

IN RE: U.S. FISH & WILDLIFE SERVICE  
PUBLIC MEETING FOR HABITAT MANAGEMENT PLAN & ENVIRONMENTAL  
ASSESSMENT FOR FELSENTHAL NATIONAL WILDLIFE REFUGE

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TRANSCRIPT OF COMMENTS  
FROM  
EL DORADO PUBLIC MEETING  
TAKEN NOVEMBER 5th, 2015, AT 6:10 P.M.

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***Conway Court Reporting***

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C A P T I O N

**TRANSCRIPT OF COMMENTS**, taken from the U.S. Fish & Wildlife Service public meeting on the 5th day of November, 2015, at 6:10 p.m., at the El Dorado Conference Center, Murphy Hall I, 311 South West Avenue, El Dorado, Arkansas.

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P R O C E E D I N G S

LES CARDIN: I stopped by the refuge office a few months ago and had a meeting with Michael, and I asked some questions. One of the things that I asked him about was during duck season and early morning start. He told me that most of the people he had talked to liked it. I just wanted to know if I've been living under a rock. Would everybody in here that would like to start at 4:30 raise your hand.

MICHAEL STROEH: This is the habitat plan and that's a regulation issue.

LES CARDIN: I thought we were supposed to comment about the refuge.

MICHAEL STROEH: Comment about our habitat management and not about the regulations.

LES CARDIN: So you're not going to address any of those?

MICHAEL STROEH: I don't plan on it tonight, no. I will talk to you later about it.

LES CARDIN: I invited you to a meeting at Felsenthal. I said I would rent the pavilion down there, and you wouldn't come.

MICHAEL STROEH: Yeah. Like I said, I'm not going to comment here. You can provide your comments on the cards and stuff or you can talk to any of the

1 staff.

2 LES CARDIN: What is the schedule, then, to  
3 acquire land on the other side -- on the west of  
4 Warren Road?

5 MICHAEL STROEH: Right now, there is no  
6 schedule. We have no active land acquisition going  
7 on at this time. Even if there was a willing seller  
8 at this time, I don't have the funds appropriated for  
9 it. So we're talking years out. If someone -- just  
10 say even today, our process is almost a two-year  
11 process, so we're talking years. Right now, I have  
12 nothing in the works. Except TNC does want to sell  
13 their land to us. However, TNC has a legal issue  
14 with it that the habitat conservation plan encumbers  
15 their land. That's the reason you haven't seen a  
16 transfer going on at this time, and that permit that  
17 they have on there expires in 2031. So if that's the  
18 land you're talking about, that -- unless that legal  
19 issue hurdle can be overcome, we have nothing in the  
20 works.

21 LES CARDIN: Will you discuss the issue with the  
22 bears? Does it have anything to do with the habitat?

23 MICHAEL STROEH: What's the question?

24 LES CARDIN: Are you going to pay for my deer  
25 stand that one of them just tore up?

1                   MICHAEL STROEH: No.

2                   LES CARDIN: Why? They're your bears. You want  
3 them. I didn't want them. Do you understand why  
4 they have leash laws in town? For nuisance animals.  
5 This bear climbed in my deer stand and couldn't get  
6 out, so he just ate his way out of a very nice,  
7 expensive deer stand. I can't shoot him. I can't do  
8 nothing to him, but just sit there and watch him tear  
9 up my property. What part of this is fair? They're  
10 on my land. They're not on your land. They're on my  
11 land, tearing up my property.

12                  MICHAEL STROEH: The resident wildlife move  
13 across boundaries and there is nothing I can say  
14 there. It happens.

15                  LES CARDIN: Why won't you pay for my -- pay for  
16 the damage? You brought the bears in here.

17                  MICHAEL STROEH: We're not going to do that,  
18 sir. It's resident wildlife --

19                  LES CARDIN: So I can just come down there and  
20 throw a brick through the window down there at the  
21 refuge office and --

22                  MICHAEL STROEH: Well, that's not being  
23 realistic, sir.

24                  LES CARDIN: Well, a bear ate a hole inside my  
25 deer stand. It may not be realistic to you, but it

1           happened. I'm tired of you people down here, man.  
2           You make up the rules and do what you want to do and  
3           you then you assume no responsibility.

4           MICHAEL STROEH: Right now, you know, bears are  
5           resident wildlife. They move across property  
6           boundaries. There is nothing I can do to stop that.  
7           I think it's a good thing that we have bears back  
8           here.

9           LES CARDIN: Well, why don't you let me shoot  
10          them then?

11          MICHAEL STROEH: Actually, eventually, I think  
12          you will see a hunting season, I think, in the next  
13          year. They are proposing to do a population study to  
14          find out how many bears there are, and then look at  
15          that in terms of a possibility of having some type of  
16          limited hunt at some point in time. I think that's  
17          down the road here. It's not that far off. I think  
18          that is actually not too far away. I think they just  
19          have to get some good population numbers and then  
20          they will probably set some type of season.

21          LES CARDIN: On this habitat, you said you have  
22          to maintain a 9 to 10 foot channel; is that correct?

23          MICHAEL STROEH: The navigation channel must be  
24          at 9. The current depth is 11 feet, but we lower it  
25          a foot and it would be 10. We still would maintain

1 the navigation channel.

2 LES CARDIN: How many barges have been up that  
3 river in a years time?

4 MICHAEL STROEH: As far as I -- there are a  
5 couple that have come to the port. I don't --

6 LES CARDIN: We're going through all this  
7 trouble for two barges?

8 MICHAEL STROEH: Actually, the navigation  
9 project was established -- the whole lock and dam was  
10 established for navigation.

11 LES CARDIN: It was also established to be a  
12 green tree reservoir and they were going to raise the  
13 water every year, too. You reneged on that.

14 MICHAEL STROEH: The Corps of Engineers controls  
15 the navigation part. How many are coming up? I  
16 don't know. As far as I know, not many are coming  
17 past the port, if any.

18 LES CARDIN: Well, what are we doing this for  
19 then? I mean, why are we maintaining the channel if  
20 nothing is --

21 MICHAEL STROEH: And that is something you'll  
22 have to take up with the Corps of Engineers. That's  
23 their responsibility, not ours.

24 LES CARDIN: Spoken like a true government  
25 official.

1           TINA CHOUINARD: Thank you so much for your  
2 comments. I appreciate it. Anybody else have any  
3 comments?

4           DAVID SEYMORE: I've got a question about the  
5 ATV trails. What's the purpose of eliminating either  
6 18 miles or the five-mile deal? It's on the Union  
7 County side, it looks like. If you go on the refuge  
8 and look around, y'all have got trails everywhere  
9 down there. Is y'all's ATVs better than ours? Do  
10 y'all sanitize them before you go off road or how  
11 does that work? I mean, I know people that like to  
12 go on some of these ATV trails to get to where they  
13 want to go. But this is not Colorado. You can't --  
14 if you kill a deer way back down around Blue Lake  
15 Slough, you can't carry that thing out without an  
16 ATV. It's not Colorado and you can't butcher your  
17 deer in the field and tote it around. How is the  
18 ATVs really tearing up roads that's been there since  
19 there were roads? I mean, some of those roads are  
20 old horse trails that my grandparents developed years  
21 ago. So what's the purpose of eliminating ATV trails  
22 when you've got people that are disabled and really  
23 aren't qualified as handicap, but they're not  
24 physically strong enough to go way back in the woods  
25 to kill a turkey or kill a deer without using the ATV



1 trails?

2 MICHAEL STROEH: For all those reasons I had  
3 listed there, you know, whether it's soil compaction,  
4 soil erosion, forest fragmentation, all those listed  
5 reasons are there. Some of these trails are also --

6 DAVID SEYMORE: You're driving down the same  
7 trail all the time. It's not like people are  
8 creating new trails.

9 MICHAEL STROEH: And there is other -- some of  
10 these trails are not used as heavily as some of the  
11 other trails that we have. We looked at it also from  
12 a half mile buffer from any public road and evaluated  
13 it that way and how far away from a public road are  
14 these trails. Some of them are right next to public  
15 roads. So what's the need for it if you're right  
16 next to a road? All those factors were weighed into  
17 it. What I suggest to you is to submit your  
18 comments. Nothing is set in stone here.

19 DAVID SEYMORE: That's why I'm asking questions,  
20 you know. Most of the trails are on Union County  
21 side to start with.

22 MICHAEL STROEH: Most of them are Union County  
23 and there are a few in Ashley, yes.

24 DAVID SEYMORE: So, you know, people in Union  
25 County are going to be affected the most. We use

1           them more and they are on our side of the river. One  
2           other question I have is if you do purchase this land  
3           and they sell y'all the land, how does the tax  
4           revenue on that -- the government don't pay taxes;  
5           right? So the school district will lose how much  
6           money in revenue if y'all do incorporate this? Is  
7           that --

8           MICHAEL STROEH: When we acquire land, we pay  
9           what we call revenue sharing. Revenue sharing goes  
10          back to the schools. So each county --

11          DAVID SEYMORE: So y'all pay school sales tax?

12          MICHAEL STROEH: It's a different calculation or  
13          figure. I couldn't tell you exactly how it is. We  
14          do -- Union County does get a check from us every  
15          year, as well as Ashley and Bradley County. They do  
16          get checks. The Department of Interior has offshore  
17          drilling leases with all the oil wells offshore and  
18          stuff with those leases and stuff and all those goes  
19          into account that we then in turn pay back to the  
20          county for the land that we have acquired over time.  
21          So there is money going back into the counties. It's  
22          not a total --

23          DAVID SEYMORE: Rip off?

24          MICHAEL STROEH: No. So there is some that goes  
25          back, yes.

1           TINA CHOUINARD: Thank you very much. I  
2 appreciate that.

3           KEVIN GARNER: Concerning David's question on  
4 the trails, I noticed a while ago that you had A, B,  
5 and C option. On one option there was no trail  
6 closures, and the other option was 18 ½ miles, and  
7 the other one was approximately five or six miles.  
8 Is this an either/or option or are we discussing  
9 merging all of these into one? If one plan is good  
10 one way, why is it not good to keep the same trails  
11 in the other plan?

12           MICHAEL STROEH: The one is the no-action plan  
13 and that is what is currently out there on the  
14 grounds. That's what -- by the law, the National  
15 Environmental Policy Act that we're following here,  
16 you have to have a no-action alternative, which is  
17 your current management or what is currently out  
18 there on the ground. That's why we're saying this is  
19 how many trails we have. We have this number of  
20 trails, and we're not purposing to eliminate them,  
21 because that's what we currently do. We have  
22 provided two additional alternatives for discussion.  
23 Now, you brought up a point. Is it either/or? It  
24 could be a combination. We put out our proposal to  
25 what we think is the best idea. Now, after all of

1 these comments and everything come in, we evaluate  
2 them and the final product may be a combination of  
3 all three alternatives to some degree. So it could  
4 be a mix-and-match-type thing.

5 KEVIN GARNER: There is no sense in closing a  
6 trail, as long as it's not in a flooded area at the  
7 time. Decreasing people's access to areas -- like I  
8 said, I understand soil compaction. I understand all  
9 of the finer points there. But unless you can make  
10 an alternate route, which was done for years, I see  
11 no sense in closing the trails and closing people's  
12 ability to access what is supposed to be there for  
13 us.

14 MICHAEL STROEH: And I strongly encourage you to  
15 submit your comments through this process. This is  
16 what this process is. What do you like? What do you  
17 not like? Just spell it out for us, and we take all  
18 of these comments and we weight them, and then we  
19 make our decision.

20 KEVIN GARNER: I see good options on all three  
21 plans, but then I see some negatives on them, too.

22 MICHAEL STROEH: That's what we're after. We're  
23 after that discussion, and we strongly encourage you  
24 to put it in writing and let us know what you like  
25 and what you don't like.

1           EMON MAHONY: I have some questions about the  
2 water fluctuation. First of all, I applaud the  
3 (Inaudible) That moist soil usually will (Inaudible)  
4 but once you've done that, and you put the water back  
5 on it, why would you not leave the water on there  
6 throughout the winter until the growing season  
7 starts. You can go down there in the spring,  
8 February or March, and there will be -- why would you  
9 take the water line down and not use it as --

10           MICHAEL STROEH: I'm not sure what you're saying  
11 about -- when we -- we're proposing the draw down for  
12 the moist soil. We're proposing to raise the water  
13 level back up that foot.

14           EMON MAHONY: So anything above that in the  
15 other areas --

16           MICHAEL STROEH: Then we'll --

17           EMON MAHONY: It's the same situation. Why  
18 would you take the water off during water fowl  
19 season?

20           MICHAEL STROEH: And we're siting the concerns  
21 with forest health, that research we've been doing  
22 for the last 20-plus years and it's saying our forest  
23 us declining. We're trying to do the best thing for  
24 the forest over the long term. The forest is adapted  
25 to those flood pulses. If it floods naturally,

1 great. It's those natural flood pulses up and down  
2 that --

3 EMON MAHONY: I understand. You showed that  
4 chart earlier of a green tree reservoir and you had  
5 it going up to a high and then flat. I understand  
6 that. But what you're proposing to do here is from  
7 December 15th to January 15th constantly raising it  
8 each day until it comes up three feet and then drop  
9 it off. Why would you not continue that fluctuation  
10 for the water fowl. It's a dormant season. The  
11 trees aren't alive. I mean, they're not leaved out.  
12 I just don't understand how that's hurting the trees  
13 if you have a natural fluctuation.

14 MICHAEL STROEH: You know, what we're proposing  
15 is bringing it up a tenth and then bringing it back  
16 down. The water is not staying a long time. We're  
17 trying to get that natural pulse. Would there be  
18 water in the early split? No. But if mother nature  
19 sends that water and it floods, so be it.

20 EMON MAHONY: Water is not -- on your proposal,  
21 water is not at a constant elevation at any point in  
22 time. You're basing it on a tenth of an inch each  
23 day. If all you need is fluctuation, you can do that  
24 throughout the season and after the season.

25 MICHAEL STROEH: Yeah. But what you're -- the

1 fluctuation actually -- it also needs to come off the  
2 trees. We're rasing it --

3 EMON MAHONY: When the dormant season is over.

4 MICHAEL STROEH: But that's what the research is  
5 saying. We're still impacting the forest, even if  
6 it's dormant. Some of the research now that's coming  
7 out is saying the root systems are very much active  
8 in the winter. They are not necessarily dormant.  
9 We're still putting water on them and depriving the  
10 root systems of oxygen. They change their  
11 metobolical processes that are happening. So there  
12 is impacts by flooding. We're saying it's dormant,  
13 but that's really -- the research now is saying that  
14 there is still some things going on with these trees.  
15 Our research is still showing that flooding them for  
16 as long as we have over all these years, we are still  
17 seeing a steep decline in the willow oak and the  
18 nuttall oak. We are saying we think it's best that  
19 we stop. If mother nature sends the water, great.  
20 But the research says we should also have dry years.  
21 That's what we're trying to say. For that month or  
22 two months, whatever it is, there is water sitting on  
23 top of those trees. We're -- this is our proposal  
24 forward. It's not the same thing they've done in the  
25 past.

1           EMON MAHONY: I have one other question. You  
2 talk about, in Alternative B, natural water  
3 fluctuation. I would just like to point out that we  
4 haven't had a natural water fluctuation down there  
5 since 1925.

6           TINA CHOUINARD: Thank you. Anybody else? We  
7 need to hear from you.

8           TIM WEBB: My question is what would have to  
9 happen to get y'all to go from Alternative B to  
10 Alternative C?

11           MICHAEL STROEH: What would have to happen?

12           TIM WEBB: What all kind of public comments --  
13 what would we need to do to change that? We're  
14 talking about raising the water --

15           MICHAEL STROEH: This is a process. Once we get  
16 all the comments, then we make a final decision on  
17 where we want to go based on all the comments and the  
18 policy regulations and all that kind of stuff, and  
19 then we make a decision on that. So if it's just --  
20 if you're saying Alternative C, we are going through  
21 that process right now.

22           TIM WEBB: On raising the water on that  
23 Alternative C, you are going to raise it a tenth a  
24 day, so it's going to take 30 days just to get it to  
25 68 feet, and then y'all are just going to lower it



1 back down; correct?

2 MICHAEL STROEH: Yes.

3 TIM WEBB: And also in Alternative B, you're  
4 going to open the sanctuary up around the Saline  
5 River, but without raising the water. That's  
6 not giving the hunters anything. That's taking away  
7 the Shallow Lake area. So we're not raising the  
8 water any, so we're actually going to have a lot less  
9 huntable area. I think that if you ask most hunters,  
10 very few would go with Alternative B. That's all I  
11 have.

12 MICHAEL STROEH: Thank you.

13 ROBERT PALCULICC: I don't hunt, but I fish.  
14 Through all this discussion, it's like the fisherman  
15 are just on the back burner. If it works out, fine  
16 and if it doesn't, fine. There are thousands of  
17 boats that go down there every summer. I watch them.  
18 I've got a camp. So has there been or do they plan  
19 on doing any kind of a study or something to see what  
20 kind of effect this would have on the fishing part?

21 MICHAEL STROEH: And the answer is, yes. We are  
22 always concerned about the fisheries. We work  
23 closely with the state fishery biologists in the area  
24 that are monitoring the fish population. They do --  
25 annually, they've been monitoring Felsenthal Pool

1 area. I would assume, and I have no reason to  
2 believe, that is not going to change. I think we  
3 will continue to do that monitoring. Anytime we  
4 propose a draw down and stuff like that, there is  
5 potential negative impact to the fishery's  
6 population. I think we will step up and make sure.  
7 I see no changes and we will continue that monitoring  
8 and that working relationship we have with them.

9 CHRIS PORTER: As far as the trails and stuff, I  
10 don't see any reason to close existing trails. Now,  
11 creating new trails, you know, I understand the soil  
12 compaction issue and all of those things. Right now,  
13 I do a lot of stuff with a lot of the wounded  
14 veterans and disabled kids and carry them on a lot of  
15 hunts and that kind of stuff. A lot of the hunts  
16 that we do are disabled people and a lot of those  
17 people that can't -- you know, they can't walk a half  
18 mile through the woods to get to a deer stand. Even  
19 elderly people -- I hunted with a woman that was 90  
20 years old two weeks ago. She can't get out in the  
21 woods and so having those trails and access to those  
22 trails is important. Aside from that, you know, I  
23 cut my teeth hunting down there. In '84, I was five  
24 years old. My dad would carry me hunting when I was  
25 that age, and there are some places that we used to

1 hunt down there that -- we would go down there and  
2 pull up to a trail -- I don't want to say too much  
3 because I will give away my favorite hunting spot,  
4 but we would pull up to the trail and we would get  
5 off and walk just from here to that screen and we  
6 were in our duck hole. We would pull up on dry  
7 ground, walk from here to that screen, and we were in  
8 our duck hole. One of those specific places, you  
9 can't do that no more, because it's been closed off.  
10 Would I have been able to go and walk, at five, six,  
11 seven, or eight years old, a half mile or a mile  
12 through the woods to get there? Probably not. And  
13 so by reducing the trails, it reduces the ability to  
14 carry kids and disabled people on those hunts.  
15 Everybody has been out bush hogging and driven within  
16 ten feet of a deer standing right there. They don't  
17 care anything about that four-wheeler or that  
18 tractor. As long as you don't get off and go chase  
19 her, she is going to stay right there and you can  
20 drive right on by. So it's not a huge impact to me  
21 of what I've seen as far as wildlife issue. I  
22 understand the need for the Felsenthal Wildlife  
23 Refuge and the number one priority is conservation  
24 and recreational use is secondary. I understand  
25 that. But there has to be a good balance there. It

1 is our natural resource and I know we all enjoy using  
2 it.

3 MICHAEL STROEH: Thank you.

4 JERRY PURTLE: I just want to comment on the  
5 trails, too. I tried to figure out through Google  
6 Maps based on six or eight foot wide trail. When you  
7 look on the map, you really can't see the trail. The  
8 best to my calculations of all the trails, we've got  
9 less than half a percent of the land used. I mean,  
10 it's like .004 out of 65,000 acres. How could this  
11 small amount effect so much is what I'm asking, in  
12 consideration of looking at that? If you look at the  
13 percentage of what the trails make up in square  
14 footage as compared to the whole square footage of  
15 65,000 acres, it's nothing. I mean, it's not even a  
16 piece of dust. I'm rooting for increasing the trails  
17 so that people can have more access to what is  
18 offered. That's all.

19 MICHAEL STROEH: Thank you.

20 TERRY BOLDING: I would like to know why we are  
21 killing all the oak timber in the hill part? Is that  
22 because of the woodpeckers? I mean, in years past,  
23 there have been just thousands of acres down there of  
24 mixed oak and pine timber and now. Is the  
25 woodpeckers the ones causing all that?

1           MICHAEL STROEH: I am assuming, yes. We are  
2 mandated by the endangered --

3           TERRY BOLDING: You can go down the highway and  
4 look left to right and all you see is big pine trees  
5 just as far as you can see. That used to be some of  
6 the prettiest timber mix woods there was, and now you  
7 can't find an oak tree. As one would do and burn in  
8 the spring, what few oaks were left were burning so  
9 hot that you killed them.

10          MICHAEL STROEH: And the pine is being managed  
11 for RCWs with fire and everything else. Yes, the  
12 oaks are probably, in many cases, being sacrificed in  
13 those areas. We can leave a certain percentage of  
14 oaks in our pine areas in the RCW habitat. We tried  
15 to leave some of the mature ones. There are  
16 scattered oaks out through there.

17          TERRY BOLDING: Like I said, you are killing  
18 everything when you burn because it is burning so hot  
19 down there. I went down there after you burned this  
20 year and there was oak trees that the leaves was  
21 burnt up on.

22          MICHAEL STROEH: The open pine habitat is a  
23 herbaceous or grassy under story and open -- just  
24 very few oaks and sunlight getting to it. That's  
25 what the woodpeckers like.

1           TERRY BOLDING: The woodpeckers like it, but  
2 other game, like deer, squirrels, they like mixed  
3 timber.

4           MICHAEL STROEH: Yeah. To some degree, over the  
5 years, there was 9,000 acres that was managed for  
6 RCWs. Here, we are saying 6,200 is going to be for  
7 the woodpeckers and we're increasing that upland  
8 hardwood component that you're talking about on 3,300  
9 acres. We're acknowledging that there is becoming a  
10 rare type on that landscape in areas that we do not  
11 need to manage for RCWs on it. Historically, it was  
12 that we -- if we have pine land, we manage for the  
13 woodpecker. Now, I'm saying that some of these areas  
14 are so small and isolated, patches of pine I can't  
15 support these woodpeckers on that. So why are we  
16 managing it for woodpeckers then? So we're shifting  
17 and taking a bigger look at all that. That's what  
18 we're trying to do.

19           TERRY BOLDING: It looks like the woodpeckers  
20 are taking priority over the other game.

21           MICHAEL STROEH: Well, the endangered species  
22 does trump. I see what you're saying, but the --  
23 it's an endangered species and I cannot violate the  
24 endangered species.

25           COREY TALLEY: So we're killing oaks on one part

1 of the land, but we're worried about them in another  
2 part?

3 MICHAEL STROEH: We're going to encourage them  
4 on the other part. You know, we're going to reduce  
5 fire on those areas.

6 COREY TALLEY: We're killing oaks on the upper  
7 part, but we're worried about them in the green tree  
8 reservoir? I mean, that's kind of --

9 MICHAEL STROEH: We are two different habitat  
10 types now.

11 COREY TALLEY: I mean, an oak is an oak. There  
12 are different species and whatnot, but I mean.

13 MICHAEL STROEH: But you are talking bottomland  
14 hardwoods, which is a wetland species. The pine and  
15 those upland oaks are different and manage  
16 differently.

17 COREY TALLEY: I mean, I'm just saying that  
18 we're killing oaks for one thing, but we're worried  
19 about them in other parts. I mean, maybe it's just  
20 me, but it's kind of ironic.

21 MICHAEL STROEH: Okay.

22 TOMMY TAYLOR: The woodpeckers are living in the  
23 pine trees; right? Why are we taking in cypress,  
24 button willows and all of that for the woodpeckers?  
25 Can you answer that?

1                   MICHAEL STROEH: I'm not. I guess I don't --

2                   TOMMY TAYLOR: For the rest area at Shallow  
3 Lake.

4                   MICHAEL STROEH: Oh, the rest area. The  
5 sanctuary is for water fowl. It's not for the  
6 woodpecker.

7                   TOMMY TAYLOR: Then why are you changing it?

8                   MICHAEL STROEH: We're proposing, in Alternative  
9 B, that we would just have natural flooding. Since  
10 we're not going to artificially flood anymore, some  
11 of that forest on the north end would be dry a lot of  
12 times. So why would we have a duck sanctuary in  
13 something that's dry? So we have realigned our  
14 sanctuary and so we are encompassing a little more  
15 duck habitat down on the south end and opening up  
16 that 2,000 acres on the north end to hunting. So we  
17 realigned it, because it would have been dry.

18                  TOMMY TAYLOR: The other guy said you're not  
19 going to have any water up there. What difference  
20 does it make?

21                  MICHAEL STROEH: You may get water up there. It  
22 may flood if a natural flood event happens. But if  
23 you get a natural flood event, it will be open to  
24 hunting there, too.

25                  PEYTON CLAMPIT: How often does it naturally



1 flood?

2 MICHAEL STROEH: Almost -- five out of the last  
3 six years, I believe someone said --

4 UNKNOWN SPEAKER: (Inaudible)

5 TINA CHOUINARD: If you have a comment, just  
6 stand and -- it will help us better --

7 MICHAEL STROEH: There is a natural flood  
8 event --

9 PEYTON CLAMPIT: Maybe I'm not as familiar as  
10 some of these guys are, but when you say, "artificial  
11 flooding," I feel like you've got pumps going around  
12 a levy. I have never seen any of that up there. So  
13 basically you are artificially flooding and letting  
14 it back up for a month or two and then it's out of  
15 there anyway, other than this year, which we had an  
16 exceptional amount of very ironic rainfall and  
17 flooded for an extended period of time and I  
18 understand that. But that never happens. So because  
19 of this one time now, we're trying to take away the  
20 flooded timber for the duck hunters? I just don't  
21 see the point of that. My other point is how -- when  
22 is dormant for a water oak and a nuttall? When is  
23 the dormant stage for that?

24 MICHAEL STROEH: It could vary. It varies with  
25 season temperatures and everything else.

1 PEYTON CLAMPIT: On average?

2 MICHAEL STROEH: I would say probably, in this  
3 part of the world, it is November to December or  
4 early December and they go dormant.

5 PEYTON CLAMPIT: How often -- how long does  
6 water have to be on it to really affect it? Because  
7 y'all are bringing it up and as soon as it gets  
8 there, y'all are dropping it down. Natural flooding,  
9 I've never seen it -- when it naturally floods, it  
10 usually floods for at least three or four weeks  
11 pretty good. So you're just -- I feel like you're  
12 bringing it up and letting it sit there and then  
13 bringing it back down just enough to tease everybody  
14 and now it's gone. I don't know. My way of looking  
15 at it is you're going to -- you are basically getting  
16 the dry land and taking away wet land. Why fix  
17 something that's not broken? I really don't feel  
18 like -- the refuge is great as it is right now.  
19 There are fish being caught, ducks being killed, deer  
20 being killed. If anything, improve on other things,  
21 like what the first guy said. Let's work on more  
22 about our safety and stuff like that. That's just  
23 the way I see it. Maybe I'm wrong.

24 MICHAEL STROEH: And I strongly encourage you to  
25 submit your comments, please.

1           JONATHAN LOVE: I've been hunting down there for  
2           30 years. What I don't understand is how -- the pin  
3           oak timber in Felsenthal, how does it degrade when  
4           two hours north of us, the Game & Fish Commission  
5           flooded 20,000 acres in the bottoms and they do it  
6           every year? I hunted 30 days there last year because  
7           we don't have any green timber at Felsenthal. We cut  
8           thousands of acres above Carroll Slough in Felsenthal  
9           in 2005. Why did you do that? And it wasn't junk  
10          timber. I was there when it came out of there. I  
11          work for a sawmill. We don't buy junk timber,  
12          because you can't make nothing out of it. Somebody  
13          up there sold some prime timber. So tell us that. I  
14          think everybody here would like to know that. I  
15          think that's been a part of our management program.

16          MICHAEL STROEH: Actually, I wasn't here, so  
17          I --

18          JONATHAN LOVE: Then what are we doing here if  
19          you don't know?

20          MICHAEL STROEH: We're proposing our plan here.  
21          Once again, I strongly encourage you to provide your  
22          comments.

23          JONATHAN LOVE: I think everybody here can  
24          pretty much vouch for me that the plans that y'all  
25          are proposing, there is nothing for us, the tax

1 payer, the people that provided you as Fish &  
2 Wildlife to buy the place to begin with. We're the  
3 ones who can't enjoy it. We didn't want to talk  
4 about the 4:00 rule, but there were two early  
5 mornings where kids were down there. Why can't we  
6 have 66 feet during duck season?

7 MICHAEL STROEH: And once again, I strongly  
8 encourage you to provide those comments.

9 JONATHAN LOVE: Well, when are y'all going to  
10 start considering those things?

11 MICHAEL STROEH: And that's why we're here  
12 asking you to provide those comments.

13 JONATHAN LOVE: So we just need to put in more  
14 comments or what?

15 MICHAEL STROEH: Yeah. Put them in.

16 JONATHAN LOVE: What about creation of food in  
17 the area? If we're going to kill all the green  
18 vegetation with flooding, what are we going to  
19 replace that with?

20 MICHAEL STROEH: I mean, I'm not sure what you  
21 mean by food.

22 JONATHAN LOVE: There is no food. If you go  
23 down into the Louisiana area, the bean field, it's  
24 gone. Why? I understand that's not part of  
25 Felsenthal, but we want it to be; right? Isn't that

1 part of the acquisition to make --

2 MICHAEL STROEH: To connect up, yes.

3 JONATHAN LOVE: So why won't you consider using  
4 that for some kind of food source? You want to talk  
5 about why 1995 was as good as what it was? It had a  
6 bean field there with about 7,000 to 8,000 acres of  
7 beans and about 2,000 acres of rice. I was there in  
8 1995. They've got to have some food.

9 MICHAEL STROEH: Yes, I agree. I think --

10 JONATHAN LOVE: We've got 65,000 acres  
11 plus -- what is the Ouachita Refuge?

12 MICHAEL STROEH: Upper Ouachita?

13 JONATHAN LOVE: Yeah. What's it going to take  
14 to work together to figure out something?

15 MICHAEL STROEH: It was one of the largest  
16 wetland restoration projects in the nation. I don't  
17 know off the top of my head how many acres of moist  
18 soil. I -- we are having some issues as an agency  
19 with farming now. We were challenged in courts and  
20 stuff. Farming on National Wildlife Refuges is now  
21 becoming somewhat problematic for us. They are still  
22 managing moist soil down there, and I think they  
23 still have rice down there. If the Ouachita River  
24 isn't flooded, they are able to get it in there. The  
25 exact acreage and numbers -- I know a little bit of

1 what they're doing down there, but just enough to be  
2 probably dangerous.

3 JONATHAN LOVE: So how can the Game & Fish  
4 Commission keep their trees alive? How can they do  
5 that? Because they are being flooded too. October  
6 to the last of January -- they put the boards in  
7 Bayou Meto October 15th. It's flooding right now. I  
8 hate to tell y'all that, but it is.

9 MICHAEL STROEH: And I would say we're falling  
10 back on our research that's saying the forest is  
11 declining.

12 JONATHAN LOVE: The drought.

13 MICHAEL STROEH: The drought, yes, is a  
14 stressor.

15 JONATHAN LOVE: The impact on our forest down  
16 there the last few years is not the water that was on  
17 the trees.

18 MICHAEL STROEH: Water is a stressor and no  
19 doubt has an impact on the forest. I don't deny that  
20 at all. But I can't answer for the state's  
21 management up there. Most green trees, overtime,  
22 expect -- have some type of shift in species  
23 composition. Some of these are gradual, subtle  
24 changes over time. Felsenthal's has changed over  
25 time. It's been -- we've been monitoring this since

1 1985 when we first installed the plots. It's been  
2 this long and our thinking is evolving with it. So  
3 we're basing it on the research that we're getting  
4 and the data we're getting from our study.

5 JONATHAN LOVE: It seems ironic to me that those  
6 trees can survive on private ground that is flooded  
7 year after year after year and going back to the 20s  
8 and 30s. And how can that happen, but it can't  
9 happen here and it can't happen at Overflow?  
10 Overflow was private owned for years and they flooded  
11 it every year and now the government makes it a  
12 refuge and now the trees are gone.

13 UNKNOWN SPEAKER: I hunt some private owned  
14 that's flooded and the water is on it right now. It  
15 will be on it the 21st and it will be flooded until  
16 duck season is closed. That timber is some of the  
17 prettiest, biggest timber that you ever seen. It's  
18 been -- this has been going on for 30 years on that  
19 same piece of property. That timber is -- the  
20 biologists have come in and looked at it and checked  
21 it and they say it's dormant and you're not going to  
22 hurt it. If you pull the water off of it at the end  
23 of January, you're good to go. It's beautiful.

24 JONATHAN LOVE: Memorial Day weekend, you could  
25 ride a boat all through the Beryl Anthony Bottoms and

1 now they are in there cutting it.

2 MICHAEL STROEH: Once again, I'm not --

3 JONATHAN LOVE: I understand, but I think that's  
4 part of the target also to make Beryl Anthony part of  
5 Felsenthal; is that right? At some point?

6 MICHAEL STROEH: It's part of the plan, but --

7 JONATHAN LOVE: Ten years ago, we were talking  
8 about cutting vast acres of it and now we are talking  
9 about needing the trees back. I think somebody made  
10 a boo boo and don't want to own up to it. If you  
11 can't get the trees to grow through flooding in the  
12 spring, you know, why did we cut them to begin with?

13 MICHAEL STROEH: Once again, provide your  
14 comments.

15 JONATHAN LOVE: Well, I think a lot of us here  
16 would like to know that. I don't think I'm the only  
17 one.

18 LES CARDIN: I would like to say one thing.  
19 Some of the questions that were asked by him, you  
20 said you weren't here and you didn't know. I can  
21 appreciate that. But whenever I went to talk to you  
22 about some of my concerns, you also told me -- I  
23 said, "Have you ever been down there and looked at  
24 what you guys have created?" I bet you've never been  
25 down there at 4:00 in the morning, but you know



1           what's better for me than I do. I don't get it, man.  
2           Could you explain that? If you've never been down  
3           there at 4:00 in the morning, how can you know that's  
4           better for me?

5           MICHAEL STROEH: Once again, I'm not going to  
6           respond to that.

7           LES CARDIN: Why? I mean, I thought that's what  
8           we were here for, to have questions answered.

9           MICHAEL STROEH: I'm on the refuge quite a bit.  
10          Whether I am there sitting and holding people's hands  
11          at 4:00 in the morning, I'm not going to do that. I  
12          don't have to drive up from Monroe. I am a Louisiana  
13          resident. I hunt and I recreate in Louisiana, and I  
14          don't in Arkansas. I manage land in Arkansas and  
15          that's fine, yes. But I don't come up here. Yes,  
16          I'm not there at 4:00 in the morning.

17          LES CARDIN: Why don't you manage Louisiana and  
18          stay down there.

19          TINA CHOUINARD: If we could, just keep our  
20          comments to useful comments. We need your input.  
21          Personal attacks don't usually go too far, but thank  
22          you.

23          EMON MAHONY: This is a totally different  
24          question. I've probably missed something. The  
25          endangered species act for the woodpecker is why you

1 manage the land like you do. Yet when I looked at  
2 your plan, it looks like your plan is decreasing the  
3 capacity of the refuge for the woodpecker. So you're  
4 decreasing that and reducing the number of  
5 woodpeckers that will live there. Do you have an  
6 exemption from the endangered species act to do this?

7 MICHAEL STROEH: You're misunderstanding. What  
8 I am doing is saying -- the original plan -- the  
9 endangered species recovery plan said we have 6,800  
10 and our goal was 34 clusters on 6,800 acres. I can't  
11 do that. That's not sound science at all. I can't  
12 do that. What we did is we said, We've got this many  
13 acres that we can manage woodpeckers on, which is  
14 6,200. That's the best we can do, because we have to  
15 strive for 300 acres per cluster, is 13 to 14  
16 clusters. So I can't even get close to 34. So some  
17 of these areas that are pine, I am saying that we are  
18 converting or transitioning over to hardwood, aren't  
19 woodpecker habitat at all. They never were. I have  
20 a 50-acre block here that is pine. We've been  
21 managing it for woodpeckers, but I can't raise  
22 woodpeckers here. So why are we managing for  
23 woodpeckers? That's what we've been doing over the  
24 years. So I am reducing it, but I can't put  
25 woodpeckers there.

1           EMON MAHONY: You're just saying that you are  
2 changing your plan to conform to reality?

3           MICHAEL STROEH: Right. Yes, that's what I'm  
4 saying. I'm trying to right the numbers they have  
5 been throwing out there for years that have been  
6 wrong. I am trying to make them right. This is  
7 realistic. This is all we can do. We cannot do 34  
8 clusters on Felsenthal. I cannot do it.

9           EMON MAHONY: Nobody wants to spend money to do  
10 something they can't handle.

11           MICHAEL STROEH: That's exactly it. Why are we  
12 spending money trying to create a habitat type that  
13 we don't need. We're doing it for the wrong reasons.

14           EMON MAHONY: How many woodpeckers is in a  
15 cluster?

16           MICHAEL STROEH: It could vary. It could be one  
17 or it could be up to five.

18           UNKNOWN SPEAKER: So one woodpecker uses 300  
19 acres?

20           MICHAEL STROEH: Once they start, a lot of times  
21 what happens is the male will come in and drill a  
22 hole and he is just waiting for the female. It's his  
23 cavity that becomes the nest tree. So he is just  
24 waiting for a female to fly in. Once they pair up,  
25 then they generally are a very stable situation for

1 many, many years. It's the breeding pair and then  
2 it's their helpers, which are their offspring. They  
3 come back and they will have up to three or four  
4 others of their offspring helping raise the next  
5 generation. So once that is established, it's  
6 generally very stable for several years. But that's  
7 how they move around.

8 UNKNOWN SPEAKER: Do we know when these new  
9 plans, A, B, and C, will go into effect?

10 MICHAEL STROEH: The comment period ends the  
11 27th, so we're taking comments at that time and up to  
12 that point. We have to summarize and answer all  
13 these comments and then I bring forward the  
14 recommendation of how we want to proceed in our final  
15 plan. It has to go up to our regional office for  
16 final signatures and the regional director signs a  
17 finding of no significant impact and once that is  
18 signed, it could be implemented. I would hope that  
19 everything is signed and done and over with and made  
20 final by January or February time frame, so that next  
21 year we can start implementing and doing what we need  
22 to do. That's my hope. It really depends on the  
23 number of comments, the types of comments, and the  
24 length of what we have to do on our part just to make  
25 sure we're addressing everything appropriately.

1 UNKNOWN SPEAKER: So right now it is A, B, C, or  
2 a variation of those three? So we're going to come  
3 up for 30 days and down for 30 days? Is that what  
4 we're talking about?

5 MICHAEL STROEH: If I -- everything we evaluated  
6 is said here. Let's take the ATV trails, because  
7 it's the easiest example I can think of off the top  
8 of my head. We have evaluated removing ATV trails.  
9 We put out a proposal of 18.3 and 5.8 and then the  
10 current plan of just leaving it as is. So anything  
11 probably within 18.3 miles, we could get rid of. So  
12 if it's two miles or 15 miles, I could do any  
13 combination in there based on the comments. People  
14 might say, I want this trail. Please don't remove  
15 this trail, because it's my favorite trail. We will  
16 get a lot of those comments. So we look at them in  
17 their totality. So we can evaluate that. If there  
18 is something in the plan -- I want the Corps of  
19 Engineers to raise the water to 75 MSL during duck  
20 season. We have not evaluated that option in this  
21 plan. So if we chose that, we would have to then  
22 bring it back out for public review again. So if it  
23 has not been looked at by us --

24 UNKNOWN SPEAKER: I'm not saying 75. That's way  
25 high.

1           MICHAEL STROEH: Oh, I know. I am just giving  
2 that as an example here. What I'm saying is, if we  
3 decide to make some changes and it has not been  
4 evaluated and that change has not been brought to the  
5 public, then we have to bring it back out to the  
6 public.

7           UNKNOWN SPEAKER: So why do we have --

8           TINA CHOUINARD: We actually have a couple of  
9 hands that are up.

10          UNKNOWN SPEAKER: Will the comments that are  
11 turned in be made available for the general public to  
12 view? Will they all be on the website, so that we  
13 can go on there and look at what everyone is  
14 commenting?

15          MICHAEL STROEH: Yes. We generally summarize  
16 them into categories. There will be some that will  
17 talk about the draw down and all the questions of the  
18 draw down will have one response to that. It will  
19 say that 25 people provided comments regarding this,  
20 etcetera, etcetera. Some comments will stand by  
21 themselves and only one person will be making that  
22 comment. Others will have 50 comments regarding one  
23 subject.

24          UNKNOWN SPEAKER: They will all be on the  
25 website?

1           MICHAEL STROEH: Yes. The final plan with the  
2 summary of comments will be made public, yes.

3           TINA CHOUINARD: We do only respond to comments  
4 that are specific to the plan. Otherwise, we  
5 wouldn't have anything to base it on.

6           BUD EVANS: I've got one question. You were  
7 talking about biologists that did this study and  
8 continue to do the study on the green tree  
9 reservoirs. The same man that does Felsenthal, is he  
10 the same one that does Overflow? Because we're  
11 talking about two different green tree reservoirs.  
12 You have one that is manmade and you have one that's  
13 natural. Is he here and can he answer questions? I  
14 think we would all like to hear specifically what he  
15 says. If green tree reservoirs all over the state  
16 have nuttalls and are able to do this every year from  
17 October to February, why is this one area not able to  
18 do it in south Arkansas?

19           MICHAEL STROEH: It's not our biologists. It is  
20 the U.S. Geological Survey, which is a research arm  
21 of our agency. We have contracted out and they are  
22 the ones that have been doing the monitoring over  
23 these years. They are based -- are they at  
24 Lafayette, Louisiana? Yeah. They are the ones  
25 who --

1           BUD EVANS: Do you think you would be able to  
2 get them here?

3           MICHAEL STROEH: We could try. I could try to  
4 do something like that.

5           BUD EVANS: If we are putting these plans in for  
6 the water fowl habitat with the red oaks and nuttalls  
7 and willow oaks, what good is it going to be to get  
8 them strong if you're not going to flood it and give  
9 them the water to give them a habitat? If we change  
10 our flood pulse to where we don't flood annually,  
11 what are we providing the food for if we're not going  
12 to give it to the waterfowl?

13           MICHAEL STROEH: That -- it still would  
14 naturally flood. If mother nature sends a big pulse  
15 of rain and the river rises and floods it, great.  
16 However, if it doesn't, that's fine, too. That's  
17 what we're saying. The natural flooding -- if it  
18 floods naturally, that's fine.

19           DAVID SHORT: First off, we're not here to bash  
20 you people. What you need to understand is in '72  
21 people fought hard to get this refuge down here. If  
22 we didn't have that refuge down here, I assure you a  
23 big corporation would be down there duck hunting and  
24 fishing and not us, so we need to take that into  
25 consideration. Second thing, you've got three plans



1 of A, B, and C. Can we not take some of the good  
2 things from A, some of the good things from B, and  
3 some from C, and add them together to come up with  
4 something we can all live with?

5 MICHAEL STROEH: That's what this process is  
6 doing here. The process requires me to throw out a  
7 couple of alternatives. So what we're doing is  
8 asking the public to provide comments. What do you  
9 like about all these different options? So the end  
10 result may be a combination of all three options.

11 DAVID SHORT: What we need to do is to take the  
12 things that we like the best out of each category and  
13 put them on this comment thing and send them to  
14 y'all. Is there any chance of getting the water  
15 level up at felsenthal during duck season?

16 MICHAEL STROEH: When -- we weigh all the  
17 comments based on everything, and we look at all  
18 three options. We look at it to see if there is  
19 something we can do to modify this over here to make  
20 it look more appealing to the masses. So we will  
21 look at all options and all the comments and see what  
22 they say and then we draft that final vision or plan  
23 and then that's what we will forward for signatures  
24 at that time. It could be a combination.

25 TINA CHOUINARD: I think your suggestion is

1 great. The more specific you can get on what you  
2 like and what you don't like, the better we're going  
3 to understand where everyone is coming from.

4 RICHARD THURLKILL: The current -- right now,  
5 are y'all still going to plan on flooding it if it  
6 stays with what you're doing now? Is 70 feet on  
7 anything that you've got or is 68 the greatest option  
8 of anything?

9 MICHAEL STROEH: Yes. In the plan, there is a  
10 couple paragraphs where we wrote up that we don't  
11 even consider 70 feet an option anymore, just because  
12 of overall forest health issues. Sixty-eight was the  
13 highest that we feel that we could viably do anymore.

14 RICHARD THURLKILL: That's all I want to know.

15 COREY TALLEY: So this Alternative C, this 68  
16 foot, you know, peak or whatever, is that the only  
17 dates that are available for that or could it be  
18 changed to earlier and draw off the same date?

19 MICHAEL STROEH: Yes. You could make changes to  
20 those.

21 COREY TALLEY: So that's available without  
22 having to present this over again to us, like you  
23 mentioned about --

24 MICHAEL STROEH: Only if we have not evaluated  
25 in some form -- if it's real minor, you know, we

1 obviously don't have to bring it back out to the  
2 public. But if it's a major change that has not been  
3 evaluated, you know, like I used the example of 75.  
4 We didn't evaluate it. And if everyone said that was  
5 a great idea, we haven't evaluated it, so we would  
6 have to bring it back to the public. You know,  
7 obviously it's not --

8 COREY TALLEY: Has this been evaluated, making  
9 the one tenth per day raise earlier and then --

10 MICHAEL STROEH: In the plan, yes. We looked at  
11 that and that's what we submitted as a possibility.

12 COREY TALLEY: Okay. What would be those dates  
13 that were evaluated?

14 MICHAEL STROEH: I didn't -- we just looked at  
15 the range of the duck season dates, as far as the  
16 flooding cycles and what we wanted to do and stuff.  
17 We figured dormancy of the trees as a key, too, and  
18 sometimes dormancy is later in the season and  
19 sometimes it is right around that first -- end of the  
20 month of November, so we just went later to December  
21 15th.

22 COREY TALLEY: Okay. So you can't exactly give  
23 an accurate average of when the dormant season starts  
24 for bottomland hardwoods?

25 MICHAEL STROEH: There are a lot of factors that

1 go into that. I would say --

2 COREY TALLEY: Right. There are different  
3 species.

4 MICHAEL STROEH: Bill, when would you say is  
5 average?

6 BILL BURCHFIELD: I can't say for sure. I say  
7 that every species is different. I mean, there are  
8 different things and different factors, root  
9 development and things going on before bud break.  
10 It's hard to say for every species. It may be  
11 impossible. But we do know from that research is  
12 that it is affecting the GTR. That research and  
13 other research all show the same things, same  
14 patterns. Some places make it 20 years or more  
15 before it really kicks in and you see that decline.  
16 But we know that we have it. I can't put a date on  
17 each species saying exactly --

18 UNKNOWN SPEAKER: Is it more on water  
19 temperature?

20 BILL BURCHFIELD: Is it more on water  
21 temperature? I couldn't say definitively if it is or  
22 not.

23 COREY TALLEY: Well, I called the Felsenthal  
24 office about a month and a half ago. I think it may  
25 have been you that I spoke to over the phone. I'm

1 not exactly sure of that. You expressed to me that  
2 your biggest concern wasn't that water was on the  
3 trees, but it was that it was staying on them during  
4 the growing season. Like, for instance, you said  
5 that there was a measurable depth of water on the  
6 trees for seven months this year already before we  
7 even got to the winter season. You know, that's -- I  
8 understand that and everything, but that is not a  
9 normal occurrence. Statistically that is an outlier  
10 and shouldn't be considered, I mean, in the whole  
11 grand scheme of things. It seems to me that the  
12 issue really in the whole grand scheme of things  
13 isn't that the water is getting on there, but the  
14 water getting off of there. It seems like y'all are  
15 trying to compensate for that and trying to keep the  
16 water off of there.

17 MICHAEL STROEH: What we would like to --  
18 sometimes mother nature doesn't allow us to get the  
19 water off there. I mean, this year was a prime  
20 example of that. We would love to have it off and  
21 then we followed with a drought. We went from one  
22 stressor to another stressor. You know, yes, we  
23 would like -- ideally, we want it -- the one thing  
24 here is that trees are adapted to flooding. They  
25 have always flooded, but those natural pulses up,

1 down, up, down, up down, that's what they are adapted  
2 to. Put water on the root systems and just holding  
3 it there over long periods of time, that's not  
4 natural. They need that up, down, up, down. That is  
5 what we're saying. By us not -- the natural flood  
6 pulses of the Ouachita River, we are going to let  
7 that dictate the flooding of the GTR in the winter.  
8 If it does flood and we get rain -- you know, a lot  
9 of times we get some type of rise in December or  
10 January of maybe a foot or maybe two foot, and it may  
11 fall right back out again. That is that natural  
12 pulse and that is natural for the trees.

13 COREY TALLEY: Right. But that one or two foot,  
14 that doesn't do anything. As far as I know, it takes  
15 about 67 ½ to get there for it to start flooding what  
16 is hutable. I mean, I've read USDA forest documents  
17 on pin oaks that say that they've lasted for 20 years  
18 for wintertime dormant season flooding. The main  
19 problem is the growing season flooding. They've had  
20 research on the acorns from the trees lasting up to  
21 six months, because the acorns had a waxy coating on  
22 the pericarp repelling water and decay. So if these  
23 trees in these hardwood bottoms are adapted to things  
24 like that, wintertime flooding isn't hurting them.

25 MICHAEL STROEH: And our research is saying

1 differently. There are other reasons --

2 COREY TALLEY: This is the United States  
3 Department of Agriculture Forest Service. I've never  
4 read a document that has more credible citing notes.

5 BILL BURCHFIELD: Is that the USDA Facebook that  
6 was published?

7 COREY TALLEY: No. This is on the Internet.

8 BILL BURCHFIELD: Is that a Missouri GTR?

9 COREY TALLEY: I think one of them cited that.

10 BILL BURCHFIELD: That same study is one I was  
11 referring to as far as the 20 years and 25 years.  
12 The 25-year study showed a decline in the timber,  
13 most of the same things we're seeing. It did not  
14 have enough time to show the transition in species to  
15 more water tolerant, but it does show decline at 25  
16 and, I think, at 28 years.

17 COREY TALLEY: The biggest thing that I found in  
18 that document was the diameter of the trees by, like,  
19 ten percent.

20 BILL BURCHFIELD: Well, it was a study of  
21 growth.

22 COREY TALLEY: It was ten percent decline of the  
23 diameter of the tree base.

24 BILL BURCHFIELD: Increase?

25 COREY TALLEY: No, a decrease. But it was just

1 ten percent. The biggest thing they are intolerant  
2 to is shade from other trees. It said that they have  
3 two to three years to live after being outgrown by  
4 another tree. That was the biggest concern that that  
5 document said.

6 BILL BURCHFIELD: And that's for regeneration  
7 and that's true. We do have that problem. But the  
8 25-year study on that site is where the swell butts,  
9 busted bark, disease and stuff like that came from.

10 TINA CHOUINARD: Thank you for your comments.

11 LANCE BURTON: So you're saying that it doesn't  
12 make a difference if you have six inches of water  
13 around the butt of the tree or six foot?

14 MICHAEL STROEH: Flooding is flooding.

15 LANCE BURTON: All right. Have you done -- at  
16 68 feet, how many pin oaks and oak trees actually  
17 flood in Felsenthal, hardwood you can walk in?

18 MICHAEL STROEH: What was our rule of thumb?  
19 Was it 4,000 acres per foot?

20 BILL BURCHFIELD: It was a calculation of 4,000  
21 acres per foot, but we don't have any way of doing  
22 that at a foot increment or less. It would just be a  
23 guess.

24 LANCE BURTON: So at 68 feet, you are saying how  
25 many acres of oak trees flood?



1 BILL BURCHFIELD: If you extrapolate from that  
2 number, I guess that would be 12,000 acres out of  
3 40,000.

4 LANCE BURTON: I don't believe that is accurate.

5 MICHAEL STROEH: I mean, that's kind  
6 of -- that's just a quick and fast number that  
7 someone came up with, and we've been using it over  
8 the years. It's not accurate. Without LIDAR data,  
9 we will never get accurate.

10 BILL BURCHFIELD: That's just based off saying  
11 when it's flooded to 70 feet that it's to a contour  
12 line of 70 feet and it floods 21,000 acres. If you  
13 divide that by five, that's how we got the numbers we  
14 arrived at.

15 BRIAN WATKINS: I just want to know what the  
16 plans are on flooding Overflow and what y'all's plan  
17 is on some of the four-wheeler trails over there. I  
18 know most of the four-wheeler trails on the east side  
19 of Overflow have already been shut down. I just  
20 wanted to know what you were thinking about doing  
21 over there in the future.

22 MICHAEL STROEH: As far as the trails, we have  
23 not evaluated. As far as the water management there,  
24 we are, right now, December 15th, half boards,  
25 January 1st, three quarters boards, and then we start

1           brining it back down. I am playing with the  
2           structure there. The water control structure there  
3           was designed all in or all out. It was not -- we are  
4           trying to mimic those natural flood pulses. I'm  
5           seeing what I can do with that water control  
6           structure. I am still playing a little bit there.  
7           It is not really designed to do that, so we are still  
8           playing there. To answer your question, we  
9           are -- this next year is when we start the process of  
10          evaluating all of that.

11           BRIAN WATKINS: So you're not going to flood it  
12          this year?

13           MICHAEL STROEH: Overflow? December 15th bring  
14          it up -- yes, this year.

15           BRIAN WATKINS: So will it kind of be like it  
16          was last year? It wasn't flooded until about mid-  
17          season.

18           MICHAEL STROEH: Right. Similar to that. We  
19          are still playing with the boards and trying to  
20          figure out what we can and cannot do with it. Like I  
21          said, I am trying to mimic those natural flood  
22          pulses. We haven't been very good at it yet. We are  
23          just trying to see what that water control structure  
24          says. It was designed to have it all in or all out.  
25          It was not really designed with what I'm trying to

1 do. We are trying to figure out what we can do.

2 BRIAN WATKINS: Is there any possibility y'all  
3 could open the trails back up on the east side?

4 MICHAEL STROEH: Right now, no. There are no  
5 plans on that. But in a process that we bring that  
6 out to the public, that would be open for comment.

7 ROBERT PALCULICC: So the normal pool is going  
8 to be 62 feet, and then they will flood it to 65; is  
9 that right?

10 MICHAEL STROEH: No. The normal pool is 65.

11 ROBERT PALCULICC: So it's not -- that's not  
12 going to change?

13 MICHAEL STROEH: No. If we do a draw down of  
14 the pool, we are bringing it down only one foot, to  
15 64, from July to November, and then we will raise it  
16 back to 65. Our preferred alternative is once every  
17 three years. Alternative C is every year.

18 PEYTON CLAMPIT: As far as the green tree goes,  
19 can you alternate years or something? Is there years  
20 that it can hold it? Basically what I'm saying is,  
21 if you have ten months of water on it, does it  
22 rejuvenate itself with ten months of dry or it  
23 doesn't work like that? Does it have to be --

24 MICHAEL STROEH: That's what the trees are  
25 adapted to. They are not adapted to having water on

1           them, you know, ten months. They have the main  
2           growing season.

3           PEYTON CLAMPIT: Right. But I'm saying, like,  
4           if you did it, like, seasonal, you know, just a  
5           decent alternative. If you have water at 70 feet  
6           this hunting season, then next year you have to do  
7           without, and then the following year it brings it  
8           back up to 70.

9           MICHAEL STROEH: With Alternative C, we are  
10          going to 68, but we are saying that every third year  
11          we are dry. You've got to have a dry cycle in the  
12          system. However, would I -- my predecessor proposed  
13          the change in the water management and what we found  
14          out is that trying to get that dry year was somewhat  
15          difficult. People were misunderstanding, because  
16          there was a lot of different scenarios in the  
17          flexibility. Some years it may be 68 and some --  
18          there was a whole different range of scenarios. This  
19          was basically simplifying it down. We are saying  
20          every third year will be dry. It is important to  
21          have that dry year. I understand what you're saying.  
22          It would be nice to have that flexibility sometimes.  
23          We found that it's just easier to set what we are  
24          going to do this year and everyone understands that  
25          these two years are going to 68 and then it's dry,

1 just so everyone knows what to expect and it isn't a  
2 guessing game. That is why we're approaching it this  
3 way. The plan that was before with my predecessor  
4 had multiple scenarios and the goal was to have that  
5 dry year before you could start doing water  
6 management. That was an issue, and people weren't  
7 understanding all of that. I am hoping this is less  
8 confusing, you know, for everyone and they understand  
9 it. Now, that dry year may not be dry. We may be  
10 flooded the entire season. That was not the intent.  
11 We are hoping that there is no water on it, but we're  
12 not going to intentionally flood it.

13 UNKNOWN SPEAKER: I was just thinking that if  
14 someone started a petition that had some things that  
15 we might want you to do and we got signatures, would  
16 that be accepted as --

17 MICHAEL STROEH: During this comment period, I  
18 would like individual comments and group comments.  
19 Just as long as you can specifically tell me what the  
20 petition is for --

21 UNKNOWN SPEAKER: What I'm saying is that if we  
22 put together something and everybody is on the same  
23 page, and we put together the things we would like to  
24 see done, within reason, and we had a petition out,  
25 then all of us would be --

1           MICHAEL STROEH: That would all be part of the  
2 comment process, yes.

3           TINA CHOUINARD: If 100 people sign the petition  
4 saying, We want A, B, C, and E, then that would be  
5 100 comments in support of A, B, C, D, and E.

6           MICHAEL STROEH: I would just mention one thing.  
7 We have -- this Saturday, me and one other staff  
8 member will be at the office from 10:00 until 2:00  
9 for people to come in. It's informal. Just come by  
10 and ask questions. There are maps we can point to.  
11 If you think of other questions, feel free to stop by  
12 the office. The following Saturday, which is deer  
13 season, but after you shoot your deer, feel free to  
14 come by and talk to the staff. Also, we have two  
15 other public meetings and two other ways you can come  
16 talk to us. We will have these posters and we can  
17 actually point to various things. I encourage you to  
18 come by if you have any other comments.

19           UNKNOWN SPEAKER: In Warren and Crossett, have  
20 those people been notified that you are having a  
21 meeting? We were talking earlier and nobody in El  
22 Dorado knew you were having a meeting until it  
23 started going out on Facebook. Did y'all put it in  
24 the Crossett paper this week?

25           MICHAEL STROEH: Whether they published it, I

1 don't know. I haven't seen the paper yet. It went  
2 out to all the news outlets. I know it's been on two  
3 TV websites that I'm aware of and some other  
4 websites. It's out there. I have no control over  
5 what they publish. The paper generally publishes  
6 almost everything and stuff makes the front page on  
7 stuff that I would never make front page. We have  
8 had problems in the past, here in El Dorado, with  
9 getting things published. We try. We have a whole  
10 list of media outlets and stuff that we notify every  
11 time we have something. We try. Yes, they are well  
12 aware of it. The comments we are getting, people are  
13 well aware of it. We've had people from Ashley and  
14 Bradley County call, so I know that they are aware of  
15 it.

16 DAVID SHORT: This doesn't have anything to do  
17 with your plan, but it concerns everybody in here and  
18 that's the shotgun start. How do we change that to  
19 keep people from getting killed? When I grew up down  
20 there, we would go down there the night before and  
21 get in our favorite spot and spend the night. That  
22 was fun, but that's a young man's game. I'm not  
23 going to do it no more. This is a bad dangerous  
24 situation and it needs to be addressed. How do we  
25 get that changed?

1           MICHAEL STROEH: We are -- I will admit that we  
2 hear that comment quite a bit, and we are looking at  
3 our options of what we can do. Right now, no formal  
4 decision has been made, but we're looking at options.

5           UNKNOWN SPEAKER: How can we change it?

6           MICHAEL STROEH: You could provide your comments  
7 and send your comments in to me. You can drop them  
8 off at the office and we'll look at them. It is  
9 something that we do hear, and we're looking into it.

10          UNKNOWN SPEAKER: What options are you looking  
11 at?

12          MICHAEL STROEH: There are the options for wake  
13 zones -- no wake zone. Small horse power has also  
14 come up. Those are the two main ones that have  
15 popped up.

16          UNKNOWN SPEAKER: What was the reason for it?

17          MICHAEL STROEH: A lot of the camping out  
18 overnight and claiming spots and stuff like that.  
19 Some of the same issues that Bayou Meto has, we have.  
20 We're working through those issues.

21          EMON MAHONY: I want to make sure I understood  
22 the parameters on raising and lowering the water.  
23 The way this is formulated, would it be possible to  
24 either change when you started raising it, bring it  
25 up, bring it down, and then bring it back up again



1 because you have more fluctuation over a long period  
2 of time than you have over here?

3 MICHAEL STROEH: That would be a possibility.

4 EMON MAHONY: As a lot of you know, the Bayou  
5 Meto Game & Fish Commission has fought this battle  
6 for a long time, and they have some new managers  
7 going into effect this year. I don't think these  
8 particular measures would work at Felsenthal.  
9 They've got sloughs there and they've got a gate that  
10 only one boat can go through. The rule is going to  
11 be that it's a single-file deal and you can't get  
12 within 100 feet of the boat in front of you. The  
13 main thing is that when you -- it's going to be a  
14 lost hunting privilege and more of an impact to  
15 everybody in this room than taking their money or  
16 anything else. That's just an observation.

17 MICHAEL STROEH: It's not an easy fix. I can't  
18 just say that just because the state areas have gone  
19 this route that that would work. I agree with him  
20 that those different options may not work for  
21 Felsenthal. We've just got to take a good look at  
22 it.

23 DILLON SMITH: How many acres, right now, would  
24 you say is flooded at the sanctuary?

25 MICHAEL STROEH: Right now, it is probably about

1 15,000. We are actually proposing for the sanctuary  
2 to be 2,000 acres smaller than we originally --

3 DILLON SMITH: You're not making it smaller.  
4 You are making it larger, the hunting area.

5 MICHAEL STROEH: Okay. I see what you're  
6 saying. We are making 2,000 additional acres  
7 available to hunt. To me, the sanctuary -- the water  
8 fowl sanctuary is getting smaller.

9 DILLON SMITH: What is your reasoning for that?  
10 Why are you enlarging the sanctuary?

11 MICHAEL STROEH: I'm not enlarging the  
12 sanctuary, sir.

13 DILLON SMITH: Theoretically. The ducks don't  
14 run around. They are landing on that water. There  
15 is nothing to eat there. They are not feeding. They  
16 are flying back from the rice fields from the Delta  
17 and they're going back to that sanctuary every  
18 morning. That's what they do every morning.

19 MICHAEL STROEH: I mean, they utilize the  
20 sanctuary. Waterfowl sanctuaries are crucial to  
21 waterfowl management.

22 DILLON SMITH: We're reducing the number of  
23 ducks that are going to use parts of the refuge.

24 MICHAEL STROEH: What was that question again?

25 DILLON SMITH: If you are reducing the number of

1           acres that a hunter can use on the refuge, how is  
2           that helping the duck hunter? If you are going to  
3           flood the timber, that's fine, because you are  
4           getting back that huntable area that you're taking  
5           away and putting into the new sanctuary. But it's  
6           not going to be flooded for maybe four days -- three  
7           or four days.

8           MICHAEL STROEH: Well, what we're saying is the  
9           waterfowl sanctuary is the cornerstone of waterfowl  
10          management. This is our proposal. To me, you know,  
11          we are giving 2,000 acres of huntable land, you know,  
12          that can be hunted.

13          DILLON SMITH: If there is water on it.

14          MICHAEL STROEH: Yeah. But it is also open to  
15          deer hunting and fishing.

16          COREY TALLEY: Nobody deer hunts that.

17          MICHAEL STROEH: Well, some deer hunters may  
18          disagree with you. Anyway, it is open. There are  
19          some sloughs and some stuff there that can be hunted  
20          that now wouldn't be. That is our proposal. We have  
21          brought it forward for comment, and that's what --  
22          this is the process to provide your comments  
23          regarding that.

24          LES CARDIN: I was just wondering if you've ever  
25          had any experience managing a green tree reservoir

1 before?

2 MICHAEL STROEH: Green trees?

3 LES CARDIN: Well, have you had any experience  
4 doing what you're doing down there?

5 MICHAEL STROEH: Well, I had experience managing  
6 bottomland hardwoods. I've been up the Ouachita in  
7 the 90s and I've been to west Tennessee to those  
8 refuges. I had bottomland hardwoods in Delaware when  
9 I was in Delaware for a couple of years.

10 LES CARDIN: Does those have green trees on  
11 them? I don't think there are many in Delaware, are  
12 there?

13 MICHAEL STROEH: Not in Delaware, no.

14 LES CARDIN: On the upper Ouachita, it's not  
15 going to flood much.

16 UNKNOWN SPEAKER: I mean, I think he's got a  
17 valid question.

18 MICHAEL STROEH: What?

19 UNKNOWN SPEAKER: About your experience with  
20 managing a green tree reservoir.

21 MICHAEL STROEH: This is by far the most complex  
22 and biggest GTR that I have been in charge of. We've  
23 had --

24 COREY TALLEY: It's the largest in the world.

25 MICHAEL STROEH: Yes. It is a complex system.

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I don't deny that.

(WHEREUPON, the meeting was adjourned at 8:10 p.m.)

## C E R T I F I C A T E

STATE OF ARKANSAS )

) ss

COUNTY OF VAN BUREN )

I, NICOLE HARTWICK, Certified Court Reporter #739, do hereby certify that the facts stated by me in the caption on the foregoing proceedings are true; and that the foregoing proceedings were reported verbatim through the use of the voice-writing method and thereafter transcribed by me or under my direct supervision to the best of my ability, taken at the time and place set out on the caption hereto.

I FURTHER CERTIFY, that I am not a relative or employee of any attorney or employed by the parties hereto, nor financially interested or otherwise, in the outcome of this action, and that I have no contract with the parties, attorneys, or persons with an interest in the action that affects or has a substantial tendency to affect impartiality, that requires me to relinquish control of an original deposition transcript or copies of the transcript before it is certified and delivered to the custodial attorney, or that requires me to provide any service not made available to all parties to the action.

WITNESS MY HAND AND SEAL this 25th day of November, 2015.

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NICOLE HARTWICK, CCR

Certified Court Reporter #739