

Appendix H



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Summary and Response to Public Comments

Summary of Public Comments and Service Responses on the Draft Comprehensive Conservation Plan and Environmental Assessment for the Eastern Neck National Wildlife Refuge

February 26, 2010

Introduction

In September 2009, we completed the “Eastern Neck National Wildlife Refuge Draft Comprehensive Conservation Plan and Environmental Assessment” (Draft CCP/EA). That draft refuge plan outlines three alternatives for managing the refuge over the next 15 years, and identifies Alternative B as the “Service-preferred Alternative.” We released the plan for 52 days of public review and comment from September 9 to October 30, 2009. We officially announced the availability of the draft plan for public comment in the *Federal Register* on September 9, 2009, as well as in media news releases and in a newsletter we distributed to approximately 1,000 individuals, state, federal and county agencies, organizations, and corporations on our project mailing list.

We evaluated all the letters and e-mails sent to us during that comment period, along with comments recorded in two public meeting sessions in Rock Hall, Maryland on September 24, 2009. This document summarizes all of the comments and provides our responses to them. Based on our analysis in the Draft CCP/EA, and our evaluation of the comments, we modified Alternative B and recommend it to our Regional Director for implementation. It is that modified Alternative B which we detail in this CCP. Our modifications include additions, corrections, and clarifications to our preferred management actions. All of these changes fall within the scope and context of actions analyzed in one or more alternatives in the Draft CCP/EA. As such, we have also determined that none of those changes warrants our publishing a revised or amended Draft CCP/EA before publishing the CCP.

These are some important changes in the final plan.

1. We re-evaluated the locations for new moist soil units (MSU’s) originally proposed in Alternative B of the Draft CCP/EA. Based on public comment, and a recent field review with MD DNR and refuge staff, our new plan is to create three larger MSU’s, instead of 4 smaller ones, to meet the approximately 22-acre objective we proposed in the draft plan for new MSU’s. The new MSU’s would all be in fields we plan to maintain in cropland, instead of placing two of them in an area we plan to manage as forest. We identify tentative locations on our new map (CCP map 4-1), but final selection will depend on soils and engineering testing, a cultural resource evaluation, and a cost/benefit assessment. In the near term, we will focus on monitoring the year-round wildlife use and effectiveness of the existing MSU’s, especially the Shipyard Creek location, to learn from those projects before constructing new ones.
2. We will maintain an additional 31.5 acres in cropland over what we proposed in Alternative B of the Draft CCP/EA. These acres are currently in cropland and are fields that: receive high wildlife use; lie along public access roads where they facilitate public viewing opportunities; include areas we are evaluating for new MSU sites; and, are in locations that would not detract from our objective to consolidate forest habitats. Map 4-1 depicts our habitat management objectives for the CCP.

3. We will maintain two hedgerows that we proposed to remove in Alternative B of the Draft CCP/EA. Based on public comment, and after the field review mentioned above, we determined there were several reasons to keep these in place. First, these hedgerows, which are near refuge headquarters, would help protect soils from wind and storm events in the refuge's largest crop field. Second, their size and composition, and the fact that invasive plants are not dominant, adds to the refuge's wildlife habitat diversity. Third, they lie along a main public access road where they facilitate public viewing opportunities. In addition, we will enhance these forested strips as needed, for example planting young trees and/or treating invasive plants, in order to sustain them as quality wildlife habitat.
4. In conjunction with #3 above, we have decided not to move the headquarters entrance road as proposed in Alternative B of the Draft CCP/EA since it will no longer lie in the middle of a large crop field. Instead, we will evaluate waterfowl use in that portion of the crop field between the hedgerow and the road. If use is low, we may manage those approximately six acres in another habitat type, such as grassland, shrubland or forest, to promote wildlife habitat quality and diversity and public view opportunities.
5. We plan to expand the amount of refuge shoreline and tidal marsh protection to include an area increasingly at risk. We have added another 3,000 linear feet along the northern boundary of the refuge. In the Draft CCP/EA we focused our discussion on expanding our protection effort along the southern and southwestern refuge boundary, with priority on protecting Hail Point Cove. While the Hail Point project will continue to be the highest priority of us, we now include the northern boundary of the refuge, including Tubby Cove, as another priority area. Over the past few years, the shoreline erosion and tidal marsh losses in this area have become more apparent. It is important to note, however, that all major shoreline protection and restoration projects will require additional environmental analysis and public involvement. Coupled with this effort, we plan to re-evaluate our intensive *Phragmites* control efforts in areas where the shoreline is actively eroding. While we do not prefer to retain an invasive exotic species, such as *Phragmites*, this plant's deep root system anchors the plant well and helps buffer the shoreline from the erosive effects of wind or high wave action. In some areas, if we continue to remove *Phragmites* without having established native emergent vegetation or some other buffer, than open water may result with no protection for the shoreline. In summary, retaining *Phragmites* along certain sections of the refuge's actively eroding shoreline may be the best option in the near-term for protecting that shoreline until more permanent measures are in place to stabilize and sustain native marsh development.

Our Regional Director will either select: our modified Alternative B for implementation; one of the other two alternatives analyzed in the Draft CCP/EA; or, a combination of actions from among the three alternatives. He will also determine whether a Finding of No Significant Impact (FONSI) is justified prior to finalizing his decision. He will make his decision after:

- Reviewing all the comments received on the Draft CCP/EA, and our responses to those comments; and,
- Affirming that the CCP actions support the purpose and need for the CCP, the purposes for which the refuge was established, help fulfill the mission of the Refuge System, comply with all legal and policy mandates, and work best toward achieving the refuge's vision and goals.

Concurrent with release of the CCP, we are publishing a notice of its availability in the *Federal Register*. That notice will complete the planning phase of the CCP process, and we can begin its implementation phase.

Summary of Comments Received

During the comment period, we received 42 responses, both written and oral. We also gathered oral comments at afternoon and evening public meeting sessions held on September 24, 2009 at the Rock Hall Municipal Building in Rock Hall, Maryland. The sessions were attended by 17 people.

We received comments from the following federal, state and local agencies:

- U.S. Army Corps of Engineers, Baltimore District
- Wildlife and Heritage Service – Maryland Department of Natural Resources
- Farm Bill Coordinator – Maryland Department of Natural Resources
- Maryland Historical Trust – Maryland Department of Planning

We also received comments from these organizations:

- Ducks Unlimited
- Friends of Eastern Neck, Inc.
- Defenders of Wildlife
- Maryland Waterfowler’s Association

In the discussions below, we address each substantive comment received. Directly beneath each subject heading, you will see a list of unique letter ID numbers that correspond to the person, agency or organization that submitted the comment. The cross-referenced list appears as attachment 1 to this appendix.

In several instances, we refer to specific text in the Draft CCP/EA, and indicate how the CCP was changed in response to comments. You have several options for obtaining the full version of either the Draft CCP/EA or the CCP. They are available online at <http://www.fws.gov/northeast/planning/Eastern%20Neck/ccphome.html>. For a CD-ROM or a print copy, contact the refuge headquarters.

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Service Responses to Comments by Subject

Planning Process and Policy

Document Clarity

(Letter ID#: 3, 4, 5, 25, 26, 37, 38)

Comment: Three respondents comment on an omission in our September 2009 CCP update newsletter. They expressed concern that we did not mention our current hunting, fishing and crabbing activities as being part of our description of Alternative B. Several respondents were confused if this meant that we were reducing or eliminating those programs.

Response: We apologize for the confusion and agree we could have been clearer in our newsletter's description of Alternative B. However, the Draft CCP/EA and the final CCP both make clear that we are maintaining the current recreational fishing and crabbing program (Re: Chapter 3, Alternative B, Goal 3, Objective 3.3.1), as well as the deer and youth turkey hunting program (Re: Chapter 3, Alternative B, Goal 3, Objectives 3.3.2 & 3.3.3).

Comment: Four respondents comment on corrections or additions needed in the text of the Draft CCP/EA. One mentioned that the green tree reservoir (GTR) deep well and turbine pump has never been used, contrary to what we said in the narrative. This same person requests we include the Easton Waterfowl Festival as a partner since their funding, provided through Ducks Unlimited, has supported refuge projects such as the construction of moist soil unit (MSUs) and Hail Point Cove restoration.

Response: In the Draft CCP/EA, Chapter 3, Alternative B, Goal 1, Objective 1.2.3 (Green Tree Reservoirs for Waterfowl), we state, "GTR #2 does have a pump attached to a deep well on the refuge. However, refuge staff have determined the use of this pump is not worth the time, effort, and cost of fuel to fill the reservoir unless an emergency situation exists. This has been a rare situation—it has only operated once in the last seven years." We continue to believe this is an accurate statement based on our conversation with past and present refuge staff. With regards to including the Easton Waterfowl Festival as a partner, we are happy to acknowledge their valuable assistance and regret that omission in the Draft CCP/EA. They are listed along with our other important partners in Chapters 1, 3 and 4.

Comment: Two commenters request that we include more information about a time schedule and a priority for implementing projects. The Defenders of Wildlife also suggests that "...the final CCP should describe the specific indicators that will be monitored, explain the reasons for selecting these indicators that will be monitored, explain the reason for selecting these indicators, and tie monitoring information to management actions. The step-down plans can then describe strategies for how to monitor these indicators."

Response: We appreciate the interest in seeing this level of detailed planning in the CCP, but we simply can not provide that level of commitment over the next 15 years given our budgeting process. As we state on the inside cover of the Draft CCP/EA, CCPs "...detail program planning levels that are sometimes substantially above current budget allocations and, as such, are

primarily for Service strategic planning and program prioritization purposes. The plans do not constitute a commitment for staffing increases, operational and maintenance increases, or funding for future land acquisition.” In the Draft CCP/EA, Chapter 3, under “Developing Refuge Step-Down Plans”, we list the refuge plans that will be a priority to complete. Three plans in particular, the Habitat Management Plan, the Annual Habitat Work Plan, and the Inventory and Monitoring Plan will provide many of the details of interest identified in the comments. We include a description of each of these step-down plans in Chapter 3, including the important information they will contain to prioritize, implement and monitor our management activities.

With regards to prioritizing projects, there are other places in the Draft CCP/EA where we indicate our priorities for refuge activities. In Chapter 3, Alternative B, Goal 1, Subgoal 1 rationale, we state “Actions to protect those areas [the refuge shoreline and near-shore environment] on and near the refuge, in particular, the eroding shoreline and tidal marshes, are the highest priority to implement on the refuge under this alternative. Our proposals under Objectives 1.1.1 and 1.1.2 were developed with that priority in mind.” In addition, the Draft CCP/EA Appendix C includes refuge projects currently in the Refuge Operations Needs (RONS) and the Service Asset Maintenance Management System (SAMMS) databases. These are priority projects to be completed as soon as funding permits. We would also like to point out that we endeavor to give a sense of timing and priority by listing strategies for each objective statement under the headings, “*Continue to*” or “*Begin within 3 (or 5 or 10) years*.”

With respect to the comment that we should plan future management actions based on what we learn from monitoring, we wholeheartedly agree. Our adaptive management approach for improving resource management decisions is described in the Draft CCP/EA, in Chapter 3, under “Adaptive Management”. A major basis of this management approach is to monitor management actions and outcomes, and key resources, and make adjustments in our activities if we are not meeting our objectives or producing the desired results.

Refuge Establishment Purpose

(Letter ID#:3, 4, 5, 6, 17, 18, 20, 21, 22, 29))

Comment: Numerous commenters, including the Maryland Waterfowler’s Association, recommend that the CCP more strongly “...reflect the main and original purpose of the refuge which is to protect and conserve wintering migratory waterfowl and birds.” Some of the respondents believe that the refuge has yet to meet its potential as a refuge for waterfowl and would prefer it excel at this then trying to diversify its goals. One commenter suggests that by not having the conservation of wintering waterfowl as a specific goal, its emphasis is “...diminished or muted”.

Response: The Service maintains a database of all the official establishment purposes for refuges in the National Wildlife Refuge System at <http://refugedata.fws.gov/databases/purposes.taf?function=form>. In the Draft CCP/EA Chapter 1, page 1-24 we identify that official purpose for Eastern Neck Refuge, which was stipulated by an executive order in December 1962, as “...for use as an inviolate sanctuary, or for any other management purpose, for migratory birds.” We go on to say on page 1-24 more specifically, however, that “...By virtue of its strategic location at the

confluence of the Chester River and the Bay, it is of significant value to migrating and wintering waterfowl on Maryland's Upper Eastern Shore."

The "goal-subgoal-objective" organization of our management activities presented in the Draft CCP/EA, Chapter 3 is modeled after the Chesapeake Marshlands Refuge Complex CCP. Their Goal 1 is also a broad statement about conserving Federal trust resources and other species and habitats of special concern in the region. We believe it is important to be as consistent as possible between the two plans given that Eastern Neck Refuge is part of that Refuge Complex. We disagree with the comments that this structure "diminishes or mutes" our management emphasis on waterfowl.

We would also like to point out some of the numerous places that conserving waterfowl is listed as one of our highest priorities. First, in the Draft CCP/EA, Chapter 3, our Service-preferred Alternative B is titled, "Emphasis on Tidal Wetlands and Waterfowl." On page 3-39 of the draft plan, in the introduction to Alternative B we say, "...Its primary focus is active management to protect and restore the refuge shoreline and tidal marsh habitats, and enhance upland habitats for wintering waterfowl and other migratory birds." Goal 1, Subgoal 2, is specifically about sustaining wintering populations of waterfowl and has more objectives identified than any other subgoal in the plan.

Statutory Authority/Jurisdiction

(Letter ID#: 8)

Comment: The Army Corps of Engineers (ACOE) comment that proposed breakwater projects and the marsh restoration program may be subject to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. They also request that we have these waterbodies identified and delineated by an environmental consultant and make sure to secure all the proper permits for these projects. They enclose a checklist to aid us in compliance.

Response: We will adhere to all requirements for obtaining authorizations or permits and protecting jurisdictional wetlands required for national wildlife refuges. We take seriously our responsibility to comply with both the Clean Water and the Rivers and Harbors Acts. As we stated in the Draft CCP/EA, Chapter 3, under "Additional NEPA Analysis", the proposed new shoreline protection or breakwater projects are actions that would require additional environmental analysis and partner and public involvement once a lead-agency and site-specific proposals are developed.

Alternatives

Alternative B

(Letter ID#: 2, 6, 11, 12, 13, 15, 16, 19, 23, 38)

Comment: Twelve respondents support our Service-preferred Alternative B. Specific reasons they cite include: the emphasis on habitat management with appropriate mix of cropland and forest habitat to support migratory birds; the importance of protecting migratory wildlife, the need for

a full-time biologist to assist in the control of invasive species and answering visitor questions, the protection of threatened and endangered species and regionally concentrated wildlife, and the appropriate protection and treatment of the Refuge's cultural resources.

Response: We appreciate the support of our preferred alternative. All of the actions mentioned by respondents are included in our modified Alternative B, represented by the final CCP, which we are recommending to our Regional Director for implementation.

New Alternatives Proposed by Respondents

(Letter ID: # 7)

Comment: One commenter proposed a new Alternative "D." The central premise of this person's proposal is the de-complexing of Eastern Neck Refuge from the Chesapeake Marshlands Refuge Complex and "...adopting a dynamic, citizen-centered approach for its future management." The commenter would like the Service to return Eastern Neck to a stand-alone refuge by fiscal year (FY) 2013 because they believe the public was not involved in the decision to complex the refuge. The proposed Alternative "D" includes nine objectives, which we summarize below:

1. Engage the public in determining management priorities and designing strategies for achieving the Refuge's purposes...use "strategic scenario planning" with conservation partners, college students, elected officials, local residents and other stakeholders.
2. Redesign refuge job descriptions to create dual-function staff and reinstate employees "displaced" by refuge complexing.
3. Develop a "collaborative science network" of field specialists stationed at individual refuges and FWS offices.
4. Implement "...21st Century management strategies including...systems thinking" to achieve significant advances through small, focused actions.
5. Model "environmental stewardship" through public demonstrations of energy conservation, renewable energy generation (wind and solar), native landscaping, and other land ethics
6. Pursue "partnerships and grant funding" to help accomplish citizen-science biodiversity inventorying, climate stewardship, habitat and shoreline restoration, wildlife populations monitoring, invasive species control, archeological research, historical interpretation, ecotourism events, and all "Big 6" public uses.
7. Recruit new volunteers from less represented communities (e.g., minorities, people with disabilities) and re-establish the refuge's "resident volunteer program" to accommodate RV work-campers and conservation partners from distances.
8. Measure "economic sustainability" of Eastern Neck's operating expenses and accomplishments and the refuge's impacts on the community's economic stimulus through ecotourism.

9. Invite “political oversight” and site visits by members of the DOI, DOE, and USDA Secretariat; the Senate Committee on Environment and Public Works; and the House Resources Committee.

Response: The decision to complex Eastern Neck Refuge with the Chesapeake Marshlands Refuge Complex is an administrative one and well within the authority of the Service to make without public involvement. Personnel actions are categorically excluded from preparation of EAs or environmental impact statements (43 CFR, Part 46, Subpart C, §46.210). The decision to complex the refuge was part of a larger Regional National Wildlife Refuge System (Refuge System) down-sizing and base budgeting plan, implemented in 2006 and approved by the Regional Director. It was developed in response to the Refuge System’s current and forecasted budgets, predicted to be either level or declining, coupled with the fact that salaries and other increasing costs were eroding the management capability at field stations. Objectives #2 and #3 above make recommendations about refuge staff positions and respective locations; decisions that were part of the 2006 plan.

We believe Alternative B of the Draft CCP/EA already includes aspects of several of the remaining objectives identified above. With regards to objective #1, the Draft CCP/EA, Chapter 5, includes our coordination and consultation with others during the planning process. We held public meetings, published *Federal Register* Notices, distributed newsletters and media releases, maintained a website, gave presentations at invitational meetings, and held a technical workshop—all with the intent to solicit input on current or proposed refuge management. We maintain a project mailing list of approximately 1,000 individuals, state, federal and county agencies, organizations, and corporations. We alerted everyone on our mailing list to the availability of the Draft CCP/EA for public comment, and gave everyone 52 days to respond or contact us with questions or concerns. As we describe in this appendix, public comments affected change in our proposals. In our best professional judgment, we believe the CCP combines actions that will best achieves the purposes, goals, and vision of the refuge, contribute to the mission of the Refuge System and the Service, address issues, and incorporate sound principles of fish and wildlife conservation.

Regarding the suggestion to engage the public and partners in setting priorities, the CCP process included many opportunities to review and comment on management actions and priorities. We also wish to point out there are many places in the document that we mention the importance of coordinating with our partners and other resource experts, and the value of engaging the public. The CCP, once final, provides the strategic framework to enhance our relationships with the public and our partners, and a basis for communicating and refining priorities. This is especially important as we move to the implementation phase. We emphasize in Chapter 1 of the Draft CCP/EA and again in Chapter 3, that actions proposed under our biological goals take precedence and that our highest priority over the next 15 years is to work with experts to help us plan, design, and implement measures to protect the refuge’s shoreline and tidal marsh habitat. Very few comments we received suggested a different priority.

Objective #4, if we understand the comment accurately, suggests that we should implement “small, focused actions” that contribute to a larger landscape conservation purpose, and that we should also include outside expertise in developing, implementing and evaluating those actions. We agree

and believe our draft and final plans do just that. In Chapter 1 of the Draft CCP/EA we describe all of the international, ecoregional, regional and state conservation plans we consulted. In many instances we talked to the authors, or responsible officials, to assess what role the refuge could play in implementing the goals of each plan. In Chapter 2, we describe the refuge's international and national context and its importance in the region. In Chapter 3, listed as strategies under most of the objectives, we indicate our intent to work with, and expand, our partnerships.

Pursuing renewable and alternative energy sources, mentioned in Objective # 5, is a major focus for us. We describe in the Draft CCP/EA, in Chapter 2 under "Refuge Management Facilities" what we have in place. In Chapter 3, under "Refuge Staffing and Administration" we describe our plans to service, repair, and maintain existing renewable energy sources, namely the windmill and the solar panels, and to look for other opportunities as we replace equipment and facilities. Under Alternative B, Goal 3, Objective 3.4.3 (Demonstration Areas), we describe our interest in promoting the refuge as a demonstration and learning site for such programs as renewable energy, BayScaping, best management farming and forestry practices, and tidal marsh restoration.

Objective #6, regarding pursuing partnerships and grants, is a significant emphasis in the Draft CCP/EA which we feel is sufficiently covered. We mention the significant role that our partners play, and will continue to play in virtually all of our refuge programs. In Chapter 2 of the Draft CCP/EA, under "Eastern Neck Partners" we list some of our key partners and explain how they are "...integral to managing, monitoring, and evaluating the projects and programs we undertake." In Chapter 3, listed as strategies under most of the objectives, we indicate our intent to work with, and expand, our partnerships. Objective 2.1.2 (Research Partnerships), specifically mentions our interest in pursuing partners to conduct research to enhance our ability to achieve our goals and objective and to monitor the effectiveness of our actions. Objective 3.1.2 (Other Agencies and Partner Outreach) details our interest in fostering and enhancing "...cooperation and communication with other state and Federal agencies, museums, civic organizations, environmental and conservation groups to promote and advance the Refuge System mission and refuge goals."

The recommendation under objective #7 to increase recruitment of volunteers is one we have addressed in the Draft CCP/EA, although we did not stipulate a focus on recruiting "less-represented communities." In Chapter 2, under "Volunteer Program" we describe the importance of our current program. In Chapter 3, under Alternative B, Goal 3, Objective 3.5.2 (Volunteer Program), we describe how we will continue an active program with improved coordination from our staff. Under Objective 3.1.1 (Community Outreach), we discuss our plans to conduct more effective outreach within Kent County to pursue our interest in raising awareness of the Refuge System mission and the refuge's vision and goals, and to encourage participation in our volunteer program.

Objective #9 involves a recommendation to invite agency and elected officials to the refuge to review and assess activities. We welcome the attention of agency and elected officials because we are proud of our accomplishments. Our September 2009 Hail Point Cove event was a great opportunity to showcase to officials the tidal marsh and shoreline protection project that was implemented with major support from partners. We maintain close communications with Congressional officials and their staff. We provide regular briefings to those offices and to other

state and federal agency officials with jurisdiction or management authority in the vicinity of the refuge. Those briefings may be in the form of sharing annual accomplishment reports, written and in-person briefings focused on a particular issue or topic, field and site visits, or visits to Congressional state offices or their offices on Capitol Hill. At every opportunity, we remind officials of our open invitation to tour the refuge and discuss our management.

Refuge Physical, Natural and Biological Resources

Shoreline Protection

(Letter ID#: 2, 9, 42)

Comment: There were three comments supporting the shoreline protection proposed in Alternative B; two of those people specifically mention their support of using off-shore breakwaters for that protection. One person further suggests the "...use of reef balls and oyster beds in concert with the breakwaters and any new breakwaters should be placed closer to fast land to ensure the accretion of wetlands development behind them," and, "...if additional spoils are needed, dredge the Eastern Neck Island Channel."

One individual recommends keeping *Phragmites* in place to prevent further erosion.

Response: We appreciate the support for the shoreline protection we proposed in the Draft CCP/EA. We also appreciate the sharing of ideas for implementing protection measures. However, as we mentioned above under "Statutory Authority/Jurisdiction", at this time, we have only identified priority areas in need of protection and have not fully developed a specific project. Any new breakwater projects are major actions that would require additional environmental analysis and partner and public involvement once a lead-agency and site-specific proposals are developed. Details on the most appropriate, efficient, and effective techniques, within the parameters allowed by required permits and regulations, would be vetted through that process. In the meantime, we are monitoring the recent work in Hail Point Cove to evaluate the techniques used in that shoreline and marsh restoration project.

We agree that retaining *Phragmites* along certain sections of the refuge's actively eroding shoreline may be the best option in the near term for protecting that shoreline until more permanent measures are in place to stabilize and sustain native marsh development. We mention this above in our list of important changes to the final plan (see item #5 in the list of changes to the final plan above). We also include this as a strategy in Chapter 4, Goal 1, Objective 1.1.1 (Shoreline Protection).

Historic and Cultural Resources

(Letter ID#:16)

Comment: The Maryland Historical Trust provides their review of the Draft CCP/EA with particular focus on those sections of the CCP that deal with the Refuge's historical and cultural resources. They cite their full support for the goals, objectives and specific actions in the CCP we list as ways to protect and enhance historic and cultural resources. They mention looking

forward to working with us “...to ensure the appropriate stewardship of cultural resources in the implementation of the CCP for Eastern Neck NWR and address relevant responsibilities under Sections 106 and 110 of the National Historic Preservation Act of 1966.”

Response: We take seriously our responsibility to protect historic and cultural resources. All of the actions mentioned by the Maryland Historical Trust are included in Chapter 4 as “General Refuge Management–Protecting Cultural Resources”, or as subgoals, objectives, or strategies under the following headings: Goal 1, Subgoal 5, Objective 1.5.1 (Archeological Resource Protection); and, Goal 1, Subgoal 5, Objective 1.5.2 (Protection of Historical Structures).

The Maryland Historical Trust letter is included as Appendix G to document our consultation under Section 106 and 110 of the National Historic Preservation Act of 1966. We will continue to consult with this agency as we implement specific projects.

Cropland Management for Waterfowl

(Letter ID#: 2, 3, 4, 5, 6, 9, 12, 17, 18, 20, 21, 22, 26, 29, 38, 39, 40, 41)

Comment: There are 18 respondents who commented on the proposed reductions in croplands and the plans to convert those acres to forest habitat. Those opposed do not support cropland reductions because the overall amount of forage for wintering and migratory waterfowl would be less during the winter months when the birds are most stressed. Specific concerns expressed include mention that with cropland reduction there “...will not be a sustainable amount of residual feed to sustain them [waterfowl] through the winter”, and because the resulting fewer fields “... will reduce the amount of space available for waterfowl to remain undisturbed, particularly AP Canada geese.” One person took issue with our suggestion that the negative impacts to waterfowl of reducing cropland acres may be offset by consolidating the remaining crop fields into larger tracts. Another person wanted the amount and configuration of cropland to remain as is, but suggest we try diversifying the crops to include winter wheat and alfalfa.

One commenter will support cropland reduction with the stipulation that the remaining fields have an increase in unharvested crops left to offset the loss in acres and continue to support the same number of wintering and migratory waterfowl. Another commenter supports cropland reduction stating that waterfowl historically used refuge lands before cropland farming existed, so managing for more natural habitats does not necessarily exclude waterfowl. The Defenders of Wildlife appreciate the need for maintaining some cropland for food and habitat for migratory and wintering waterfowl, particularly in light of declines in submerged aquatic vegetation. However, their organization supports the overall reduction in cropland acres because fewer crop fields are more consistent with Service policy on maintaining and restoring biological integrity, diversity, and environmental health on refuge lands.

Response: In our best professional judgment, we believe our modified Alternative B cropland management is the most reasonable and efficient approach to maintaining quality wintering and migrating waterfowl habitat (see #2 in the list of changes to the final plan above). We are retaining the most productive fields and the ones with the highest use by ducks and Canada geese and in a configuration that affords them security cover. We will continue to work with the cooperative farmer to implement an adaptive management approach which is responsive to current conditions,

such as weather, but still allows us to meet the priority objectives for waterfowl. Goal 1, Objective 1.2.1 (Cropland Management for Waterfowl), details our cropland management strategies.

Comment: Other comments relate to concerns with farming practices. One respondent expresses concern with the use of nitrogen fertilizer due to the detrimental environmental impacts it poses to water quality in the Chesapeake Bay. This person recommends the use of nitrogen-fixing cover crops as a better management practice and as an alternative food source for wildlife. He suggests the establishment of good agricultural practices for soil management including minimizing chemical fertilizers and pesticides, establishment of buffer zones, controlling runoff and non-point pollution. The Friends of Eastern Neck support farmers and farming but suggest that the Service "...adopt practices that minimize chemical fertilizers and pesticides and maximize organic fertilizers, establish buffer zones, control runoff, control non-point pollution, etc..." and "...use the refuge as a teachable example of best farming practices."

Response: Implementing sustainable, best management farming practices is a major emphasis in our cropland program. In the Draft CCP/EA, Chapter 3, under Alternative B, Goal 1, the strategies for Objective 1.2.1 (Cropland Management for Waterfowl), details what practices we plan to employ to prevent sediment, chemical, and nutrient runoff in to the Chesapeake Bay. In response to the particular concern about nitrogen-loading, we specifically plan to work with the cooperative farmer to increase the amount of clover and other nitrogen fixing cover crops to minimize the need for chemical fertilizers. Soil testing is done each year prior to planting to determine whether additional nitrogen is even needed, or to insure that only the minimum amount is applied to be effective.

Hedgerows

(Letter ID#: 2, 4, 5, 6, 9, 17, 18, 20, 21, 22, 29, 40, 41, 42)

Comment: Six respondents recommend not removing hedgerows. Their reasons that hedgerows are beneficial include: they provide important songbird habitat and habitat for other diverse wildlife species, prevent wind erosion from croplands, attract dabbling ducks and other shorebirds, and provide security cover and travel corridors for small animals and birds. One person understood our basic rationale for removing hedgerows, but suggested we be pragmatic about where and how much we convert since, "...maintaining a transition between field and forest is expensive (i.e. Geo-boy use, spraying, mowing, etc). Another person expressed concern that hedgerow removal may attract snow geese, which are not desirable. Another expresses concern that with the loss of hedgerows, "...a whole biome that utilizes the hedgerows and edge habitat presented by the field arrangement..." would be impacted and, "...much of this has already been lost over the last 40 years off refuge as the local farmers switched from mixed grain/dairy farming to primarily small grain farming with fewer, larger fields."

Several people support hedgerow removal, although some qualify their support in only removing the "small" hedgerows, because they believe it would make field maintenance more efficient, the hedgerows are only marginal wildlife habitat, and because the resulting increased field sizes would hold more waterfowl.

Response: In response to public comment, our staff conducted a field review of the hedgerows we identified for removal in Alternative B of the Draft CCP/EA. We also made another site visit with a MD DNR waterfowl expert to obtain his opinion. Our intent was to further evaluate each hedgerow's length and depth as a measure of their real effectiveness in providing security cover and travel corridors for small animals and birds, and to determine the extent of invasive and exotic plant establishment as a measure of their impact on biological diversity and integrity. As a result of our evaluations, we determined there are several reasons to keep two of the hedgerows in place (see item #3 in the list of changes to the final plan above). First, these hedgerows, which are near refuge headquarters, would help protect soils from wind and storm events in the refuge's largest crop field. Second, they are wide enough and have minimal invasive plants present such that they contribute to wildlife habitat diversity. Third, they lie along a main public access road where they facilitate public viewing opportunities. In addition, we will enhance these forested strips as needed, for example planting young trees and/or treating invasive plants, in order to sustain them as quality wildlife habitat.

Wetlands (Natural and Managed)

(Letter ID#: 2, 3, 4, 5, 9, 17, 18, 20, 21, 22, 14, 41, 42)

Comment: Several respondents support the protection and expansion of tidal marsh restoration, but would like us to restore more than the 108 acres planned in the Draft CCP/EA.

Response: We agree that we should have thought more broadly in the Draft CCP/EA and have included in our final CCP a discussion on the protection and restoration of an additional 3,000 linear feet of the refuge's north shoreline. Undoubtedly, this will involve additional marsh restoration, but detailed plans have not been developed yet. As we note above, in our list of changes made between draft and final plans (see item 5 in our list of changes to the final plan above), all major shoreline protection and restoration projects will require additional environmental analysis and public involvement. This additional project is also discussed in the final CCP in Chapter 4, under Goal 1, Subgoal 1, Objective 1.1.1 (Shoreline Protection).

Comment: Several commenters suggest we need to improve our management and maintenance of the existing moist soil units (MSUs), including the installation of efficient water control structures. Four commenters support the 22-acre increase of MSUs, while other supporters indicate a general interest in seeing more emergent wetlands to benefit more diverse waterfowl, including puddle ducks, as well as shorebirds and wading birds. One person specifically requests an increase of emergent wetlands from the planned total 50 acres to 100-125 acres for more for year-round photo and recreational opportunities for migratory waterfowl and songbirds.

Response: We support the need to annually maintain, repair or replace water control structures in MSUs to the extent needed to support our management objectives. These are described in the Draft CCP/EA, Chapter 3, under Alternative B, Goal 1, Objective 1.2.2 (Moist Soil Units for Waterfowl and Other Birds). With regards to the recommendation that we at least double the acres in MSUs, we simply disagree. In our best professional judgment, our final plan includes an expansion of MSUs that is the best and most realistic program to implement over the next 15 years, given our other habitat priorities. Additionally, our recent field review of potential moist

soil units indicates that the island's soils and topography does not lend itself to the construction of extensive MSU complexes. The slope of the island would increase the cost of construction and maintenance, and likely result in numerous small inefficient units and much more expensive on a cost/acre basis to maintain. We believe it is most important to evaluate, and if needed, improve upon the structures we have in place, while implementing a modest expansion, to insure we are developing the most effective and efficient designs. If our monitoring over the next 15 years indicates a high resource value, a further expansion of MSUs could be evaluated during development of the next CCP.

Comment: Five commenters recommend upgrading or repairing the Green Tree Reservoirs (GTRs). One person requests we analyze soil types to determine the holding capacity of water to make sure the GTRs are located properly. Several requests are made to replace non-functioning water control structures and restore to working order the deep well and pump at GTR #2.

Response: We agree that we need to evaluate the condition and function of our GTRs and indicate this in the Draft CCP/EA, Chapter 3, Alternative B, Goal 1, Subgoal 2, Objective 1.2.3 (Green Tree Reservoirs for Waterfowl). We describe in the "basis for the objective" and in the strategies that we need to do a thorough evaluation of each GTR to determine whether the level of waterfowl use merits the investment of staff and operations and maintenance funds, and/or whether to make improvements in infrastructure, and/or whether to continue the rotational management currently used. We make specific mention that the evaluation will include a decision on what to do with the pump in GTR #2. Our plans are to conduct this evaluation within 5 years of CCP approval.

Forest Management

(Letter ID#: 3, 4, 5, 6, 15, 17, 18, 20, 21, 22)

Comment: We discuss above under "Cropland Management" why some respondents are concerned with the loss in waterfowl habitat quality if some croplands are converted to forest. However, respondents expressed additional concerns with converting fields to forest. These include the chance for increased opportunity for invasive and exotic plants species to spread, the desire not to attract raptors, and the loss of wildlife viewing opportunities in the fields.

Other people support an increase in forest habitat. One person notes, "...riparian forested buffers are extremely important to the future restoration of the Bay. Consolidation of the farm fields in consideration of their juxtaposition to forest lands and expanded forest buffers provide important water quality and wildlife benefits supportive of the Service's trust resources and the Bay's future."

Response: Our respective discussions above under "Cropland Management" and "Hedgerows" directly relate to this response on forest management. As we state above, we are using our best professional judgment to determine the best mix of habitat types, patch size, and distribution on refuge lands to meet our goals and objectives. In response to public comment and additional field reviews, we have made some changes in the final plan, but none of those changes result in a loss of existing forest habitat, nor do they result in further fragmentation of the forest. We will remain vigilant to any possibility of spreading invasive and exotic plants as their control is a high priority

on the refuge. Regarding the concern that forest land attracts raptors, we must argue this is a benefit. Migratory birds, including raptors, are Federal trust resources and their protection and conservation is one of our agency's primary responsibilities. A raptor of particular importance to us on Eastern Neck refuge is bald eagles. Draft CCP/EA, Chapter 3, Alternative B, Goal 1, Subgoal 3, Objective 1.3.3 (Bald Eagle Conservation), outlines our strategies to protect them.

We agree fully with the comment on the benefits that riparian buffers provide, which is why we include a strategy in the Draft CCP/EA, Chapter 3, Alternative B, Goal 1, Subgoal 3, Objective 1.3.1 (Forest Habitat Management), that a minimum 330 foot forested buffer be established around the refuge's shoreline and tidal marshes "...to promote riparian habitat for forested birds, bald eagles and other raptors, and other wildlife and to provide other resource values such as for water quality and marsh protection."

BayScape Garden

(Letter ID#: 24, 42)

Comment: There were two comments that favor maintaining the Bayscape Garden. One commentator corrects our CCP/EA BayScape garden description in chapter 2 and states that irrigation and fertilization are no longer used. Another respondent feels that the BayScape garden is a very valuable asset to be maintained on the refuge as it attracts many visitors who enjoy viewing and photographing insects in the garden. The respondent feels that the garden "... contribute[s] to many sub goals and strategies for photography, environmental education and interpretation..." in our Draft CCP/EA. This person also comments on the important partnership between the refuge, the Friends of Eastern Neck, and the Maryland Master Gardeners in maintaining the garden. They mention that this partnership could be strengthened and communication could be improved to "...prevent duplication of efforts." Specific projects suggested for collaboration include an informational kiosk, educational programs, and a butterfly and plant brochure.

Response: The Draft CCP/EA specifically mentions the outreach, educational and wildlife observation values the BayScape garden provides, and the significant role that partners and volunteers have played. In the Draft CCP/EA, under Alternative B, Goal 1, Objective 1.3.2 (Grassland Habitat Management), and under Goal 3, Objective 3.43 Demonstration Areas, we list strategies for maintaining the BayScape Garden with partners and volunteers and promoting its use as a demonstration and education site.

Invasive and Exotic Plant Species

(Letter ID#: 5, 39)

Comment: Two respondents comment on invasive species management on the refuge. One respondent questions our classification of autumn olive as an invasive species, and thus our removal of it from the refuge. The respondent points out that it provides a food source for many birds. Another respondent states that two ponds on the refuge are in immediate need of *Phragmites* control.

Response: Autumn olive (*Elaeagnus umbellata*) is classified as an invasive plant in the state of Maryland. The Maryland DNR maintains a list of invasive and exotic species on their website at http://www.mdinvasivesp.org/invasive_species_md.html. They classify autumn olive as a “code 2” species, which is defined as “[w]idely recognized by biologists and natural resource managers to degrade natural resources and/or negatively impact native species.” Although autumn olive does provide some benefits to bird species, there are many native plant species that are more beneficial and do not decrease biodiversity by dominating other vegetation.

With regard to suggested priority areas for *Phragmites* and other invasive, exotic plant treatments, we offer the following explanation of our current program. In the Draft CCP/EA, in Chapter 2 under “Invasive Species”, we identify the four plants that we focus most of our attention and resources on: *Phragmites*, mile-a-minute, Johnsongrass, and Canada thistle. In order to control *Phragmites*, we have partitioned the refuge into treatment blocks. We are working from the north block to the south block in a rotation over the course of several years. In a given year, we will first re-treat areas that were treated the previous year, if needed, in an attempt not to lose ground. Once last year’s areas are treated, we move to the next block south, or start over again on the north end. We agree with the respondent that the two ponds mentioned are high priority because they have historically provided high quality habitat. We recently treated one of the ponds in September 2009, and plan to treat the other one in 2010.

For more information on why we control for invasive plants and our treatment methods, please refer to Chapter 3 in the Draft CCP/EA, Chapter 3, under Actions Common to All Alternatives—Invasive Plant Management.

Global Climate Change

General

(Letter ID#: 38)

Comment: Defenders of Wildlife support our efforts to address global climate change impacts in our Draft CCP/EA because they believe that it is one of the “...most significant problems affecting plants and animals today.”

Response: We are very concerned about the predicted impacts from global climate change on wildlife and other natural resources. While there is much uncertainty about the scope, scale, and timing of those impacts, we are trying on a local level to do what we can to minimize those threats. We identify some of those actions in the Draft CCP/EA, Chapter 4, in the section on “Cumulative Effects—Climate Change. Fortunately for us, the Department of Interior and its agencies are in the forefront of developing guidance for land managers on addressing climate change. We will stay informed as recommendations develop and we will implement those measures within our capabilities.

Refuge Administration

Staffing

(Letter ID#: 6, 42)

Comment: Two respondents comment on refuge staffing. The first suggests that it might be beneficial if the manager or maintenance person also has law enforcement capabilities. The other strongly supports the proposed addition of a biological technician to aid refuge biological programs and help answer refuge visitor questions. This commenter also feels that we do not need to add any law enforcement personnel on the refuge because local, Kent County Sheriff and existing Refuge Complex law enforcement officers already do an adequate job protecting the refuge.

Response: In the Draft CCP/EA, Chapter 3, Alternative B, we identify staff positions we recommend to support full implementation of our goals and objectives and explain our reasoning in respective strategies. Appendix D also presents a staffing chart that reflects our recommendations. Current and new positions will maintain and enhance our visitor services and biological programs, and protect our most important resources. The law enforcement position we recommend would serve not only Eastern Neck Refuge, but will facilitate law enforcement and outreach efforts at Susquehanna Refuge and on Garrett Island, which is part of Blackwater Refuge. In addition, we acknowledge the great partnership we have with Kent County Sheriff's Office, who is regularly assisting us with security patrols. However, the Sheriff's Office is not able to enforce the full scope of refuge laws and regulations. We need additional capability to enforce refuge regulations including those regarding hunting, shoreline trespass, archeological law enforcement and other refuge regulations.

Public Use and Access

Hunting

(Letter ID#: 10, 25, 27, 28, 30, 31, 32, 33, 34, 35, 36, 37, 43)

Comment: Twelve respondents comment on the refuge hunting program. Eleven people express support for the refuge's hunting program for reasons including its use as a wildlife management tool, its support of wildlife conservation, and because of the recreational opportunities it provides. One person supports having designated hunting areas to help prevent accidental shootings. A few respondents suggest we consider expanding hunting opportunities.

One respondent opposes hunting because of a concern with the safety of others using refuge lands, and the fact that providing a hunting opportunity on public lands is "...not representing the majority of Americans..." and is instead representing, "... an extremely small group."

Response: Hunting is a priority public use within the National Wildlife Refuge System as established in the National Wildlife Refuge Administration Act of 1996 (16 U.S.C. 668-dd-668ee), as amended by the National Wildlife Refuge System Improvement Act of 1997 (Pub. L. 105-57; 111 Stat. 1253). We describe our current deer and turkey hunt program in the Draft CCP/

EA in Chapter 2. It is popular with the public and we receive positive feedback each year from participating hunters. Our description in Chapter 2 includes a map depicting what areas are open to hunting and which are closed as part of a “Safety” or “No Hunt” zone. Refuge lands are closed to other visitors during hunting, although vehicular access is allowed through the refuge to Bogles Wharf boat landing. Safety concerns are our highest priority and the hunt is designed with this in mind.

In Chapter 3, Alternative B, under Goal 3, Subgoal 3, Objective 3.3.2 (Deer Hunting), we provide additional rationale for providing this hunt, including that it is designed, in large part, “... to maintain the deer population on the island at a level commensurate with available habitat, in order to maintain the health of the herd and prevent habitat degradation that accompanies overpopulation.” Approximately 80-100 deer are removed each year. We also point out that “...the extent of our current program meets the needs of our public and provides a quality experience. However, we will continue to evaluate the program on an annual basis and modify it, as warranted, given new biological or visitor data.”

With regard to expanding our hunt program, we believe we are offering a quality hunting program given: the land base we have and the other activities we are trying to accommodate; the resources we have available to implement the program and expect to have available in the foreseeable future; and in the case of deer, the herd maintenance objective we have set. We will re-evaluate an expansion to our hunt program in 15 years with the next CCP, unless significant new information or conditions change such that an evaluation is warranted sooner.

Additional Trails

(Letter ID#: 40)

Comment: One respondent wants us to open additional walking and hiking paths (as mentioned in the Draft CCP/EA, under Alternative C, Goal 3) to enhance our public use program.

Response: Alternative C in the Draft CCP/EA, under Goal 3, proposes removing the seasonal access closure out to Ingleside Recreation Area, since under that alternative the habitat along the access road would transition to forest and disturbance to waterfowl would be much less an issue. It also recommends opening up the southern end of the refuge to public access. We wish to point out, however, that the Alternative C discussion was a proposal to “evaluate” opening the southern part of the refuge to public access (re: Goal 3, Subgoal 2, Objective 3.2.1 [Wildlife Observation and Photography]); it was not a commitment to do so should that alternative be selected. We do not recommend these actions because, in our professional judgment, the maintenance and enhancements to our visitor services program that we plan under Alternative B provides the best mix of activities given the resources we expect to have over the next 15 years. In addition, the southern end of the island has been closed to public access for many years due to concerns with disturbing nesting bald eagles and wintering waterfowl, and to protect archeological and cultural resources. Those issues are still relevant, and in fact, our concern with disturbing birds is even more heightened now given the recent Hail Point Cove restoration project, which if successful, will attract even more waterfowl assuming little to no disturbance. As such, we recommend a continued restriction on public access to the southern end of the refuge. As for Ingleside Road, we recommend maintaining the seasonal closure since we will continue to actively manage waterfowl habitat along the access road to provide high quality habitat with minimal disturbance.

Attachment 1—Letter ID Numbers and Respondents

Letter ID Number	Name
1	David Coulter
2	Ducks Unlimited
3	Maryland Waterfowler's Association
4	Cliff and Alicia Brown
5	Phil Poux
6	George Bankey
7	Meg Walkup
8	US Army Corps of Engineers, Baltimore District
9	Charles Evans Jr.
10	Jean Public
11	William Rienhoff III
12	Grenville Whitman - Friends of Eastern Neck, Inc.
13	Dan Gomez
14	Wildlife & Heritage Service, Maryland Department of Natural Resources
15	Farm Bill Coordinator, Maryland Department of Natural Resources
16	Maryland Department of Planning
17	David Foote
18	Brent Prossner
19	William Grenke
20	Jeff Plummer
21	David Butler
22	Paul Bramble
23	Cory Evans
24	Alice Macnow
25	Joseph Lutzel
26	Michael Golob
27	Peter Ogden
28	Brian Kiefat
29	Terry Willis

Letter ID Number	Name
30	Anonymous
31	Erik Gregg
32	Marty Vandegrift
33	Anne Orthner
34	Jeremy Gray
35	Alec Boil
36	Wayne Armacost, Sr.
37	Mark Blazejak
38	Defenders of Wildlife
39	Jack Foehrenbach
40	Kathleen O'Connor
41	Chip Heaps
42	Bobby Clark, Jr.