being analyzed for possible inclusion in the Refuge.

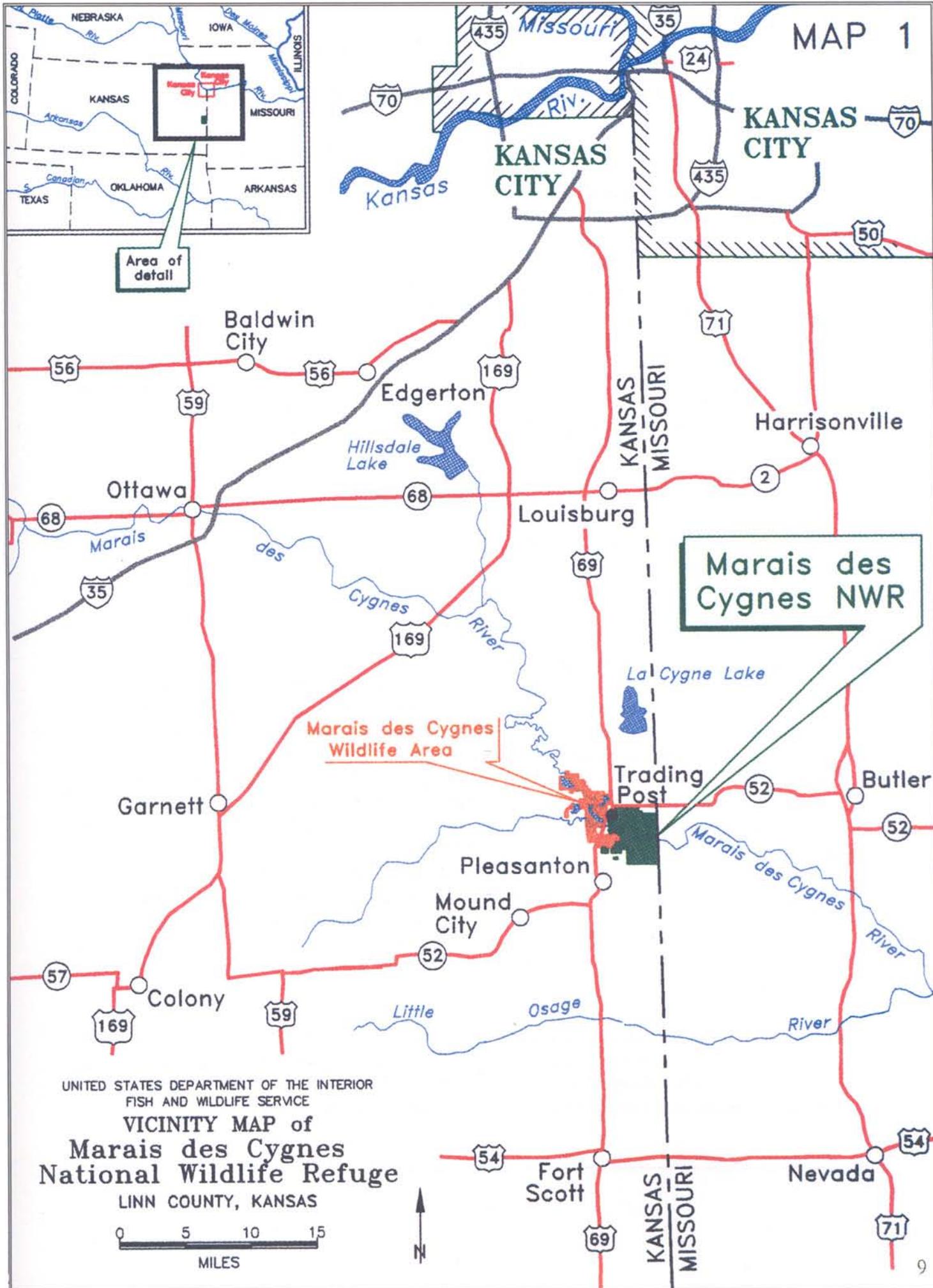
The Marais des Cygnes River, due to its proximity to Kansas City, Missouri, and certain heavy industry areas, is vulnerable to contamination and sedimentation. By closely monitoring changes in the water quality and quantity, trends in the surrounding ecosystem may be observed and managed.

Refuge management will consider and ultimately complement the operation of the adjacent 7,235 acre State-operated Marais des Cygnes Wildlife Management Area. The Area shares about 2.7 miles of boundary with the Refuge. Management of either property will affect the other. Careful coordination between managers of the two properties will be essential for optimum public service and natural resource management in the Marais des Cygnes Valley.

Environmental issues relevant to the proposal area are identified below. During the public involvement process, no other significant issues were raised that altered the discussion in the final environmental analysis or indicated the need to change the Service approach to future refuge management planning documents or environmental analyses. The issues are:

- Current and future reduction of bottomland hardwood habitat in the area, and elsewhere, through conversion to agriculture, or from timber harvest.
- Alteration of land use through development for industry.
- Continued potential for development of oil, gas, and coal resources known to be present in the area.

- Need to maintain habitat for state-listed and federally-listed threatened and endangered species.
- Enhancement of habitat for migratory bird species.
- Continuance of biodiversity in a regionally unique ecosystem.
- Restoration through management of natural floodplain characteristics in that portion of the Marais des Cygnes River watershed.
- The amount of change in tax revenues to Linn County through changing ownerships.



Area of detail

Marais des Cygnes NWR

Marais des Cygnes Wildlife Area

UNITED STATES DEPARTMENT OF THE INTERIOR  
 FISH AND WILDLIFE SERVICE  
**VICINITY MAP of**  
**Marais des Cygnes**  
**National Wildlife Refuge**  
 LINN COUNTY, KANSAS



