

# Chapter 5. Environmental Consequences

## 5.1 Effects Common to all Alternatives

The following considerations apply to all future actions, regardless of the specific goals, objectives, and strategies that would be used to achieve the vision for the Program.

### Landowner Rights

Landowners would always have the right to determine their level of participation, if any, in the activities and projects proposed outside the intent of the current flowage and/or refuge limited-interest refuge agreement (see section 2.3 for discussion).

Landowners would be provided information on available compensated programs for further protecting wildlife habitat, but no response would be required unless the landowner is willing to participate. For a discussion on fee-title actions, see the following information on the Service's land acquisition policy.

The Service would ensure that any activities associated with the Program would not adversely impact adjacent landowners including activities that would detract from the value of their property. Any landowners adjacent to lands owned or managed by the Service would retain all the rights, privileges, and responsibilities of private land ownership.

### Service Land Acquisition Policy

The Service acquires lands and interests in lands consistent with legislation or other congressional guidelines and executive orders, for the conservation of fish and wildlife and to provide wildlife-dependent public use for education and recreational purposes. The Service policy is to acquire land only when other protective means, such as zoning and regulation, are not appropriate, available, or effective. When the Service acquires land, it acquires fee title (all property rights) only if lesser property interests (such as conservation easements, leases, or cooperative agreements) are not suitable to achieve resource objectives.

It is Service policy to acquire the minimum interest necessary to reach Program goals and objectives. Any Service acquisition of lands, regardless of the type (easement or fee-title purchase) would be from willing sellers only. Written offers to willing sellers would be based on a professional appraisal of the property using recent sales of comparable properties in the area. Landowners would in no way be coerced into selling their land or any interest in their land. The Service recognizes that every landowner within or adjacent to an existing or proposed national wildlife refuge has the right:

- to retain all privileges and responsibilities of private ownership;
- to sell their land to anyone of their choice;
- not to sell their land;
- to receive a fair market value for any property sought for purchase by the U.S. Fish and Wildlife Service;
- to control access to their land;
- to be heard and to provide input on management plans for neighboring refuge lands;
- to be informed on a regular basis about refuge management activities.

The Refuge Revenue Sharing Act of June 15, 1935, as amended, provides for annual payments to counties or the lowest unit of government that collects and distributes taxes based on acreage and value of national wildlife refuge lands located with the county. The monies for these payments come from two sources: (1) net receipts from the sale of products from national wildlife refuge appropriations; and (2) annual congressional appropriations, as authorized by the 1978 amendment, which were intended to make up the difference between the net receipts from the Refuge Revenue Sharing Fund and the total amount due to local units of government.

### **Maintenance of Roads and Existing Rights-of-Way**

State, county, and townships would retain maintenance obligations for roads and associated rights-of-way under their jurisdiction within refuge boundaries. Existing rights-of-way and terms of other easements would continue to be honored. New rights-of-way and easements would be considered in relation to the existing refuge and/or flowage limited-interest refuge agreements, System regulations, landowner compliance, and likely impacts to wildlife resources.

### **Environmental Justice**

Environmental justice refers to the principle that all citizens and communities are entitled to:

- equal protection from environmental occupational health or safety hazards;
- equal access to natural resources and;
- equal participation in the environmental and natural resource policy formulation process.

On February 11, 1994, President Clinton issued Executive Order (EO) 12898: "Federal Actions to Address Environmental Justice in Minority Populations and low Income Populations." The purpose of this Order was to focus attention of federal agencies on human environmental health and to address inequities that may occur in the distribution of costs/benefits, land use patterns, hazardous material transport or facility siting, allocation and consumption of resources, access to information, planning, and decision making, etc.

The mission of the U.S. Fish and Wildlife Service is working with others to conserve, protect, and enhance fish and wildlife and their habitats for the continuing benefit of the American people. The environmental justice strategy of the Service extends this mission by seeking to ensure that all segments of the human population have equal access to America's fish and wildlife resources, as well as equal access to information that would enable them to participate meaningfully in activities and policy shaping.

Within the spirit and intent of EO 12898, no minority or low income populations would be impacted by any Service action under any alternative.

## **5.2 Summary of Effects by Alternative**

The following section and table 15 provide an analysis of effects resulting from no action (alternative A) and the preferred alternative (alternative B).

### **Alternative A (No Action)**

Existing Program management would be the focus of this alternative. As in the past, there would be no additional staff or funding provided to manage the limited-interest refuges. Any activities conducted on the refuges would continue to be incidental to other funded programs, or funding would be acquired through partnerships with conservation organizations. Hunting on the entire limited-interest refuge and any activities that occur on the water would be controlled by the Service.

There would be continual loss of upland habitats due to development. In particular, native prairie would be permanently lost as land uses change and areas become developed.

Those refuges which contain any high hazard dams would be repaired or replaced to ensure public safety. However, most other water management structures would continue to deteriorate due to lack of available funding. There would be a continued loss of wetland management of impoundments, reducing the production of desirable wetland habitats needed for international migratory bird use. Natural wetlands would remain unprotected, potentially reducing the availability of nutritional food sources and habitats needed for nesting and migratory birds and other wetland-dependent wildlife.

Current visitor services programs such as permit-only trapping, limited hunting and fishing, would continue if they remain compatible and resources are available to manage them. No additional public use activities would be pursued unless the Service was approached by a willing landowner. Additional uses would not be allowed unless it was determined to be compatible with the refuge purposes, and if funding is available to manage the use.

No refuges would be divested, further straining available resources for the Program.

**Table 15. Summary of environmental consequences for management alternatives**

<i>Issue</i>	<i>Alternative A (Current Management—No Action)</i>	<i>Alternative B (Enhance the North Dakota Limited- interest Program)</i>
Wetland Management	<p><i>Biodiversity:</i> Continued loss of biodiversity due to potential draining or siltation of wetlands.</p> <p><i>Water Level Management:</i> Continued loss of ability to manage impoundments according to modern practices.</p> <p><i>Siltation:</i> No program to actively work with farmers to reduce sedimentation. Wetlands would be lost as silt is deposited by runoff from surrounding agricultural uses.</p> <p><i>Waterfowl:</i> Dominant focus; lack of management and protection of wetlands and nesting habitat. No guarantee of upland cover for nesting and continued loss of wetlands and water level management capabilities due to dilapidating structures; minimal production.</p>	<p><i>Biodiversity:</i> Work with willing landowners to restore and enhance biodiversity through the protection of over 2,500 acres of natural wetlands.</p> <p><i>Water Level Management:</i> Properly manage impoundments for maximum production of waterfowl and other wetland-dependent birds.</p> <p><i>Siltation:</i> Restore upland vegetation and capture and reduce siltation, preserving wetlands.</p> <p><i>Waterfowl:</i> Dominant focus; increase ability to carry out proper water level management, protect natural wetlands, and provide quality nesting cover. Maximize success of nesting waterfowl and brood survival.</p>
Upland Management	<p><i>Biodiversity:</i> No concerted effort to compensate landowners for upland protections. Impact: Continued loss of biodiversity, in particular native prairie, due to upland development and intense farming practices.</p> <p><i>Grassland-dependent Species:</i> No habitat protection of upland vegetation. Little to no habitat available for nesting waterfowl or grassland-dependent birds; minimal production and recruitment.</p> <p><i>Native Prairie:</i> No concerted effort to compensate landowners for native prairie protection. Continued and permanent loss of “true” native prairie habitat.</p>	<p><i>Biodiversity:</i> Work with willing landowners to negotiate added compensations for restoring and enhancing biodiversity through upland habitat protection.</p> <p><i>Grassland-dependent Species:</i> Restore upland nesting bird habitat. Impact: Nesting success of waterfowl and grassland-dependent birds would increase ensuring greater success and survival.</p> <p><i>Native Prairie:</i> Give highest priority to native prairie habitat protection through compensated programs. Potential to protect over 14,000 acres of native prairie.</p>

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<i>Issue</i>	<i>Alternative A (Current Management—No Action)</i>	<i>Alternative B (Enhance the North Dakota Limited- interest Program)</i>
Visitor Services	<p><i>Access:</i> Little to no access would be provided on these privately owned refuges. Few visitor services programs would be provided.</p> <p><i>Hunting:</i> No additional hunting would be permitted due to lack of resources; crop damage issues would not be addressed and this continued refuge status would continue to concentrate harvestable animal populations further damaging crops and costing landowners significant losses each year.</p> <p><i>Trapping:</i> Trapping would continue on a permit-only basis focusing on predator management for the protection of migratory birds.</p> <p><i>Nonconsumptive Uses:</i> No programs would be provided for wildlife viewing and photography, environmental education and interpretation. There would be a continued lack of understanding of the purposes of the Program along with a missed opportunity to further educate the public about the System.</p> <p><i>Natural Resources:</i> No monitoring of the impacts of public disturbance to wildlife.</p> <p><i>Fishing:</i> Additional fishing opportunities would not be actively pursued for the general public.</p>	<p><i>Access:</i> Negotiations with willing landowners to provide access for expanded public use activities and education of visitors about the Program and the System.</p> <p><i>Hunting:</i> Determine compatibility and willingness of landowners to provide access for hunting (except ducks and certain geese species). Crop damage issue addressed while providing increased hunting opportunities for the general public.</p> <p><i>Trapping:</i> Continuing the predator management program while ensuring trappers focus their future efforts on those refuges with habitat desired by nesting waterfowl and grassland birds will improve nesting success and production. The program will also address wildlife damage to water management structures and desirable habitats. Water level management will be enhanced and desirable habitat, such as riparian areas, will be protected. In addition, the trapping program will be reexamined when the International Association of Fish and Wildlife Agencies makes its recommendations for Best Management Practices. Their research and resulting recommendations will only improve this program.</p> <p><i>Nonconsumptive Uses:</i> Determine compatibility and willingness of landowners to provide access for wildlife viewing and photography, environmental education and interpretation, increasing public use while providing a widespread opportunity to educate the public about the Program and the System.</p> <p><i>Natural Resources:</i> Monitor wildlife responses to changes in public uses to determine and modify negative impacts.</p>
Partnerships	<p><i>Landowners:</i> Little to no contact with limited-interest refuge landowners. The Program will never reach its full potential.</p>	<p><i>Landowners:</i> At a minimum, landowners would be provided annual updates on the Program and any opportunities for them to receive compensation for added protections of upland and wetland habitats. Landowners would become true partners in the Program. This would result in a greater chance of success if these landowners are fully engaged. Habitat would be maintained or restored.</p>

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	<i>Other Partners:</i> Partnerships would be developed incidental to needs and common interests. Loss of potential funds and services	<i>Other Partners:</i> Actively identify and coordinate with potential partners to achieve common goals that enhance and support the Program. Extend existing resources, including funding and knowledge.
Administration	Continued loss of biodiversity and ability to manage impoundments for wildlife.	Ability to partner with willing landowners to address management and maintenance issues and protection of natural resources for migratory birds and other wildlife.
Divestiture	Even though some have no potential to ever support the goals of the System, all refuges would be retained. Program resources would be further strained with little to no gain of wildlife habitat. Integrity of the System would be affected by retaining lands that do not support the goal of the System.	Six refuges would be divested based on loss of habitat and wildlife values due to development or the ability and willingness of the state to continue to manage limited-interest refuge lands as state Wildlife Management Areas. This would support the integrity of the System and ensure the best use of available resources.

**Alternative B (Preferred Alternative)**

Alternative B would emphasize taking a critical look at the needs and benefits of the limited-interest refuges. Relationships with landowners would be enhanced and programs would be available to willing landowners providing additional compensation and protection for those refuge lands identified as having the most critical habitats.

All refuge water management structures would be evaluated for needed repairs and replacements. Necessary work would be completed by local contractors and supplies would be acquired locally providing economic benefits to the local communities.



*Several water management structures need repairs.*

Mike Coos/USFWS

Managing stations would plan and initiate water level management programs on these impoundments to ensure maximum production of desirable aquatic plants and invertebrates utilized by nesting and migratory waterbirds, in particular, waterfowl. Maintaining water features on landowners' properties would maintain or increase land value due to the aesthetics and opportunities for wildlife-dependent recreation, such as fishing and birdwatching, a more reliable source of stockwater for livestock.

Landowners would be encouraged to use Best Management Practices (BMPs) for farming operations to reduce siltation and contamination of impoundments and natural wetlands. Managing stations would ensure landowners are provided the necessary BMP information provided by the U.S. Department of Agriculture.

Refuge staff would partner with willing landowners and the NDGF to evaluate many of the refuges for opportunities for public use. Affected landowners would need to provide access to the general public and the Service would monitor impacts to wildlife and landowners. Increased hunting, fishing, and other recreational opportunities would provide an economic benefit to the surrounding areas. Four seasonal law enforcement officers would be recruited for managing

and monitoring these new public uses, while ensuring visitor and landowner safety.

Six refuges would be divested ensuring the existing and added program resources are utilized on those refuges with potential to become national wildlife refuges in more than name only. Refuges with extensive loss of biodiversity that no longer meet their purpose or the goals of National Wildlife Refuge System and those that are currently owned and/or managed by the state (easements revoked), would be

divested. No wildlife habitat would be lost on those areas that would be managed by the NDGF. Recreational opportunities would continue or expand providing quality of life and economic benefits to the local communities. Some refuges would be divested giving all rights back to the landowners or a landowner designated managing interest excluding the water rights, which would be relinquished to the State. The Service would ensure that any water management structures meet federal and state safety standards prior to divestiture and transfer.

