



# **APPENDIX H:**

## **Scoping Report**

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**Appendix H**

# **SCOPING REPORT**

**ENVIRONMENTAL IMPACT STATEMENT**

**for the**

**Stillwater National Wildlife Refuge Complex**

**Comprehensive Conservation Plan**

**and Boundary Revision**

**U.S. Fish and Wildlife Service**

Stillwater National Wildlife Refuge

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## INTRODUCTION AND BACKGROUND

Congress passed the Truckee-Carson-Pyramid Lake Water Rights Settlement Act as Title II of Public Law 101-618 (PL 101-618) on November 16, 1990. Section 206(b) of the law designated approximately 77,520 acres of Federal land to be managed as “Stillwater National Wildlife Refuge” (Stillwater NWR). This newly delineated refuge combined with Fallon National Wildlife Refuge (Fallon NWR) and Anaho Island National Wildlife Refuge (Anaho Island NWR) comprises the Stillwater National Wildlife Refuge Complex (Stillwater NWR Complex). Section 206(b) of PL 101-618 further directs the U.S. Fish and Wildlife Service (hereafter referred to as the “Service”) to recommend to Congress revisions in the boundaries of Stillwater NWR “as may be appropriate to carry out the purposes” of the refuge and provisions of subsection 206(a) of the Law.

### Need for a Comprehensive Conservation Plan

A comprehensive conservation plan (CCP) is needed for Stillwater NWR Complex primarily because a plan is not in place that provides long-term direction for managing the refuge’s wildlife, vegetation, habitat, public use, and cultural resources according to current management authorities.

A plan is needed that provides long-term direction for Stillwater NWR to achieve refuge purposes including the management of water being acquired for the refuge’s wetlands under provisions of the Public Law 101-618. Stillwater NWR is currently being managed under a 1948 50-year agreement (Tripartite Agreement) between the Service, Nevada Division of Wildlife, and the Truckee-Carson Irrigation District. This agreement (termination date - November 1998) addresses management of Stillwater Wildlife Management Area (Stillwater WMA), of which the refuge was a part until 1990. The new management direction for Stillwater NWR is defined in the purposes for which the refuge was established (Public Law 101-618 §206(b)(2)), which are: to restore and maintain natural biological diversity, conserve and manage wildlife and their habitat, fulfill international treaty obligations with respect to wildlife, and to provide opportunities for research, environmental education, and wildlife-oriented recreation.

A plan is needed to guide the management of water that is being acquired for Stillwater NWR wetlands to encourage future annual water management plans to support refuge purposes, thus promoting long-term continuity in management to reach refuge goals. The Service is in the process of acquiring additional water and water rights in conjunction with the State of Nevada for Lahontan Valley wetlands, a major component of which is Stillwater NWR wetlands. The goal of the acquisition program is to secure enough water to sustain a long-term average of 25,000 acres of wetland habitat in the primary wetland areas of the Lahontan Valley, including 14,000 acres on Stillwater NWR (*Water Rights Acquisition for Lahontan Valley Wetlands Final Environmental Impact Statement/Record of Decision*, signed November 4, 1996). It is anticipated that a long-term average annual of 125,000 acre-feet of water will be needed, about 70,000 acre-feet of which would be used for Stillwater NWR.

Public Law 101-618 also authorizes the Service to recommend to Congress boundary revisions that would enhance the Service's efforts to accomplish the purposes for which Stillwater NWR was established. Of primary consideration will be the U.S. Bureau of Reclamation withdrawn public lands comprising Stillwater WMA (about 65,600 acres), but consideration will also be given to other wildlife-use areas on Bureau of Reclamation lands, Fallon NWR (about 17,920 acres), and other lands in the immediate vicinity of Stillwater NWR/WMA. Lands of Stillwater WMA not added to Stillwater NWR will no longer be administered by the Service when the Tripartite Agreement expires in November 1998. As per

Subsection 206(b)(5)(C) of Public Law 101-618, the need for retaining lands within Fallon NWR in the National Wildlife Refuge System (NWRS) will be evaluated. Boundary-revision recommendations for Stillwater NWR, if any, are to be submitted to Congress by November 26, 1997. Unless lands within Fallon NWR are recommended for disposal from the System, management of Fallon NWR lands will be addressed in the comprehensive conservation plan (whether Fallon NWR is retained as a separate entity of the NWRS or its lands are incorporated into Stillwater NWR).

Fallon and Anaho Island NWRs do not have current conservation plans. Fallon NWR was established in 1931 by Executive Order 5606 as a "...refuge and breeding ground for birds and wild animals..." Anaho Island NWR was established in 1913 by Executive Order 1819 as a "...preserve and breeding ground for native birds." Public Law 101-618 (§210(b)(2)) more narrowly defined the purpose of Anaho Island NWR, stating that it was to be managed and administered "...for the benefit and protection of colonial nesting species and other migratory birds." The Public Law also recognized that Anaho Island is part of the Pyramid Lake Indian Reservation, but that it is to be managed and administered by the Service. A memorandum of understanding between the Service and the Pyramid Lake Paiute Tribe was signed in March 1992 that outlined terms of the Service's management and administration of the island.

### **National Environmental Policy Act (NEPA) Documentation**

The environmental analysis for the comprehensive conservation plan and the boundary-revision of Stillwater NWR will be part of an umbrella Lower Basins Environmental Impact Statement (EIS) being coordinated and prepared by the Department of the Interior's Truckee-Carson Coordination Office (TCCO). The EIS will cover 3 other actions in addition to the comprehensive conservation plan and boundary revision: revisions to Operating Criteria and Procedures (OCAP) for the Newlands Irrigation Project (Bureau of Reclamation), Cui-ui water rights acquisitions (Ecological Services of the U.S. Fish and Wildlife Service), and a negotiated Truckee River Water Quality Settlement Agreement. The Service will assist in completing the EIS.

### **Purpose of the Comprehensive Conservation Plan**

The purpose of the comprehensive conservation plan for Stillwater NWR, Fallon NWR, and Anaho Island NWR (Stillwater NWR Complex) is to provide managers with a sound, long-term, workable strategy for achieving refuge purposes that is consistent with NWRS goals, Service policy, Executive Order 12996, pertinent legislation and international treaties, and principles of biodiversity conservation and wildlife management. Within this framework, important aspects of comprehensive conservation planning at Stillwater NWR Complex will be to objectively define a clear statement of desired future conditions for each refuge and to provide the avenue for long-term continuity in their management.

## **Purpose of Revising the Stillwater NWR Boundary**

Subsection 206(b)(5) of PL 101-618 directed the Secretary of the Interior to submit recommendations to Congress with respect to any boundary revisions that may be appropriate for carrying out the provisions of subsections 206(a) and 206(b)(2). Specifically, any revisions of Stillwater NWR's boundary are to aid efforts to achieve the purposes of Stillwater NWR and to facilitate the achievement of the 25,000-acre wetland habitat target identified in subsection 206(a).

## **Scope of the Comprehensive Conservation Plan**

The comprehensive conservation plan, once completed, will provide management direction for 10-15 years. Management objectives and strategies will be outlined within the context of a long-term vision for the refuge. For instance, long-term wetland habitat objectives will be formulated with the assumption that sufficient water is available to sustain a long-term average of 14,000 acres of wetland habitat on Stillwater NWR. However, it is possible that a sufficient amount of water will not be acquired within the 10 to 15-year planning horizon. Consequently, a phased approach will be incorporated into the water management portion of the plan, with the potential that a different set of objectives may have to be formulated to account for the different (increasing) amount of water that will be available to the refuge over time.

The comprehensive conservation plan will define desired future conditions and outline long-range management objectives and strategies for achieving the purposes of Stillwater, Fallon, and Anaho Island NWRs. The comprehensive conservation plan will emphasize the empirical and conceptual basis of the plan, including the field studies, principles, concepts, and professional knowledge upon which the long-range objectives and strategies are based and major assumptions that were made during plan formulation. This will facilitate the development of shorter term operational plans for individual management programs such as the annual water management plan. It will also allow future managers and planners to understand the rationale behind the plan, and, therefore, will permit educated adjustments and changes to the plan (i.e., "adaptive management"). Consequently, long-term continuity in management will be fostered.

The comprehensive conservation plan will define long-range objectives and strategies for managing water and other habitat components, wildlife populations, public uses, commercial uses, and cultural resources on the refuges. Compatibility assessments will be part of comprehensive conservation planning.

Because of the long-term nature of the plan, management strategies prescribed in the comprehensive conservation plan will be relatively broad -- 1-5 year operational plans will be relied upon to provide site-specific, year-to-year management direction. However, the comprehensive conservation plan will provide the framework for developing the more detailed, site-specific operational plans for particular management programs.

Three geographic scales will be addressed in the comprehensive conservation plan for the Stillwater NWR Complex: refuges level, regional landscape level (e.g., Lahontan Valley, Truckee-Carson River basins), and the hemispheric level. Management objectives and strategies will only be prescribed at the refuge level for Federal lands. Although management objectives and strategies will not be prescribed for areas outside of the refuges, consideration of conditions and factors (e.g., ecological conditions, wildlife population status, land use practices, public issues) at the other levels will be important during the formulation of objectives and strategies for the two refuges. The comprehensive conservation plan will explain the relationships among each of these levels, as they relate to the management of the refuges in the Stillwater NWR Complex.

**Refuge Level.** The comprehensive conservation plan will prescribe long-range management objectives and strategies for Stillwater NWR, Fallon NWR, and Anaho Island NWR. However, although objectives will primarily be formulated based on conditions within refuge boundaries and on management direction outlined in Public Law 101-618, other management authorities, and ecological principles, objective development will also be influenced by conditions and factors outside of the refuge boundaries, as explained below.

**Regional Landscape Level.** Management objectives and strategies for Stillwater NWR and Fallon NWR wetlands will be formulated in light of those being developed for Carson Lake by Nevada Division of Wildlife, tribal wetlands by the Fallon Paiute-Shoshone Tribe, and with an understanding of the way that other wetlands are managed in the Lahontan Valley. Management plans for Carson Lake wetlands and tribal wetlands are currently being developed; the Service is providing expertise to the Fallon tribe in the development of their wetland management plan. Whereas separate management plans will be developed for each of the primary wetland areas, close communication among the responsible parties during the respective planning processes will be encouraged to foster a more coordinated approach to managing the wetlands of Lahontan Valley. Consequently, the Service will pursue coordinated development of management plans for wetlands on Stillwater NWR, Carson Lake, and the Fallon Indian reservation.

Wetland management objectives for Stillwater, Fallon, and Anaho Island NWRs will also be developed in light of the regional context within which several species of colony-nesting birds forage and nest. For example, use of Stillwater NWR and Fallon NWR wetlands by American white pelicans, which nest on Anaho Island, is influenced by wetland conditions at the two wetland refuges. About 60 miles separate Anaho Island from Stillwater/Fallon NWRs. The combined importance of Anaho Island NWR to white pelican nesting (one of the nation's largest nesting colonies at 6,000-10,000 pairs) and Stillwater/Fallon Refuges to pelican foraging provides one reason why the development of management objectives for the three refuges are being carried out concurrently. In a somewhat different context, the development of objectives and strategies for managing wetlands on Stillwater and Fallon NWR should be done with the understanding that nesting populations of white-faced ibis in the Lahontan Valley are influenced by wetland habitat conditions throughout the Great Basin.

Also at the regional landscape level, management objectives and strategies for Stillwater NWR may also be influenced by issues such as mosquito control and wind erosion that are of concern to people in the Lahontan Valley. Pyramid Lake and lower Truckee River issues are being considered in developing objectives and strategies for managing Anaho Island NWR.

**Hemispheric Level.** Relative to shorebirds, waterfowl, and other migratory birds, consideration will also be given to conditions and factors occurring at the continental, flyway, and hemispheric levels. The Lahontan Valley wetlands became one of 15 designated sites in the Western Hemispheric Shorebird Reserve network and is recognized for its international importance as a migratory stop and breeding area for shorebirds. It also is an important area for waterfowl that migrate through the Great Basin.

**EIS Study Area.** The Lower Basins EIS study area encompasses the area where direct impacts of the four Federal actions being evaluated under the EIS could potentially occur. The EIS study area thus includes the Carson River from the upper end of Lahontan Reservoir down to and including farmland in the Carson Division of the Newlands project, Stillwater NWR, Carson Lake, and Carson Sink; the Truckee River from Lake Tahoe down to and including Pyramid Lake; and the Truckee Canal and associated farmland and wetlands from Derby Dam to Lahontan Reservoir.

## **SCOPING PROCESS**

The scoping process is an early and integral part of planning, environmental review, and documentation for the proposed comprehensive conservation plan/boundary revision. This process encourages the public and government agencies to help identify issues and concerns that should be considered as the management plan is being developed and the Stillwater NWR boundary is assessed for possible revision.

The scoping process helps to (1) identify issues and potential impacts, and (2) identify existing information. The Service has encouraged members of the public, interest groups, tribes, State and Federal agencies, and local governments to identify major issues and concerns regarding resources that could potentially be affected by implementing the proposed actions.

On September 19, 21, 26, and 28, 1995, and March 10, 11, & 19, 1997, the Truckee-Carson Coordination Office (TCCO) held scoping meetings in Fallon, Fernley, Reno and Carson City to obtain public input on the four Federal actions being analyzed in the Lower Basins EIS, including the Stillwater NWR Complex comprehensive conservation plan and Stillwater NWR boundary revision. The Service subsequently conducted open-house/workshops in Fallon on March 24, April 30, and July 17, 1997, and in Reno on March 25, April 29, and July 16, 1997. These workshops were held specifically to gather additional input (e.g., major issues, potential courses of action, possible impacts and mitigation) for the Service to consider during the development of goals, objectives and strategies for the comprehensive conservation plan and during the evaluation of Stillwater NWR's boundary. Press releases announcing the workshops were issued to Reno, Carson City and Fallon news media. Comments received at the workshops were documented. In addition to the open house/workshops that were open to the public, the Service met with Nevada Division of Wildlife and Fallon Paiute-Shoshone Tribe to obtain comments. Interested parties were invited to submit written comments. Appendix A and B lists comments received during the scoping process.

The Service sent letters to all parties on the Water Rights Acquisition EIS mailing list to request if they would like to be placed on the CCP/boundary revision mailing list (see Appendix C). The Service also sent letters to the landowners within the boundaries of Stillwater NWR, Stillwater WMA and adjacent areas inviting them to the workshops and/or encouraging alternatives such as phone conversations or sending written comments if the dates were not convenient (Appendix D).

Planning updates were periodically sent to the mailing list CCP/boundary revision mailing list. These updates introduced and described the planning process and identified how the public could become involved. Announcements of upcoming workshops/open houses were included in these updates as well as providing an address for written comments.

## **OVERVIEW OF PUBLIC ISSUES AND CONCERNS**

The following summaries reflect comments received during public and agency meetings as well as written comments by mail and those comments given directly to the Stillwater NWR office in Fallon either by phone or in person. Also included are comments submitted on the Draft Lahontan Valley Water Rights Acquisition Program EIS which were determined to be comments more suitably addressed in the CCP process.

## Habitat

**Summary of Public Concern.** Comments reflected the opinions that new boundary delineations should consider inclusion of the Carson River corridor (important riparian habitat); inclusion of the dune area north of the current Stillwater NWR border; exclusion or relocation of the Navy's low-level flight pattern (northwestern corner of the WMA); incorporation of Fallon NWR; inclusion of Pelican Island area west of Fallon NWR for potential wetland habitat; and include wetlands associated with the Oles Pond (naturally occurring wetlands). Additionally, concerns were raised that wetland habitat included within refuge boundaries (including the Canvasback Gun Club) should be evaluated as part of the 25,000 acre target established by PL 101-618; Canvasback Gun Club resources should be addressed in the CCP; and Boundary Alternative #5 (most inclusive alternative) is desired.

Other comments received: judicious management of water flows into the refuge incorporating prudent utilization of drainage water and spills to adequately compliment fresh water deliveries is paramount for water quality as well as sustaining ample spread throughout the refuge; lands left fallow due to water acquisition procedures could be leased for farming or ranching operations - this would keep adjacent wells from drying and provide additional drain water; and compatibility of livestock grazing should be addressed within the CCP - some comments received specified using grazing as a tool, some could see no value for livestock grazing.

**Plans to address Public Concerns.** The Service will assess and evaluate several different management scenarios in consideration for implementation of water management plan. Livestock grazing will also be evaluated as to its compatibility with refuge purposes and potential use to meet management objectives. Refuge purposes are a driving consideration for boundary revision.

## Wildlife

**Summary of Public Concern.** Comments received reflected the following: a need for predator management to promote higher waterfowl production; personal and commercial collection of reptiles is becoming a concern in Churchill County and methods of protection of these species should be discussed in the CCP; and fisheries are not a desired component of Stillwater NWR, but if restored, only those species which do not consume ducklings should be stocked.

**Plans to address Public Concern.** Wildlife management is the main component for boundary revision and CCP development. All modifications and strategies will be evaluated prior to implementation.

## Public Use

**Summary of Public Concern.** Activities such as hunting, birdwatching, camping, boating, and horseback riding currently take place on Stillwater NWR, Stillwater WMA, and Fallon NWR. Concern was expressed with respect to the continuation of these activities on Stillwater WMA lands if they area incorporated into Stillwater NWR.

Changes from current management could have direct effects on availability and quality of public use opportunities. Specific concerns expressed were those dealing with seasonal access, visitor's center, hunting, environmental education opportunities, camping, auto touring, and fishing. Several participants remarked that the CCP needs to address a more comprehensive road system (signs and designated tour routes) along with the availability of a visitor's center and environmental education facilities. Additional facilities and a more comprehensive experience were mentioned as an means to attract more tourism as well as volunteer assistance.

Concern was also raised that the area open to hunting not be diminished during the CCP process, and that a strategy be employed for the seasonal closure of certain areas or the entire marsh during the breeding season. There were also some comments urging the closure of some of the northern areas as a sanctuary. Still other comments received expressed concern to keep current management practices with respect to hunting.

Several people suggested that there is no biological justification for modifying boating regulations. There could be designated open/closed areas for different types of crafts and a possible horsepower restriction.

**Plans to address Public Concerns.** The Service will assess and evaluate potential impacts to current and proposed activities. The Service is exploring, with assistance from interested groups, ways to balance public uses and will asses the compatibility of public use proposed for the refuge.

## Local Economy

**Summary of Public Concern.** Among the concerns expressed were that conversion away from farmland should be minimized and clarification of the impact of the boundary revision on private inholdings is needed. Some also mentioned that lands acquired through the water rights acquisition program should be added to the Stillwater NWR only if they facilitate management and that unnecessary lands should be disposed of through sale or exchange for more desirable lands. Interest was noted as to the fate of livestock grazing.

**Plans to address Public Concerns.** The Service will evaluate the potential consequences of the boundary revisions and CCP on the local economy. The boundary of the refuge has no effect on private inholdings - landowners have exclusive rights to their own property. The Service will include into the Refuge those lands within its boundary that are purchased through the Water Rights Acquisition Program and dispose of, through sale or exchange, those which lie outside the boundary.

## Cultural Resources

**Summary of Public Concern.** There was a comment received with concern that the fluctuation of water level should be limited to once per year to minimize impacts to cultural resources.

**Plans to address Public Concern.** Water management strategies will be evaluated to determine the optimum technique required to promote quality habitat for wildlife with consideration given to impacts on cultural resources.

## SUMMARY OF SERVICE ISSUES AND CONCERNS

This section summarizes the Service's issues, concerns and potential opportunities with respect to national wildlife refuge resources and the potential impacts from Federal actions (or no action) being considered in the Lower Basins EIS.

### Wildlife, Habitat and Biodiversity Issues

**Opportunities.** The main 'opportunities' that the Service foresees with respect to Stillwater Refuge are the conditions that would exist by making diligent efforts toward carrying out refuge purposes, NWRS goals, and provisions of the NWRS Improvement Act of 1997. These conditions would include long-term protection of major components of the Lahontan Valley wetland ecosystem, such as Stillwater Marsh, lower Carson River, and wetlands at the delta of the Carson River, and upland habitats such as the sand dune system at the southern "shore" of the Carson Sink and a representative sample of a salt desert shrub and alkali playa complex. It would also include enhanced wetland habitat for migratory birds and other wetland wildlife, a reasonable close approximation of natural biological diversity, a properly functioning ecosystem exhibiting biological integrity and a healthy environment, and partnerships with State and non-governmental organizations aimed at restoring habitats inside and outside the refuge. The ongoing water-rights acquisition program, which has already resulted in benefits to migratory birds and other wetland wildlife, will substantially improve the Service's ability to provide quality wetland habitat, even in low water years.

**Limitations and Concerns.** At present, however, the conditions depicted above are not being realized within Stillwater NWR. Currently, Stillwater Marsh, the wetlands at the delta of the Carson River, two portions of the sand dune complex, and a small area of salt desert shrub are under the long-term protection of the NWRS. Conversely, protection of the lower Carson River after November 1998 (upon expiration of the Tripartite Agreement) is unknown, major portions of the sand dune complex are not within protected areas, and very little salt desert shrub habitat is represented within areas managed for wildlife. Furthermore, wetland-habitat quality on Stillwater NWR is sub-optimal (in terms of the amount of wetland habitat, functioning of the wetland system, types of wetland habitats provided, and water quality and contaminant issues); the biological diversity within Stillwater NWR is not representative of what it would be under natural conditions; and trace elements in some wetlands have been found to be at toxic levels.

These limitations (differences between existing and desired conditions) stem from the following underlying causes existing on the refuge:

- 1) changed hydrology and water quality, primarily involving reduced volume of inflow, altered timing of inflow, altered flow movement and patterns through the marsh, and elevated concentrations of dissolved solids and potentially-toxic trace elements flowing into the wetlands;

- 2) prevalence, influx, and increasing populations of non-native species, including salt cedar, tall white-top, cheatgrass, bull frogs, European carp, small-mouth bass, and European starlings (to name a few); and
- 3) past and ongoing land-use practices and alterations, including year-long, excessive livestock grazing, incompatible recreational uses (human disturbance), and altered landscape (e.g., structures, dikes, deep drains, canals).

Because these are the underlying reasons why refuge purposes and other management authorities are not currently being met, they are of primary concern to the Service. One limitation to resolving these core problems is information deficits. Other factors limiting achievement of refuge purposes are due to habitat conditions off the refuge and a variety of factors throughout North, Central and South America (migratory birds).

### **Public Use and Research Issues**

**Opportunities.** The main opportunities that the Service foresees with respect to public use and research on Stillwater NWR are the conditions that would exist by carrying out refuge purposes, NWRS goals, and the NWRS Improvement Act of 1997, including opportunities for high-quality, safe experiences involving hunting, wildlife observation, wildlife photography, environmental education, and environmental interpretation that are balanced with each other and that are compatible with wildlife and habitat goals. Within this context, the Service foresees partnerships with State, Tribes, Conservation Districts, non-governmental and other organizations aimed at enhancing recreational, education, and interpretive experiences on the refuge. Opportunities for scientific research are also foreseen.

**Limitations and Concerns.** At present, however, the conditions depicted above are not being realized within the proposed boundary of Stillwater NWR or any of the alternative boundaries. Currently, facilities and programs for the priority public uses are inadequate. More specifically, facilities, aside from roads, are non-existent for the physically impaired; opportunities for wildlife observation and photography, and environmental education and interpretation are inadequate (and are thus not considered of high quality); and hunting is receiving an unequal emphasis of the priority public uses. Furthermore, compatibility determinations have not been completed for public uses (several uses are questionable with respect to compatibility) and mercury in some species of waterfowl exceed concentrations considered safe for human consumption, and few partnerships exist. Before opportunities for fishing could be considered, the following issues would have to be addressed: mercury contamination (public health concerns); absence of a native sport-fish; adverse impact of non-native game fish on native fish, aquatic invertebrates, and other wildlife; ability to manage wetland units for wildlife and habitat objectives; and compatibility of fishing.

These limitations (differences between existing and desired conditions) stem from the following underlying causes existing on the refuge:

- 1.) habitat quality is suboptimal (causing lower densities of wildlife), including elevated concentrations of potentially-toxic trace elements (resulting in health concerns);
- 2.) changing public use standards - pre-November 1998 public use management has operated under a different set of guiding principles and standards than will post-November 1998 public use management (desired conditions), and Executive Order 12996 (signed in 1996) and the NWRS Improvement Act of 1997 have changed the emphasis of public use;
- 3.) insufficient resources are allocated to public use program, including no permanent, full-time Outdoor Recreation Planner, and facilities are inadequately designed.

Because these are the underlying reasons why conditions called for in refuge purposes and other management authorities are not currently being realized, they are of primary concern to the Service.

## Cultural Resources

**Opportunities.** The main opportunities that the Service foresees with respect to cultural resources on Stillwater Refuge are the conditions that would exist by carrying out refuge purposes and provisions of the NWRS Improvement Act of 1997, and other pertinent laws, including:

- 1) successful preservation of archeological resources for future scientific research
- 2) preservation of cultural resources to contribute to the USFWS's trust responsibility to American Indians
- 3) continued archeological research to further goals of refuge management
- 4) integration of cultural resources education into the refuge's environmental education/interpretation program

**Limitations and Concerns.** At present, however, the conditions depicted above are not being fully realized within the proposed boundary of Stillwater Refuge or any of the alternative boundaries.

Currently:

- 1) looting and vandalism of archeological resources likely continues on the refuge
- 2) cultural resources management occurs on a case-by-case basis (project driven)
- 3) there is limited understanding of the resource base and cultural resources research on the refuge is currently limited
- 4) cultural resources interpretation is limited (although it is more developed than environmental interpretation)

These limitations (differences between existing and desired conditions) stem from the following underlying cause:

- 1) lack of a staff cultural resource expert or someone dedicating a substantial amount of their time to cultural resources protection and management and lack of a full-time law enforcement presence
- 2) lack of funding directed at cultural resource management

## Other Use Issues

**Opportunities.** The main opportunities that the Service foresees with respect to other uses on Stillwater NWR are the conditions that would exist by carrying out refuge purposes and provisions of the NWRS Improvement Act of 1997, including that no incompatible uses would exist on the refuge. For example, opportunities for livestock grazing and muskrat trapping would only be provided to the extent they are used to achieve refuge goals and objectives.

**Limitations and Concerns.** At present, however, the conditions depicted above are not being realized within the proposed boundary of Stillwater NWR or any of the alternative boundaries. Currently, livestock grazing opportunities have been provided based on the Tripartite Agreement, but at current levels and season-of-use, appears to be causing damage to wildlife habitat; and muskrat trapping opportunities have been provided based on the Tripartite Agreement, but have not necessarily been managed as a habitat management tool.

These limitations (differences between existing and desired conditions) stem from a different set of standards that have been used, and will continue to be used until November 1998 when the Tripartite Agreement expires.