

Appendix M.
Response to Comments

Appendix M. Responses to Comments

Introduction

The Draft Comprehensive Conservation Plan and Environmental Impact Statement (CCP/EIS) was available for public review and comment starting in July 2008. The comment period closed on September 9, 2008. Public meetings were held the week of August 4, 2008.

The following comment letters were received (in order of date received):

1. B. Sachau
2. Nevada Division of Water Resources
3. Wild Sheep Foundation
4. Lynn C. Miller
5. Jan Cameron
6. Larry Perkins Brundy
7. Hsiu Hui Lenford
8. Michael Lenford
9. Dot Astles
10. Lorraine Ealey
11. Sandra Kisner
12. Sheila J. Mason
13. Bruce Muise Jr.
14. Bruce Muise
15. Allan Pritcher
16. Marguerite Smallwood
17. Douglas Miller
18. Garry Scott McGuire
19. Clark County Department of Air Quality and Environmental Management
20. Bruce Burnett
21. Betty and Bob Davenport (and Kato)
22. The Nature Conservancy
23. Center for Biological Diversity
24. Ted Cassidy
25. Nevada Department of Cultural Affairs (Alice Baldrice)
26. Edward Wheeler
27. Nevada Department of Administration
28. Russell E. Waite
29. Clark County Department of Air Quality and Environmental Management
30. Brad Loveday
31. Red Rock Audubon Society (John E. Hiatt)
32. Nevada Power/Sierra Pacific Power (Eileen Wynkoop)
33. City of North Las Vegas (Gregory E. Rose)
34. Nevada Department of Wildlife (D. Bradford Hardenbrook)
35. Environmental Protection Agency
36. Defenders of Wildlife
37. Paul B. Aguirre
38. Southern Nevada Water Authority (John J. Entsminger)
39. Nellis Air Force Base (Sheryl K. Parker)
40. Gary and Darla Davis
41. Comments from Public Meetings

Letter 1



Bk1492@aol.com
07/13/2008 12:25 PM

To talktous@fws.gov
cc mark_petz@fws.gov, americanvoices@mail.house.gov,
comments@whitehouse.gov, foe@foe.org,
information@sierraclub.org, today@nbc.com,
bcc

Subject re pahrnagat and other plans for changing the 4 refuses in
nevada 200 n 00064

For Follow Up:	Normal Priority
History:	This message has been forwarded.

ccp eis desert national wr

the scandal plagued us dept of interior has this plan to build up their administration building and visitor center, so they dont have to be outdoors i guess. now why would you work in this agency if you want to be ingovt concrete. i am very much opposed to more administration buildings that are huge cost expenses for taxpayers. what is simple is what should be used. not edifices like the pyramids which cost millions upon millions.

1-1

no action or decision on this plan should be made while bush cheney are in power in sin city washington dc - they are well known and notorious anti environmental and destroyers of the environment. put off any action until the new administration changes in jan 2009. crooked sin city washington dc only comes out with high destructive crooked, plans. is any friend of a politicians involved in this plan to make a killing for himself.

1-2

get sheep out of the refuge. they do not belong in the refuge. it should be for wildlife and wilde birds. national taxpayers sweated blood and tears to save that land. fws seems intent on destroying it--it is not managing for its purpose turning a refuge into a ranch for sheep.
b sachau
15 elm st
florham park nj 07932

1-3

Get the scoop on last night's hottest shows and the live music scene in your area -
Check out TourTracker.com!
(<http://www.tourtracker.com?NCID=aolmus00050000000112>)

M.1 B. Sachau, July 13, 2008

Response 1-1: Comment acknowledged.

Response 1-2: Comment acknowledged.

Response 1-3: Comment acknowledged. Desert bighorn sheep, the primary management focus at Desert NWR, are native to the southwestern United States and northern Mexico. Domestic sheep are not allowed on the Refuge(s).

Letter 2

From: Nevada State Clearinghouse
Sent: Monday, July 14, 2008 9:47 AM
To: Robert K. Martinez
Subject: E2009-017 Desert National Wildlife Refuge Complex - US Fish & Wildlife Service



NEVADA STATE CLEARINGHOUSE
Department of Administration, Budget and Planning Division
209 East Musser Street, Room 200, Carson City, Nevada 89701-4298
(775) 684-0213 Fax (775) 684-0260

TRANSMISSION DATE: 7/14/2008

Division of Water Resources

Nevada SAI # E2009-017
Project: Desert National Wildlife Refuge Complex

Follow the link below to download an Adobe PDF document concerning the above-mentioned project for your review and comment.

[E2009-017](#)

Please evaluate it with respect to its effect on your plans and programs; the importance of its contribution to state and/or local areawide goals and objectives; and its accord with any applicable laws, orders or regulations with which you are familiar.

Please submit your comments no later than Wednesday, September 3, 2008.

Use the space below for short comments. If significant comments are provided, please use agency letterhead and include the Nevada SAI number and comment due date for our reference.

Questions? Reese Tietje, (775) 684-0213 or clearinghouse@state.nv.us

No comment on this project Proposal supported as written

AGENCY COMMENTS:

All waters of the State belong to the public and may be appropriated for beneficial use pursuant  2-1

M.2 Nevada Division of Water Resources, July 14, 2008

Response 2-1: Comment acknowledged. We manage the surface and groundwater on the Refuges in accordance with applicable federal and state laws.

to the provisions of Chapters 533 and 534 of the Nevada Revised Statutes (NRS), and not otherwise. Under all the proposed alternatives no use of surface water or groundwater is to occur unless a permit or decreed water right is issued for such use under Nevada Water Law. Any water or monitor wells, or boreholes that are proposed must be under a waiver and be drilled within the described lands are the ultimate responsibility of the entity controlling the lands and must be drilled, plugged and abandoned as required in Chapter 534 of the Nevada Administrative Code (NAC). If artesian water is encountered in any well or borehole it shall be controlled as required in NRS § 534.060(3). If any dam(s) are to be modified or removed under any of the proposed action alternatives that action is to be done so in compliance with NRS Chapter 535 and NAC 535.

↑ 2-1
| 2-2
| 2-3

Signature: Robert K. Martinez, P.E.

Date: 7/16/2008

Response 2-2: Comment acknowledged. We will manage any wells or boreholes on the Desert Complex in accordance with applicable federal and state laws.

Response 2-3: Comment acknowledged. If we modify or remove any dam, such as the dam impounding Crystal Reservoir, the work will be completed in accordance with applicable federal and state laws.



July 30, 2008

Cynthia Martinez
 Desert National Wildlife Refuge Complex
 4701 N. Torrey Pines Drive
 Las Vegas, NV 89130

Re: CCP/EIS for the Desert National Wildlife Refuge Complex

Dear Ms. Martinez:

On behalf of the Wild Sheep Foundation (formerly FNAWS), I'd like to say thank you for allowing us the opportunity to comment on this very important issue. The Wild Sheep Foundation represents more than 10,000 wild sheep advocates worldwide and has generated more than \$70 million for wild sheep conservation in North America.

The Foundation is in support of the U.S. Fish and Wildlife Services *proposed alternatives* in the Draft Comprehensive Conservation Plan and Environmental Impact Statement.

3-1

It appears to provide best management practices and safeguards the native wildlife resources; including bighorn sheep, and their habitats.

The Wild Sheep Foundation would also like to offer your agency additional assistance that may be needed to further educate the public and adjacent private landowners about the dangers that can be imposed on bighorn sheep if they are forced to share their habitats with domestic sheep and goats.

3-2

We applaud you in your attempt to sustain suitable habitat for the DNWR's wildlife resources.

3-3

Sincerely,

A handwritten signature in black ink, appearing to read "Neil Thagard".

Neil Thagard
 Director of Operations

M.3 Wild Sheep Foundation, July 30, 2008

Response 3-1: Comment acknowledged.

Response 3-2: Comment acknowledged. We look forward to coordinating with the Wild Sheep Foundation for assistance with educational opportunities.

Response 3-3: Comment appreciated.

Letter 4



<landmiller@sbcglobal.net>

08/04/2008 03:54 PM

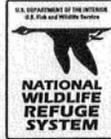
To: <fw8plancomments@fws.gov>
cc:
Subject: Resident volunteers

Do you have a program for resident volunteers? My wife and I have volunteered at 3 National Wildlife Refuges for periods of 2 to 3 months and are looking for other interesting places to spend time volunteering. We are full-time RVer's.
Thanks,
Lynn C. Miller

4-1

M.4 Lynn C. Miller, August 4, 2008

Response 4-1: Ash Meadows, Desert, Moapa Valley, and Pahranaagat NWRs have programs for resident volunteers. For more information, please contact the Desert NWR Complex headquarters at (702) 515-5450.



**Public Input On
The Comprehensive Conservation Plan/
Environmental Impact Statement
Desert National Wildlife Refuge Complex**

Letter 5

If you would like to provide comments or input on the Draft CCP/EIS, please fill out this card and hand it to any of our staff or please mail it to us. You may also write us a letter or send e-mail to: fw8plancomments@fws.gov. Thank you!

COMMENT:

Page 5-14, Goal 4, second paragraph. Ash Meadows is located ~~is~~ not just "in the Amargosa Valley"; but "within the unincorporated township of Amargosa Valley" that is a very important difference to the local residents. 5-1

Figure 5 (after page 5-24), I cannot locate the area that is "Modify/Remove Reservoir". This could be an important issue. 5-2

NAME: Jan Cameron
AGENCY: Chair, Amargosa Valley Town Advisory Board
ADDRESS: HCR 69 Box 401-W
Amargosa Valley, NV 89020
PHONE: 775-372-1218

ASH

M.5 Jan Cameron, August 5, 2008

Response 5-1: Comment acknowledged. The CCP/EIS text has been revised to clarify that Ash Meadows NWR is located within the unincorporated township of Amargosa Valley.

Response 5-2: The legend for the map following page S-24 (Figure 6; also Figure 3.2-3 in the EIS) was revised to clarify that Crystal Reservoir is proposed for modification or removal, and the cross-hatch was shaded pink to make it more obvious.



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Environmental Impact Statement
Desert National Wildlife Refuge Complex**

Letter 6

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COMMENT:

I would like to see Alternative B at The Moapa Valley NWR.

6-1

I am dif against Alternative C. I cannot see any Perpose That would be Served by expansion.

6-2

NAME: Larry Perkins Brundy

AGENCY:

ADDRESS: P.O. Box 136

Moapa, Nevada 89025

PHONE:

MPV

M.6 Larry Perkins Brundy, August 6, 2008

Response 6-1: Comment acknowledged.

Response 6-2: Comment acknowledged. The primary purpose of the proposed expansion is the preservation of aquatic, wetland, and mesquite bosque habitats needed for the recovery and conservation of Moapa dace and other native wildlife species. Expansion of the Moapa Valley NWR boundary does not mean that any of the lands would automatically become part of the Refuge System, but would allow us to pursue management agreements, transfer, or purchase of land from willing sellers.



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Environmental Impact Statement
Desert National Wildlife Refuge Complex**

Letter 7

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COMMENT:

I'd be in favor of plan C for the Moapa Valley area.

7-1

NAME: Hria Hwi Leonard

AGENCY: _____

ADDRESS: PO Box 1248
Longdale NY 89021

PHONE: 702 398-7205

MPV

M.7 Hsiu Hui Lenford, August 6, 2008

Response 7-1: Comment appreciated.



**Public Input On
The Comprehensive Conservation Plan/
Environmental Impact Statement
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Letter 8

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COMMENT:

I'd be in favor of plan C for the Moapa Valley area. Also I'd be interested in having a property located at 750 N Saltbrush Ln include in any future acquisitions.

8-1

8-2

NAME: Michael Kenford

AGENCY:

ADDRESS: PO Box 1248
Logandale, NV 89021

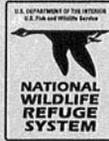
PHONE: 702-398-7205

MPV

M.8 Michael Lenford, August 6, 2008

Response 8-1: Comment appreciated.

Response 8-2: We appreciate your interest in having your property included in the Moapa Valley NWR acquisition boundary. Refuge staff will contact you to discuss this possibility.



**Public Input On
The Comprehensive Conservation Plan/
Environmental Impact Statement
Desert National Wildlife Refuge Complex**

Letter 9

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COMMENT:

We need the CAMP Ground OPEN.
We use it in FALL + SPRING ON OUR way
home FROM AZ + ON OUR way DOWN TO AZ.

9-1

THANK YOU

DOT ASTLES

NAME: DOT ASTLES

AGENCY:

ADDRESS: Apt 230 - 5450 - 203 St

LANGLEY BC V3A5V1

PHONE:

PHR

M.9 Dot Astles, August 7, 2008

Response 9-1: We appreciate your input about the campground at Pahranaagat NWR and its value to travelers. At this stage, our preferred alternative is to convert the campground to day-use only. Our primary reason for this position is that Pahranaagat NWR lacks the staff and resources to effectively manage the campground in a manner that does not conflict with priorities for refuge management established by Congress in the National Wildlife Refuge System Improvement Act. Bureau of Land Management lands adjacent to Pahranaagat NWR are open to camping.



**Public Input On
The Comprehensive Conservation Plan/
Environmental Impact Statement
Desert National Wildlife Refuge Complex**

Letter 10

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COMMENT:

Please keep the campground open. The travelers leaving ag + heading for the northern states + Canada need this stop over, + often times plan a 2 week stay here on their way home, and it should be a 2 week stay. I have seen this campground full in Mar + April. The towns people + the business need the RVers.

10-1

I have 4 motor homes (friends) that stop every year for the last 4 years + spend 2 weeks here. Its a resting place before heading home.

NAME: Lorraine Ealey

AGENCY: Volunteer at Pahrangat - and RKCR

ADDRESS: 4970 N TOPEKA AVE
CASCADOC CO. 80809

PHONE: 610-216-6109

PHR

M.10 Lorraine Ealey, August 7, 2008

Response 10-1: See Response 9-1.



Public Input On
The Comprehensive Conservation Plan/
Environmental Impact Statement
Desert National Wildlife Refuge Complex

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COMMENT: WE would like "OUR" Refuge BACK. 11-1

- 1. OPEN UP CAMPING LIKE IT WAS - 2 WEEK - USE OF GENERATORS & ETC
- 2. MOVE ROCKS SO PEOPLE CAN pull off ROAD to look AT wildlife
- 3. UNLOCK gates AT LOWER LAKE. SO PEOPLE CAN WATCH wildlife
- 4. GET rid of SPEED Bumps

SAFETY FACTOR

11-2

- 5. Put TRASH CANS BACK AT EACH CAMP SITE & AT RESTROOMS
- 6. GET rid of SIGNS THERE IS NO ONE TO ENFORCE THEM.

WHAT A WASTE OF MONEY

11-3

- 7. VISTORS CENTER (to be built) NEEDS TO BE AT LAKE NOT AT HEADQUARTERS

11-4

- 8. A small FEE could BE CHARGED TO CAMP.

11-5

- 9. A lot of talk ABOUT EDUCATION - IF NO ONE CAN REALLY USE it, DON'T close down to foot TRAFFIC ONLY, too MANY PEOPLE CAN'T WALK IN

11-6

11-7

NAME: SANDRA KISNER
 AGENCY: ALAMO USER
 ADDRESS: P.O. Box 612
 ALAMO, NV 89001
 PHONE: 775-725-3590

PHR

M.11 Sandra Kisner, August 7, 2008

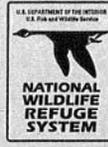
- Response 11-1:** Comment acknowledged.
- Response 11-2:** We appreciate your input about the Pahranaagat NWR campground and your suggestions for changes to the area. At this stage, our preferred alternative is to convert the campground to day-use only. Our primary reason for this position is that Pahranaagat NWR lacks the staff and resources to effectively manage the campground in a manner that does not conflict with priorities for refuge management established by Congress in the National Wildlife Refuge System Improvement Act. Bureau of Land Management lands adjacent to Pahranaagat NWR are open to camping.
- Response 11-3:** Comment noted.
- Response 11-4:** The existing headquarters site was selected for the new visitor contact station for several reasons. First, the site is already disturbed and utilities are present so it would be most cost effective. Second, the location near Upper Pahranaagat Lake would likely have a greater impact on wildlife due to the presence of sensitive riparian habitat.
- Response 11-5:** See Response 11-2.
- Response 11-6:** The preferred alternative was revised in the Final CCP/EIS to eliminate the foot access-only restriction in the day use area.
- Response 11-7:** See Response 11-6.

THERE ARE LOCAL FAMILIES WHO TAKE THE FAMILY AND CAMP OUT FOR THE WEEKEND AND GO FISHING. GREAT PLACE CLOSE TO HOME. 11-8

THE SNOW BIRDS ("RV'ERS") WHO USED TO STOP AND STAY FOR 2 WEEKS. THEY WERE A BIG HELP TO THE REFUGE. THEY WENT FOR WALKS AND FILLED BAGS FULL OF TRASH. PLUS THEY SPENT MONEY IN ALAMO (GROCERY - FOOD - GAS) WE NEED THAT. NOW THESE PEOPLE DON'T STOP AT ALL. THEY GAS IN VEGAS AND DON'T STOP UNTIL ELY OR SACKPOW. 11-9

Response 11-8: See Response 11-2. Also note that Pahrangat NWR will continue to be open to fishing under the preferred alternative.

Response 11-9: Your comment regarding the benefit of “snowbirds” to the Refuge and local community is noted. We understand that converting the campground to a day use area may have an effect on the visitation by some user groups. We anticipate that any declines in visitation resulting from the campground closure will be at least partially offset by new visitors drawn by improvements to the visitor services program. For example, the preferred alternative includes development of new trails, interpretive panels, wildlife observation/photo blinds, and a new visitor contact station with interpretive exhibits.



Public Input On
**The Comprehensive Conservation Plan/
 Environmental Impact Statement**
Desert National Wildlife Refuge Complex

Letter 12

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COMMENT:

PAHRANAGAT NWR

ALTERNATIVE D IS VERY COMPREHENSIVE
 AND I LIKE IT.

12-1

HOWEVER, I WOULD LIKE TO SEE MORE
 CONSIDERATION GIVEN TO:

- ① A DEFINITE SHORT TERM PLAN TO
 PROVIDE FISHING AT THE LAKE. LOCAL PEOPLE
 GET A LOT OF PLEASURE FROM THIS
- ② PROVIDE MORE ACCESSIBLE WALKING TRAILS
- ③ PUT THE VISITORS CENTER AT THE
 UPPER LAKE
- ④ RETAIN THE VEHICLE CAMPING AREAS

12-2

12-3

12-4

12-5

NAME: SHEILA J. MASON

AGENCY:

ADDRESS: P.O. Box 600

AZAMO NV 89001

PHONE: 775/725-3504

PHR

M.12 Sheila J. Mason, August 7, 2008

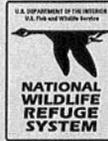
Response 12-1: Comment appreciated.

Response 12-2: Comment noted. Under the preferred alternative, Pahranaagat NWR would continue to be open to fishing. However, until safety issues regarding the dam that impounds Upper Pahranaagat Lake are resolved, opportunities will likely be limited.

Response 12-3: The CCP/EIS preferred alternative includes the development of new interpretive/wildlife observation trails on Pahranaagat NWR.

Response 12-4: The existing headquarters site was selected for the new visitor contact station for several reasons. First, the site is already disturbed and utilities are present so it would be most cost effective. Second, the location near Upper Pahranaagat Lake would likely have a greater impact on wildlife due to the presence of sensitive riparian habitat.

Response 12-5: See Response 11-2.



**Public Input On
The Comprehensive Conservation Plan/
Environmental Impact Statement
Desert National Wildlife Refuge Complex**

Letter 13

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COMMENT:

PLEASE DON'T CLOSE DOWN THE
CAMPGROUND. WE USE IT EVERY YEAR ON
OUR WAY HOME FOR 2 WEEKS. THERE ARE
3 UNITS WITH ME EVERY YEAR WHEN WE
STOP IN.

13-1

THANK YOU

NAME: BRUCE MUISE JR

AGENCY:

ADDRESS: 9663 104th AVE

GRAND PARRIC

AB CANADA T8B19

PHONE:

PHR

M.13 Bruce Muise Jr., August 7, 2008

Response 13-1: Comment noted. See Response 9-1.



**Public Input On
The Comprehensive Conservation Plan/
Environmental Impact Statement
Desert National Wildlife Refuge Complex**

Letter 14

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COMMENT:

PLEASE KEEP THE CAMP
GROUND OPEN FOR US RVERS.
WE STOP IN EVERY YEAR ON
OUR WAY HOME.

14-1

THANK YOU

NAME: BRUCE MUISE

AGENCY: 1/6 Jack Stollert

ADDRESS: #6 Blane Rd

R R L Lone Butte, BC VOXOKIXO

PHONE: _____

PHR

M.14 Bruce Muise, August 7, 2008

Response 14-1: Comment noted. See response to comment 9-1.



**Public Input On
The Comprehensive Conservation Plan/
Environmental Impact Statement
Desert National Wildlife Refuge Complex**

Letter 15

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COMMENT:

POSS. ESTABLISH A SEPERATE
SWIMMING PROTECTED AREA
(OR SMALL BEACH AREA). THE
AREA COULD BE EASILY ESTABLISHED
WITHOUT SPENDING VERY MUCH MONEY.

15-1

OPEN UP ADDITIONAL CAMPING
AREAS

15-2

POSS - SET UP VENDOR STANDS FOR
THE AREA

15-3

FLEXIBLE STAY TIMES

15-4

NAME: _____

AGENCY: _____

 Allan Pritcher
PO Box 251
Alamo, NV 89001-0251

for mail

ADDRESS: _____

PHONE: 775-725-3720 (MESSAGE)

PHR

M.15 Allan Pritcher, August 7, 2008

- Response 15-1:** Comment noted. Pahrnagat NWR has been and will continue to be closed to swimming due to the potential for wildlife disturbance and conflicts with higher priority public uses.
- Response 15-2:** See Response 11-2.
- Response 15-3:** See Response 11-2. Vendors (concessionaires) on refuges are regulated according to U.S. Fish and Wildlife Service Policy 8, Refuge Manual 17. This policy prohibits us from allowing concessionaires on wildlife refuges such as Pahrnagat Wildlife Refuge when commercial goods and services are available in close proximity (Alamo).
- Response 15-4:** See Response 11-2.



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Page 1

COMMENT:

- 1. Crop rotation = what ducks & geese ~~sett~~ to visit them to come back again & again. 16-1
- 2. Camping = set amount of time - supervised & control day use = possibly use reservations as by use progresses. 16-2
- 3. Fishing = only small paddle craft set amount of time in water & where - controlled & supervised 16-3
- (243) (This is a wildlife preserve for people to observe, learn, & enjoy. Period. (not to stay for whatever time, do their laundry, dogs to run all over, and loud music & yelling.) 16-4
- 4. A/c Visitors Center Building - enclosed observation area. Programs for schools, visitors, organizations etc. 16-5
Cont'd 2

NAME: Marguerite Smallwood

AGENCY: (pp 1, 2 & 3,)

ADDRESS: _____

PHONE: _____

PHR

M.16 Marguerite Smallwood, August 7, 2008

- Response 16-1:** Comment noted. The restoration planning effort for Pahrangat NWR has been initiated and will consider the best means for providing foraging habitat for sandhill cranes and other waterbirds.
- Response 16-2:** See Response 11-2.
- Response 16-3:** We appreciate your input regarding fishing at Pahrangat NWR. Your input will be considered as we develop a fisheries management plan.
- Response 16-4:** Comment acknowledged. See Responses 11-2 and 16-3.
- Response 16-5:** The preferred alternative includes construction of a new visitor contact station. The specific design of the visitor contact station will be addressed in a step-down NEPA document. Your input on its features is appreciated and will be considered.



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Pages COMMENT:

Visitors store = books, maps, calendars, paintings, wildlife
 figures, art. (Not a convenient store or
 all items from China!!) 16-5
 Employment & Volunteers 16-6
 Good entrance - proper parking areas some
 roads & areas black top. 16-7
 Landscape = Replace trees, plant more trees &
 more trees!! 16-8
 Meetings = need more meetings on progress of
 plans to ^{keep} promote more interest for volunteers,
 donations, etc. to assist in making
 P.V. Lakes a beautiful asset to Nevada. 16-9
 Cont'd 3

NAME: _____

AGENCY: _____

ADDRESS: _____

PHONE: _____

PHR

Response 16-6: Comment acknowledged.

Response 16-7: Comment acknowledged. The preferred alternative includes the development of additional parking as well as new turn lanes off the highway so visitors can more safely enter and exit Pahrnagat NWR.

Response 16-8: Comment noted. The restoration planning effort has been initiated and will evaluate opportunities for restoring riparian habitat (such as willows and cottonwood trees) at Pahrnagat NWR.

Response 16-9: Comment acknowledged. We plan to provide periodic updates to the local community as the restoration planning effort progresses.



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Environmental Impact Statement
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Pg 3

COMMENT:

Nevada has not invested enough care, time, or money into the natural resources they have to entice visitors, only gambling, hotels, & such (commercial).

16-10

Boardside rests in Nevada have always been far or far between, just a ^{fast} bathroom stop for people & dogs.

16-11

There's probably more that could be said but that can be, hopefully, at another meeting.

This has been put together by surveying family members, friends, fellow workers, students & recreation club members that live in Clark Cty. and Pahrangat Valley - Nevada.

NAME: Marquise Smallwood

AGENCY: Resident of Nevada since 1961 (Pahrangat Valley)

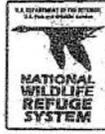
ADDRESS: Box 479
Alamo, Nevada 89001
(since 1961.)

PHONE: 702-631-0048

PHR

Response 16-10: Comment acknowledged.

Response 16-11: Comment acknowledged.



Public Input On
The Comprehensive Conservation Plan/
Environmental Impact Statement
Desert National Wildlife Refuge Complex

If you would like to provide comments or input on the Draft CCP/EIS, please fill out this card and hand it to any of our staff or please mail it to us. You may also write us a letter or send e-mail to: fw8plancomments@fws.gov. Thank you!

COMMENT:

WHY DON'T YOU GO BACK TO INVITING THE PUBLIC TO ENJOY THIS BEAUTIFUL NATURAL RESOURCE - PREVIOUS MANAGERS HAVE PLANNED FOR HIKING TRAILS YOUTH GROUP ACTIVITIES, CAMPING, ETC ON THE REFUGE. I BELIEVE THAT THESE ACTIVITIES CAN PEACEFULLY CO-EXIST WITH THE PRIMARY FUNCTION OF THE REFUGE, WILDLIFE MANAGEMENT. PUBLIC LANDS CAN AND SHOULD BE A REFUGE FOR BOTH MANKIND AND WILDLIFE.

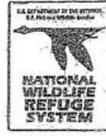
17-1

NAME: DOUGLAS MILLER
AGENCY: ALAMO POWER DISTRICT
ADDRESS: 233 N. MAIN STREET
Box 189, ALAMO 89001
PHONE: 725-3335

PHR

M.17 Douglas Miller, August 7, 2008

Response 17-1: Comment acknowledged. We agree that the primary function of Pahranaagat NWR is wildlife management and that visitors should be allowed to enjoy Refuge resources. Congress has established clear priorities for public uses on refuges in the National Wildlife Refuge System Improvement Act of 1997: hunting, fishing, wildlife observation, photography, environmental education, and interpretation. The Improvement Act requires us to give these priority public uses enhanced consideration over other uses in planning and management. With this in mind, we developed plans in the preferred alternative to maximize opportunities for the priority public uses in a manner that is compatible with Refuge purposes and available staffing and funding.



Public Input On
The Comprehensive Conservation Plan/
Environmental Impact Statement
Desert National Wildlife Refuge Complex

Letter 18

If you would like to provide comments or input on the Draft CCP/EIS, please fill out this card and hand it to any of our staff or please mail it to us. You may also write us a letter or send e-mail to: fw8plancomments@fws.gov. Thank you!

COMMENT:

from a former volunteer at Tularum -
I should like to see the refuge achieve
it's potential, this would be a real show place
as Bosque Del Apache is in New Mexico - where
I also volunteered. The first and most important
step has been taken, the long overdue departure
of Mr. Murray Maxwell. The residents of Alamo
have long wanted for this day - Please do not
consider closing the campground - Murray is wonderful
host to all, many of them are from the mountains
from Canada, the refuge does not need law enforcement
for educational programs would be a necessary
tool for the guest that fail to comply to rules and
regulations

18-1

18-2

NAME: Harry Scott McDevine
AGENCY: Retired - Volunteer for various government agencies
ADDRESS: P.O. Box 137
Alamo, Nevada 89001
PHONE: 775 725 3201

PHR

M.18 Garry Scott McGuire, August 7, 2008

Response 18-1: Comment noted. Please see Response 11-2.

Response 18-2: Please see Response 11-2. The preferred alternative does include expansion of environmental education and interpretative programs on Pahranaagat NWR.



Public Input On
The Comprehensive Conservation Plan/
Environmental Impact Statement
Desert National Wildlife Refuge Complex

If you would like to provide comments or input on the Draft CCP/EIS, please fill out this card and hand it to any of our staff or please mail it to us. You may also write us a letter or send e-mail to: fw8plancomments@fws.gov. Thank you!

COMMENT:

There is interest for the refuge here among the residents, however due to the fact of poor management at Palm Springs the local people have withdrawn, many comment forms passed out, but only a few responded.

Time it will take to require their support - it is here just needs to be cultivated. This can be achieved thru good site management. The support of the Vegas office and Mr. Jim Foster are your greatest assets - Thank you

18-3

NAME: Respectfully

AGENCY: _____

ADDRESS: Jerry Scott McJannet

PHONE: _____

PHR

Response 18-3: Comment acknowledged. We look forward to working with the residents of Alamo in the future.



Letter 19

DEPARTMENT OF AIR QUALITY & ENVIRONMENTAL MANAGEMENT

500 S Grand Central Parkway 1st Fl · Box 555210 · Las Vegas, NV 89155-2510
(702) 455-5942 · Fax (702) 383-9994

Lewis Wallenmeyer Director · Alan Pinkerton Assistant Director · Tina Gingras Assistant Director

August 13, 2008

Cynthia Martinez
Desert National Wildlife Refuge Complex Manager
U.S. Fish and Wildlife Service
4701 N. Torrey Pines Drive
Las Vegas, NV 98130

RE: Request/comment to adjust the proposed boundary for the Desert National Wildlife Refuge Complex

Dear Ms. Martinez:

Thank you for the opportunity to review and comment on the Draft Comprehensive Conservation Plan/Environmental Impact Statement for the Desert National Wildlife Refuge Complex in southern Nevada. As you are aware, the Clark County Department of Air Quality and Environmental Quality, Desert Conservation Program administers the Clark County Multiple Species Habitat Conservation Plan (MSHCP) on behalf of the Nevada Department of Transportation, County and Cities of Boulder City, Henderson, Las Vegas, Mesquite and North Las Vegas (the Permittees) to maintain compliance with an Endangered Species Act Section 10(a)(1)(B) incidental take permit, # TE034927-0. Condition K.1 of that permit states that take is conditioned upon the acquisition of private lands in desert riparian habitats along the Muddy and Virgin rivers, and Meadow Valley Wash.

To meet this condition, we have funded the acquisition of several parcels from willing sellers in the upper Muddy River area. Specifically, Clark County provided funding and directed The Nature Conservancy to purchase five parcels within the 100-year floodplain of the Muddy River and adjacent to the Muddy River for the purpose of conservation of native species and their habitats.

These parcels are identified by the Clark County Assessor's office by parcel numbers:

030 225 01 004	6.30 acres	aka "Alamo" parcels
030 22 501 022	6.30 acres	aka "Alamo" parcels
030 23 201 003	25.06 acres	aka "Shirley Perkins" parcel
030 26 601 001	18.65 acres	aka "Henrie" parcels
030 26 601 002	16.52 acres	aka "Henrie" parcels

19-1

BOARD OF COUNTY COMMISSIONERS

Rory Reid Chairman · Chip Maxfield Vice-Chairman

Susan Brager, Tom Collins, Chris Giunchigliani, Lawrence Weekly, Bruce L. Woodbury
Virginia Valentine, PE, County Manager

**M.19 Clark County Department of Air Quality and Environmental Management,
August 13, 2008**

Response 19-1: We agree that addition of the referenced properties to the proposed Moapa Valley NWR expansion makes sense from a riparian landscape management perspective. The CCP/EIS and land protection plan have been revised to include these lands as requested.

We request that the proposed boundary for the Refuge be adjusted to include these parcels, as their inclusion would serve to keep these properties managed for the benefit of wildlife and conservation. The Nature Conservancy currently manages these parcels through funding from Clark County. While The Nature Conservancy of Nevada currently holds title to those parcels, the County retains first right of refusal on each of them. Potential inclusion of this property in the Refuge should be considered from a riparian landscape management perspective.

↑
19-1

For additional information about these properties, or if you have any questions about this request, please contact Marci Henson at (702) 455-3118.

Sincerely,



Lewis Wallenmeyer, Director
Clark County Department of Air Quality and Environmental Management

cc Marci Henson, Clark County Desert Conservation Program
Phil Rosenquist, Clark County
Kathryn Landreth, The Nature Conservancy



M.20 Bruce Burnett, August 13, 2008

Response 20-1: Moapa Valley NWR was established to protect the Moapa dace and its habitat. Our restoration and management is focused on achieving this Refuge purpose. Our policy regarding palm trees is to remove trees that are adversely affecting the hydrology of springs and channels on Moapa Valley NWR. We also remove and/or trim palm trees that could increase the risk of wildfire spreading on or off the Refuge.

M.21 Betty and Bob Davenport (and Kato), August 22, 2008

- Response 21-1:** Comment appreciated.
- Response 21-2:** Comment noted. The preferred alternative includes development of new trails and wildlife observation/photo blinds.
- Response 21-3:** Comment noted. The restoration planning effort, which has been initiated, is evaluating management options for sandhill cranes on Pahranaagat NWR.
- Response 21-4:** Comment noted. The preferred alternative was revised in the Final CCP/EIS to eliminate the foot-access restriction in the day use area.
- Response 21-5:** Comment noted. We agree that Pahranaagat NWR's strategic location and diversity of resources are a value to the public.



THE NATURE CONSERVANCY

Northern Nevada Office Southern Nevada Office
 One East First Street, #1007 1771 East Flamingo Road, Ste. 104A
 Reno, NV 89501 Las Vegas, NV 89119

Tel 775-322-4990 Tel 702-737-8744
 Fax 775-322-5132 Fax 702-737-5787

August 25, 2008

Cynthia Martinez
 Desert National Wildlife Refuge Complex Manager
 U.S. Fish & Wildlife Service
 4701 N. Torrey Pines Drive
 Las Vegas, NV 98130

RE: Request / Comment pertaining to adjustment of the proposed boundary for the Desert National Wildlife Refuge Complex / Moapa Valley NWR

Dear Ms. Martinez,

Thank you for providing The Nature Conservancy (TNC) with an opportunity to review and comment on the Draft Comprehensive Conservation Plan / Environmental Impact Statement for the Desert National Wildlife Refuge Complex in southern Nevada (Draft CCC).

As you are aware, Clark County's Department of Air Quality and Environmental Quality, through its Desert Conservation Program and its administration of the Clark County Multiple Species Habitat Conservation Plan (MSHCP), has funded the acquisition by TNC of several parcels from willing sellers in the upper Muddy River area. Using this funding, TNC purchased a number of parcels within the 100-year floodplain of the Muddy River. These parcels were purchased in order to conserve and preserve native species and the habitat upon which those species depend. As noted in a previous letter from Clark County to you, dated August 13, 2008, the parcels relevant to the Draft CCC are identified by the Clark County Assessor's office by the following parcel numbers:

030 225 01 004	6.37 acres	aka "Alamo" parcels
030 22 501 022	6.30 acres	aka "Alamo" parcels
030 23 201 003	25.06 acres	aka "Shirley Perkins" parcel
030 26 601 001	18.65 acres	aka "Henrie" parcels
030 26 601 002	16.52 acres	aka "Henrie" parcels

22-1

The Conservancy holds title to these parcels, while Clark County holds the right of first refusal. Clark County has written in support of inclusion of these properties in the Moapa Valley NWR

M.22 The Nature Conservancy, August 25, 2008

Response 22-1: Comment appreciated. See Response 19-1.

boundaries. TNC also supports the inclusion of these properties within the boundary of the Moapa Valley NWR.

↑ 22-1

Please do not hesitate to contact me at (702) 737-8977 x 12 if you have any further questions.

Sincerely,



Mauricia M.M. Baca
Southern Nevada Project Director
The Nature Conservancy

cc Lewis Wallenmeyer, Director, Clark County Department of Air Quality and
Environmental Management
Marci Henson, Clark County Desert Conservation Program
Kathryn Landreth, Nevada State Director, The Nature Conservancy

* * * * *



Mr. Mark Pelz
 Chief, Refuge Planning
 Region 8
 U.S. Fish and Wildlife Service
 2800 Cottage Way, Room W-1832
 Sacramento, CA 95825-1846

August 27, 2008

Re: Draft Comprehensive Conservation Plan and Environmental Impact Statement for the Desert National Wildlife Refuge Complex – Comments sent via e-mail and USPS

Dear Mr. Pelz:

Thank you for the opportunity to comment on the Draft Comprehensive Conservation Plan and Environmental Impact Statement for the Desert National Wildlife Refuge Complex. I am offering the following comments on behalf of the Center for Biological Diversity (Center).

The [Center for Biological Diversity](http://www.CenterforBiologicalDiversity.org) is a national nonprofit conservation organization with more than 180,000 members and online activists dedicated to the protection of endangered species and wild places, including members in the State of Nevada who recreate and care about the management of the Desert National Wildlife Complex of Refuges.

Our primary concern is that the Fish and Wildlife Service (Service) take all steps necessary to secure the water, both surface and ground water, required for the refuges to be able to fulfill their respective purposes under their enabling legislation. As you are well aware, there are intense battles now being fought in Nevada over the rights to water, and the Service must actively engage to protect the life blood of these refuges. We are equally concerned with the future sources of water, and how they may be impacted by up-stream and up-flow water developments and diversions. The Service has done an inadequate job of describing how water rights will be protected or acquired in the draft documents.

23-1

Another over-arching concern is that Appendix K does not provide an adequate analysis of the resources necessary for the refuges to fulfill their purposes and missions. While it does provide a project perspective, it fails to identify the base staffing and funding levels needed. For instance, while the Desert NWR was largely established to provide protection of the desert bighorn sheep, it currently does not employ a desert big horn biologist. The final plan and EIS for each refuge must identify the key skills needed for the successful stewardship of them, and the budget required to sustain this staffing.

23-2

Refuge specific comments now follow.

Ash Meadows NWR:

- The Center feels that Alternative C would best meet the refuge's purpose as it aggressively pursues habitat restoration and rehabilitation and an emphasis on the protection of rare endemic species.

23-3

M.23 Center for Biological Diversity, August 27, 2008

- Response 23-1:** The preferred alternative for each refuge includes measures to protect water resources for the species that depend upon them. See Response 39-13. In addition, the preferred alternative for Pahranaagat includes acquiring additional water rights from willing sellers.
- Response 23-2:** Please see Appendix K, Table 3 which includes the estimated salary and non-salary operation and maintenance cost to fully implement the CCP. This table identifies both existing and proposed staffing. The purpose of the CCP is to identify these needs over a 15-year span. New positions are subject to availability of funding.
- Response 23-3:** Comment appreciated.

- This refuge is critically important to many species of imperiled plants and animals, as the draft documents properly acknowledges. The protection and recovery of these species should be the driving criteria for any management. 23-4
 - The plan and EIS should address the relationship between and any impacts to the Devils Hole component of Death Valley National Park, specifically any potential hydrologic impacts to desert pupfish habitat; 23-5
 - The issue of water rights and mitigation and avoidance of future up-flow water developments is of critical importance. 23-6
- Desert NWR:
- The Center believes that Alternative C would best meet the refuge's purpose. 23-7
 - We would recommend adding fencing along the southern boundary of the refuge to provide needed protections from the population sprawl pushing up to the boundary. 23-8
 - While in general the move to use of prescribed natural fire is to be lauded, it is not appropriate in all ecosystems. We would like to see the final plan and EIS specifically map areas on the NWR where natural fires would be consciously used as a management tool. 23-9
- Moapa Valley NWR:
- The Center supports Alternative C, which would aggressively add lands to the refuge for the restoration and protection of species such as the Moapa dace and Southwestern willow-flycatcher. 23-10
 - The issue of water rights and mitigation and avoidance of future up-flow water developments is of critical importance. 23-11
- Pahranagat NWR:
- The Center supports Alternative D with its emphasis on restoration and species protection over recreational pursuits. 23-12
 - As with the other refuges, the issue of water rights and the mitigation and avoidance of future up-flow and up-stream water developments is of critical importance. 23-13
- After six years of effort, The Service has largely succeeded in meeting its responsibilities under the National Wildlife Refuge System Improvement Act of 1997. 23-14

Thank you again for this opportunity to provide input.

Sincerely yours in responsible stewardship,



Rob Mrowka
Nevada Conservation Advocate

- Response 23-4:** Comment appreciated.
- Response 23-5:** Comment acknowledged. We have added a hydrology research strategy (2.2.10) to pursue funding and implement the Ash Meadows Embedded Model within the Death Valley Regional Flow Model to address these concerns and better understand these data gaps. Furthermore, whenever we plan restoration projects on the Refuge, our Section 7 consultation includes the Devils Hole pupfish.
- Response 23-6:** Comment acknowledged.
- Response 23-7:** Comment appreciated.
- Response 23-8:** Fencing the southern boundary is included in Alternative C.
- Response 23-9:** We agree that fire is not beneficial in all landscapes. The alternatives maps in the final CCP have been revised to show areas where fire may be managed for resource benefits. The text of the Final EIS has been changed to provide more clarity.
- Response 23-10:** Comment appreciated.
- Response 23-11:** Comment acknowledged.
- Response 23-12:** Comment appreciated.
- Response 23-13:** Comment acknowledged.
- Response 23-14:** Comment appreciated.

Letter 24



Ted.Cassidy@snwa.com
08/29/2008 09:43 AM

To: fw8plancomments@fws.gov
cc:
Subject: CCP/EIS comments

Dear Sir:

I would like to comment on the plans for the Pahranaagat NWR. I am concerned with the plans to reduce the acreage open to hunting there. I am actually more concerned about the lack of consideration given to hunter's needs in management of the refuge. Specifically, the Middle Marsh has been allowed to be completely overgrown with reeds. I tried to hunt in the Marsh two seasons ago. I set out decoys in the small open water areas. My son and I knocked down eight ducks but we only found three despite hours of searching. I have not tried again since. Talking to other hunters, this is typical of the experience in the Marsh. This is very wasteful. Hunters need several open water areas large enough so that shot ducks will fall in open water.

24-1

I understand in the past the marsh was regularly burned off to maintain open water. It would be preferable to actually bulldoze out some open areas when the area is dry. This of course would benefit both the hunters and the ducks.

24-2

I know other hunters share my frustrations. Among them is Carl Dennison (702)308-1171 who does not have email access.

Sincerely,

Ted Cassidy
139 Kachina Drive
Henderson, NV 89074

M.24 Ted Cassidy, August 29, 2008

Response 24-1: We have modified the preferred alternative in the Final CCP/EIS to maintain the existing upland game hunting area.

Response 24-2: Your input on management of the marsh is appreciated. The restoration planning effort which has been initiated will explore options for improving marsh habitat.



JIM GIBBONS
Governor

MICHAEL E. FISCHER
Department Director

STATE OF NEVADA
DEPARTMENT OF CULTURAL AFFAIRS
State Historic Preservation Office
100 N. Stewart Street
Carson City, Nevada 89701
(775) 684-3448 • Fax (775) 684-3442
www.nvshpo.org

Letter 25

RONALD M. JAMES
State Historic Preservation Officer

September 2, 2008

MEMORANDUM

TO: Nevada State Clearinghouse
FROM: Alice Baldrice, Deputy SHPO *Alice M Baldrice*
SUBJECT: Desert National Wildlife Refuge Complex Comprehensive Conservation Plan and Environmental Impact Statement E 2009-017

Thank you for the opportunity to comment on the above referenced documents. The Nevada Historic Preservation office (SHPO) shares a programmatic agreement (PA) with the U.S. Fish and Wildlife Service regarding the management of cultural resources under Section 106 and 110 of the National Historic Preservation Act. Many routine undertakings are carried out without the involvement of the Nevada SHPO and are reported on annually. Preparation and implementation of a new plan falls outside the bounds of "routine undertaking" and the SHPO wishes to comment on alternatives that other than "no action" that require habitat modification and increased public visitation.

Although our two agencies agree that sponsoring public outreach activities is a means of educating the public about the need to care for cultural resources, we request that the U S Fish and Wildlife Service involve more than just the tribes in selecting cultural resources for further protection or interpretation. SHPO supports Goal 5 Objective 1 of the Goals, Objectives and Strategies for the Preferred Alternative (Appendix F) which recommends preparation of a cultural resources management plan. We request that data on archaeological resources be shared with SHPO within the State's NVCRIS database.

25-1

Regarding selecting sites for preservation and further protection, it would be appropriate to consult with more than just tribes and the public – the SHPO requests that the U. S. Fish and Wildlife Service consult with SHPO in the decision to interpret specific sites and recommends that organizations such as the Nevada Rock Art Foundation be involved in the process.

25-2

Last, the U. S. Fish and Wildlife Service does not need to create a site stewardship program as such a program is already in existence. George Phillips serves as the coordinator for Clark County and Sali Underwood serves the remainder of the state including Lincoln and Nye counties. We urge the agency to work with the site stewardship coordinators to organize volunteers to serve the refuge.

25-3

M.25 Nevada Department of Cultural Affairs (Alice Baldrice), September 2, 2008

- Response 25-1:** Comment acknowledged. We will coordinate with the SHPO during preparation of the cultural resources management plan and consider including others when identifying resources for interpretation opportunities. We will continue to submit our data findings to SHPO. The text of strategy 5.1.5 has been revised to clarify this ongoing practice.
- Response 25-2:** Comment acknowledged. The text has been revised to clarify that we will consult and coordinate with the SHPO for site selection and interpretation development of selected sites.
- Response 25-3:** Comment acknowledged. The strategies for all refuges have been revised to reflect that we will coordinate with the existing site stewardship programs.



Public Input On
The Comprehensive Conservation Plan/
Environmental Impact Statement
Desert National Wildlife Refuge Complex

Letter 26

If you would like to provide comments or input on the Draft CCP/EIS, please fill out this card and hand it to any of our staff or please mail it to us. You may also write us a letter or send e-mail to: fw8plancomments@fws.gov. Thank you!

COMMENT:

SEPT. 3. 2008

MR. MARK PELZ

THANK YOU FOR ACCEPT MY COMMENT
UNDER THE N.E.P.A. 1969. IN ASH MEADOWS
REFUGE, PURPOSES 16 U.S.C. SEC. 460K-1
IN THE PREFERRED ALTERNATIVE.
"BOATS USED FOR WATER FOWL HUNTING WOULD
BE RESTRICTED OR ELIMINATED"
PARKING, AND ACCESS TO CRYSTAL RESEVOIR AND
SMALL BOATS WITHOUT MOTERS SHOULD
NOT BE RESTRICTED FOR RECREATIONAL
USE IN CRYSTAL RESEVOIR ASH MEADOWS NWR

26-1

THANK YOU
E. Wheeler

NAME: EDWARD WHEELER

AGENCY:

ADDRESS: PO. BOX 1194, PAHRUMP, NV. 89041

PHONE:

ASH

M.26 Edward Wheeler, September 3, 2008

Response 26-1: Comment acknowledged. Due to threats associated with spread of the invasive quagga mussel, it is imperative to restrict boat access to these waters in order to reduce the threat to the endemic aquatic species.

JIM GIBBONS
Governor

STATE OF NEVADA

ANDREW K. CLINGER
Director



DEPARTMENT OF ADMINISTRATION
209 E. Musser Street, Room 200
Carson City, Nevada 89701-4298
(775) 684-0222
Fax (775) 684-0260
<http://www.budget.state.nv.us/>

September 4, 2008

Mark Pelz
US Fish & Wildlife Service
Region 8
2800 Cottage Way, Room W-1832
Sacramento, CA 95825-1846

Re: SAI NV # **E2009-017**

Reference:

Project: **Desert National Wildlife Refuge Complex**

Dear Mark Pelz:

Enclosed are comments from the agencies listed below regarding the above referenced document. Please address these comments or concerns in your final decision.

Division of Water Resources
State Historic Preservation Office

This constitutes the State Clearinghouse review of this proposal as per Executive Order 12372. If you have questions, please contact me at (775) 684-0213.

27-1

Sincerely,

A handwritten signature in blue ink, appearing to read "R. Tietje".

R. Tietje
Nevada State Clearinghouse

M.27 Nevada State Clearinghouse, September 4, 2008

Response 27-1: Thank you for forwarding the comments from the Division of Water Resources and SHPO.



Alamo Service Center
Waite
<alamoservicecenter@
yahoo.com>

To: fw8plancomments@fws.gov
cc:
Subject: CCP/EIS Draft Comments

09/08/2008 12:32 PM
Please respond to
alamoservicecenter

I would like to provide comment and input on what I would like to see done with the refuge in Pahrnagat Valley. I have been the the valley since Aug 05 and the first couple of years greatly enjoyed seeing the waterfowl and critters that were in the refuge, but the last two years I have seen a big reduction of the wildlife in the refuge.

I know that this last summer they needed to drain the Upper Lake to check on a water leakage problem, but why is taking so long on corrective actions?

What I would like to see done on the refuge:

1. Expand the camping facilities to include more spaces and have water and dumpstation. 28-1
2. Once the problem with the Upper lake is corrected have the lake stocked with pan fish;
ie. crappies, bluegill, sunfish, bass and catfish. 28-2
3. Food plots planted for the waterfowl and deer. 28-3

I have talked with the long time valley people and when the lower valley was a working ranch it was full of wildlife and was an oasis in the desert. Since I have been here in the valley I have only noticed a degregation of the refuge area and attitude toward the refuge. 28-4
I would hate to see this trend continue as it would only hurt this beautiful valley that I have come to refer as my home.

Russell E. Waite
Owner, Alamo Service Center
PO Box 414
or 702-292-4171
Alamo, NV 89001

775-725-3298

M.28 Russell E. Waite, September 8, 2008

Response 28-1: See response to comment 9-1.

Response 28-2: Once the restoration planning effort is completed, we will work with Nevada Department of Wildlife to prepare a revised fisheries management plan which will evaluate options for managing fisheries on Pahranaagat Refuge.

Response 28-3: Your input on food plots for waterfowl and deer is appreciated and will be considered in the ongoing restoration planning effort.

Response 28-4: Comment acknowledged.



Letter 29

DEPARTMENT OF AIR QUALITY & ENVIRONMENTAL MANAGEMENT

500 S Grand Central Parkway 1st Floor · Box 555210 · Las Vegas, NV 89155-5210
 (702) 455-5942 · Fax (702) 383-9994

Lewis Wallenmeyer Director · Alan Pinkerton Assistant Director · Tina Gingras Assistant Director

September 8, 2008

Mr. Mark Pelz, Chief, Refuge Planning
 Region 8
 U.S. Fish and Wildlife Service
 2800 Cottage Way, Room 1832
 Sacramento, CA 95825-1846

Dear Mr. Pelz:

The Clark County Department of Air Quality and Environmental Management (DAQEM) understands that the U.S. Fish and Wildlife Service intends to manage the Desert National Wildlife Refuge (NWR) Complex according to the approved Comprehensive Conservation Plan (CCP). DAQEM reviewed the consolidated CCP and Environmental Impact Statement (CCP/EIS) for air quality and environmental compliance, and includes the following recommendations for your consideration.

The Air Quality Planning Section reviewed the project for adherence to the Clean Air Act and offers the following suggestions:

1. Continue to comply with all provisions of all applicable federal, state, and local permits. 29-1
2. Ensure that areas of the complex outside of Clark County comply with the regulatory requirements of the Nevada Division of Environmental Protection (NDEP). 29-2
3. Obtain a valid dust control permit for a site impacting an area within Clark County jurisdiction equal to or greater than 0.25 acre, and employ *Construction Activities Dust Control Handbook* best management practices at all times. 29-3
4. Comply with the procedures and criteria of the General Conformity regulations (Section 176(c)(1) of the Clean Air Act), which determine whether a proposed federal action conforms with Clean Air Act implementation plans. 29-4

Page 1 of 2

BOARD OF COUNTY COMMISSIONERS

Rory Reid Chairman · Chip Maxfield Vice-Chairman

Susan Brager, Tom Collins, Chris Giunchigliani, Lawrence Weekly, Bruce L. Woodbury
 Virginia Valentine, PE, County Manager

**M.29 Clark County Department of Air Quality and Environmental Management,
September 8, 2008**

- Response 29-1:** Comment acknowledged. We will comply with applicable permits.
- Response 29-2:** Comment acknowledged. Management of the Refuges outside Clark County will include compliance with NDEP requirements.
- Response 29-3:** Comment acknowledged. We will obtain dust control permits for applicable actions in Clark County.
- Response 29-4:** Comment acknowledged. We will comply with the Clean Air Act and its implementing regulations.

Mr. Mark Pelz,
September 8, 2008

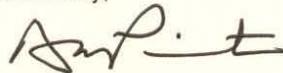
Hydrographic Area (HA) 212 is in serious nonattainment for carbon monoxide and particulate matter with an aerodynamic diameter equal to or less than 10 micrometers. Since the Desert NWR is in HA 212, it must comply with Clark County air quality regulations. 29-5

In addition, the unclassified nonattainment area for ozone includes HAs 164A, 164B, 165, 166, 167, 212, 213, 214, 216, 217, and 218. Since both the Desert NWR and the Moapa NWR are located in the ozone nonattainment area, both are subject to Clark County air quality regulations. 29-6

The Water Quality Section reviewed the project areas within Clark County for adherence to the Clean Water Act and offers the following suggestion: obtain a Notice of Intent from NDEP under the National Pollution Discharge Elimination System Municipal Separate Storm Sewer Systems general stormwater permit if the project area to be disturbed is an acre or more, or a highly sensitive area. 29-7

DAQEM appreciates the opportunity to review the CCP/EIS. If you have any questions, please contact me at 702-455-1601.

Sincerely,



Alan Pinkerton
Assistant Director

Cc: Mr. Steve Swanton, City of Las Vegas

Response 29-5: Comment acknowledged. We will comply with Clark County air quality regulations for actions on the Desert NWR.

Response 29-6: Comment acknowledged. We will comply with Clark County air quality regulations for actions on the Desert and Moapa Valley NWRs.

Response 29-7: Comment acknowledged. We will comply with the Clean Water Act for applicable actions.

Letter 30

Pahranaagat Valley WR,

I would like to give my opinion as to some possible changes to the wildlife refuge in Pahranaagat Valley. It would be nice to see a more modern visitor center with an educational outreach center. It would be nice to see programs implemented that get the local school system involved in the refuge. I would also like to see the lake become more fisherman friendly, maybe stocked more often and more fishing piers put in.

30-1

30-2

Thank you,



Brad Loveday
Science Teacher
Pahranaagat Valley High School
775-725-3321 ex. 302
pvhssports@yahoo.com

M.30 Brad Loveday, September 8, 2008

Response 30-1: The preferred alternative includes development of a new visitor contact station on Pahranaagat NWR.

Response 30-2: See response to comment 28-2.

September 9, 2009

Mark Pelz, Chief
Refuge Planning
2800 Cottage Way, W-1832
Sacramento, CA 95825-1846

RE: Desert National Wildlife Refuge Complex Draft Comprehensive Conservation Plan
and Environmental Impact Statement

Dear Mr. Pelz,

Thank you for the opportunity to offer comments on the Desert National Wildlife Refuge
Complex Draft CCP and EIS

We recognize the difficulties in trying to write a comprehensive plan for four quite
different refuge areas in a single document but are still rather disappointed in the format
of the document. It is not user friendly. A reader must spend a lot of time comparing the
various chapters to understand what is proposed for a particular refuge. A better
arrangement for the user would be to put all the details of the proposed alternative in one
place and then describe the other alternatives in the appendices. It is unfortunate that
perhaps the most telling part of the document, the financial section, is relegated to
appendix K. This important section details how much money will be spent on which
projects and activities.

31-1

A troubling aspect of the planning process is that implementation of the proposed action
involves hiring people and paying for services which will not be funded by the Service,
but will, hopefully, be funded by some other agency or source. The Southern Nevada
Public Lands Management Act (SNPLMA) has provided funds for many projects on
federal lands in Southern Nevada during the last decade. It needs to be pointed out,
however, that SNPLMA funds cannot be used to fund personnel positions and that due to
the collapse of the real estate market in Southern Nevada future funding from this source
will not be nearly as generous as in the past

31-2

Reading through the alternatives one gets a sense of vagueness and generalities, although
other parts of the document contain much useful information. To understand what is
being proposed readers need a sufficient level of detail, in one place, to get a grasp on
historical context, proposed actions, and obstacles to implementation to make sense of it
all.

31-3

Something which is missing from the document is an up-front statement about the fact
that three of these refuges are either former agricultural areas or sites of significant
development activities and the challenge of restoring these areas to their previous status
as important wildlife areas is a daunting one. The public is likely to be more supportive
if it clearly understands the challenges posed by the soil disturbance and invasive plants
common on former agricultural lands.

31-4

M.31 Red Rock Audubon Society (John E. Hiatt), September 9, 2008

- Response 31-1:** We appreciate your suggestions for organizing the CCP/EIS. The format and organization of the draft and final CCP/EIS follow the standard format for environmental impact statements. However, after the Record of Decision is signed, the document will be reformatted into a stand-alone CCP organized in a more user-friendly fashion similar to this suggestion.
- Response 31-2:** Comment acknowledged. Although SNPLMA funds may not be used to hire permanent personnel, they can and have been used to fund contract and term positions. We do recognize that SNPLMA funds have limitations and we continue to explore other funding options to bring the plan to fruition. Furthermore, we realistically acknowledge that if funds are unavailable, some aspects of the plan may not be implemented.
- Response 31-3:** Please see Response 31-1.
- Response 31-4:** Section 1.7 gives a concise description of the historic land uses of the different refuges and describes the impacts from pre-refuge development. In addition, we feel that existing and proposed refuge outreach and environmental education efforts are the best venues for informing the public of these challenges and issues.

Refuge specific comments:

- A. Ash Meadows NWR: The Ash Meadows plan is probably the best written of the four individual unit plans with more detail and discussion than the other individual unit plans. Specific points are as follows:
1. p 3-19 (Visitor Services) states”, no roadway or parking area improvements would be implemented.” Yet on p 5-17 paragraph 3 states: “Additional improvements to roads as part of the re-surfacing plan under Alternative C would also benefit public access and improve Refuge road conditions.” Which is it? 31-5
 2. p 5-7 (Mitigation) last sentence: “, and stabilizing sloping surfaces using soil binders until vegetation or desert pavement (ground cover) can effectively stabilize the slope.” Desert pavement generally takes hundreds or thousands of years to form and doesn’t normally occur on slopes of greater than 3-5%. You may want to consider other alternatives. 31-6
31-7
- B. Desert NWR:
1. Proposing to spend \$10,000,000 on upgrading the Alamo and Mormon Well roads doesn’t seem to be consistent with either the mission statement or the vision for the Refuge. The biggest single budget expenditure should be directed toward wildlife and habitat improvement or protection rather than visitor comfort. 31-8
 2. The fire management plan doesn’t seem to address the challenges posed by wildland or prescribed fire. An elevation of 5000 feet is not a point where fire effects on plant communities magically changes from bad to good. A major challenge posed by fire at all elevations less than about 9000 feet is type conversion to non-native annual grasslands with greatly increased fire frequency and much reduced value to native wildlife. Cheat grass and/or red brome thrive at elevations in excess of 8000 feet at this latitude and virtually all biotic communities are at risk of type conversion. 31-9
 3. Bighorn sheep need safe, usable water sources. This means that water sources need to be free of encroaching vegetation that can shelter predators. This issue is just as important as protecting water sources from fire damage. 31-10
 4. The proposal to use post and cable fencing to protect the eastern boundary may be a possible misuse of resources. Most of the vehicle trespass from U.S. Highway 93 occurs as a result of temporary fire access roads created during the fire season of 2005. Those access roads need to be decommissioned and re-habilitated at the point of departure from the highway. The BLM fire crews that fought those 2005 fires were supposed to re-hab those temporary access points before leaving the site. BLM managers need to be pressured to have their crews come back and do what they were supposed to do in 2005. This could save the Service a lot of money. 31-11
- C. Moapa NWR:
1. The proposed expansion plan for the Moapa NWR is likely to attract some attention. Due to several strategic errors in the past the Service does not enjoy a high level of support from the local population, including many in Las 31-12

- Response 31-5:** Comment appreciated.
- Response 31-6:** The CCP/EIS text has been revised to reflect that road and parking area improvements may be made under Alternative C.
- Response 31-7:** The CCP/EIS has been revised to remove the reference to desert pavement as a means of soil stabilization. We will continue to research other soil stabilization techniques.
- Response 31-8:** The purpose of the proposed improvements to Alamo and Mormon Well Roads is to reduce visitor safety hazards and minimize resource impacts. Several miles of Alamo Road are located in the Desert Dry lake bed and become impassible during periods of rain. Likewise, several sections of Mormon Well Road are constructed in a wash and are subject to severe erosion during rainstorms. As a result, both roads can be hazardous to Refuge visitors and employees. The proposed improvements are aimed at stabilizing these sections of road.
- Response 31-9:** See Response 23-9.
- Response 31-10:** Comment acknowledged. CCP/EIS changed to reflect importance of vegetation maintenance for both reducing fire risk and limiting cover for bighorn sheep predators.
- Response 31-11:** Comment acknowledged. We will coordinate with BLM on decommissioning the fire roads. Fencing is proposed for sections of the eastern boundary due to the Coyote Springs development. As the population of Coyote Springs Valley increases, we anticipate an increase in inappropriate uses similar to our experience along the southern boundary. Fencing would be designed to protect Refuge resources while allowing the free movement of wildlife, especially desert bighorn sheep.
- Response 31-12:** Comment acknowledged.

Vegas. Prior to attempting acquisition of significant additional lands the Service would be wise to demonstrate that it can effectively manage the resources it now owns and complete the habitat improvement projects already underway and planned.

↑
31-12

D. Pahrnagat NWR:

1. At the present time the upper lake is the primary site of visitor interest and is likely to remain so as long as the lake is present. It might make more sense to locate the visitor center at the upper lake rather than at the present headquarters area as proposed. Even after the improvement projects at the headquarters area are completed the upper lake will still have more visible wildlife than the headquarters area. With the proposed closure of the camping area along the east side of the upper lake and the conversion to day use only it would make a lot of sense to locate the visitor center at the south end of the upper lake, which would provide glare free viewing of the lake and its waterfowl. In any event, wherever the visitor center is located improvements to U.S. Highway 93 to allow safe entry and exit is essential and should be part of this plan. A safe and attractive ingress/egress point would help entice the public to stop at the visitor center.
2. p 3-53 (Wildlife Diversity): paragraph 2 states: "The service would also prepare a wilderness study report and NEPA document to evaluate options for preserving wilderness values of the three small wilderness study areas along the western boundary of the Refuge adjacent to the proposed Wilderness on Desert NWR." While being a strong supporter of Wilderness designation on appropriate federal lands we are unaware that there were any wilderness study areas adjacent to Pahrnagat NWR on BLM lands prior to the 2004 expansion of Desert NWR along the western boundary of Pahrnagat NWR.

31-13

31-14

31-15

Sincerely,

John E.Hiatt
Conservation Chair
Red Rock Audubon Society
8180 Placid Street
Las Vegas, NV 89123

Transmitted electronically via www.desertcomplex.fws.gov

- Response 31-13:** The existing headquarters site was selected for the new visitor contact station for several reasons. First, the site is already disturbed and utilities are present so it would be most cost effective. Second, the location near Upper Pahranaagat Lake would likely have a greater impact on wildlife due to the presence of sensitive riparian habitat.
- Response 31-14:** The proposed alternative for Pahranaagat Refuge includes the development of acceleration and deceleration lanes along U.S. 93 to improve the safety of visitors as they enter and exit the Refuge.
- Response 31-15:** The area west of Pahranaagat NWR was included in the 1.4 million-acre Desert Wilderness proposal, which was forwarded to Congress in 1974. This area, which at the time was administered by BLM, was transferred to the Service by Public Law 108-424.



Letter 32

September 9, 2008

Mark Pelz
 Chief, Refuge Planning
 2800 Cottage Way, W-1832
 Sacramento, CA 95825

Dear Mr. Pelz:

Nevada Power Company and Sierra Pacific Power Company (the Companies), subsidiaries of Sierra Pacific Resources serving communities of southern and northern Nevada and a portion of California, appreciate the opportunity to review and provide comments to the Draft Comprehensive Conservation Plan and Environmental Impact Statement (CCP/EIS) for the Desert National Wildlife Refuge Complex. The Companies understand the purpose of the CCP is *"to provide managers with a 15-year strategy for achieving refuge purposes and contributing toward the mission of the National Wildlife Refuge System (NWRS)"*. The Companies appreciate this purpose and the opportunity to participate in the development of this CCP/EIS. The Companies hereby provide some comments and questions related to the CCP/EIS.

The Companies have a three-part energy strategy to meet an overall goal of providing clean, safe, reliable electricity to their customers at reasonable and predictable prices. This strategy includes increasing energy efficiency and conservation programs, expanding renewable energy initiatives and investments and also involves a diversified energy portfolio with a balanced mix of fuels for energy generation. This is in the best interest of their customers, shareholders, the communities they serve and the state.

Nevada is composed of over 85% federal lands, with over 50% of these federal lands managed for conservation of specific natural resources (DOE, 2007). The Companies understand that the Desert National Wildlife Refuge (Desert NWR) is the largest protected area in the state of Nevada, and is adjacent to some of the fastest growing urban areas in the United States. The Companies have a critical need to meet the energy demand requirements of its growing residential and commercial customer base. The Las Vegas Valley poses a critical bottleneck for transmission of electricity, particularly with the potential renewable energy resources (i.e., solar, wind, geothermal) that can be harnessed to deliver power to Las Vegas, other areas of the state and the region. This bottleneck exists because Las Vegas is surrounded by National Conservation Areas, an Instant Study Area, several Areas of Critical Environmental Concern, several wilderness and proposed wilderness areas, Nellis Air Force Base, Nevada Test Site and the Desert NWR. It should be noted that routes for new transmission lines to deliver electricity through and between southern and northern Nevada are critical to the Companies' planning to continue meeting this demand.

32-1

P.O. Box 98910, Las Vegas, Nevada 89151-0001 • 6226 West Sahara Avenue, Las Vegas, Nevada 89146
 P.O. Box 10100, Reno, Nevada 89520-0024 • 6100 Neil Road, Reno, Nevada 89511

M.32 Nevada Power/Sierra Pacific Power (Eileen Wynkoop), September 9, 2008

Response 32-1: As described in the programmatic EIS for the West Wide Energy Corridor, “Although the Proposed Action identifies potential corridors crossing national wildlife refuge lands, the USFWS would not be amending plans designating these segments as energy transport corridors. Development on these refuges may only occur if the specific proposed project is determined to be compatible with the purposes of the refuges and the mission of the National Wildlife Refuge System (NWRS). Existing refuge Comprehensive Conservation Plans may require amendments, should a specific project be found compatible, and subsequent ROW permitting by the USFWS would occur.”

This bottleneck could pose significant socioeconomic impacts to the delivery of electrical power to residential and commercial customers as the demand increases but land constraints remain the same and do not allow for the expansion of the electrical grid in the form of new transmission lines and transmission substations. This may become more critical as new electric generation facilities are constructed, particularly with the growing interest in renewable energy projects around the state. In order for these types of projects to go forward, they will need transmission line interconnections to the grid. With this critical issue in mind, the Companies support inclusion in the CCP/EIS any opportunity to allow for practical, common sense approaches to addressing and processing applications and proposals for future energy projects across the Desert NWR in relation to the proposed Westwide Energy Corridor Project (WVEC) currently in process under the Department of Energy and participating federal agencies.

32-1

To this end, however, the Companies are concerned about how the WVEC relates to, or conflicts with, the Desert NWR's compatibility policy, appropriateness finding guidelines and the Desert NWR's current proposed wilderness management status. The Companies request the CCP/EIS specifically address this issue with respect to any future energy project within the WVEC corridor through the refuge, should it be authorized. As described above, this could potentially pose a significant impact to the delivery of energy.

32-2

Alternatives B, C and D include new fencing along portions of the Desert NWR boundary. Some portions of the Desert NWR boundary are adjacent to existing and proposed utility corridors and proposed specific transmission line projects, so there's potential for safety hazards to the public from electrical shock should high voltage transmission lines and certain types of fencing materials be placed in proximity to each other. The Companies wish to bring this to your attention as this could be something our two organizations would need to coordinate on should this occur. The Companies understand that specific issues associated with such occurrence would be identified and discussed during early planning and coordination of future projects.

32-3

The Companies appreciate this opportunity to submit comments on the CCP/EIS and look forward to continuing to participate in this process.

Sincerely,



Eileen Wynkoop
Manager, Environmental Services

Response 32-2: See Response 32-1.

Response 32-3: Comment noted. We will coordinate with the companies regarding construction of post and cable fencing along Refuge boundaries.

Citations

U.S. Department of Energy, Draft Programmatic Environmental Impact Statement, *Designation of Energy Corridors on Federal Land in the 11 Western States* (DOE/EIS-0386). October 2007.

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Mayor
Michael L. Montandon

Council Members
William E. Robinson
Stephanie S. Smith
Shari Buck
Robert L. Eliason



Your Community of Choice

City Manager
Gregory E. Rose

City Manager's Office

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September 9, 2008

Mr. Mark Pelz
Chief, Refuge Planning
2800 Cottage Way
W-1832
Sacramento, California 95825

RE: Comments on the Draft Comprehensive Conservation Plan and Environmental Impact Statement (CCP/EIS) for the Desert National Refuge

Dear Mr. Pelz:

The City of North Las Vegas appreciates this opportunity to comment on the Draft Comprehensive Conservation Plan and Environmental Impact Statement (CCP/EIS) for the Desert National Wildlife Refuge Complex conducted by the U.S. Fish and Wildlife Service (USFW).

The CCP/EIS evaluated four options for managing Ash Meadows, Desert, Moapa Valley, and Pahrnatat National Wildlife Refuges (NWRs) including, "No Action" and three alternatives. The Desert National Wildlife Refuge is the only Refuge that borders the City of North Las Vegas. The "Preferred Alternative", Alternative C, is described as the Moderate Improvement in Wildlife and Habitat Management and Minor Increase in Visitor Services. This plan will increase monitoring and habitat protection efforts; improve the development of a Sheep Management Plan; implement inventory and monitoring special-status species; consider reestablishing Pahrump; prescribe burns and naturally igniting fires above 5,000 feet to restore vegetation characteristics; include additional resource protection measures including fencing the eastern boundary where necessary, posting boundary signs along the entire southern, eastern, and northern boundaries, and expanding law enforcement presence and patrols throughout the Refuge; improve visitor services; provide educational materials; implementing additional cultural resource inventories and studies; and the Service would submit a request to the Service Director to de-designate the Papoose Lake Research Natural Area (RNA).

The City of North Las Vegas supports Alternative C and the USFW's plans to coordinate with the local jurisdictions, including the City of North Las Vegas, along the southern boundary to ensure compatible development occurs adjacent to the Refuge. Possible measures to ensure compatibility are outlined in Alternative C, including the establishment of a greenbelt or construction of walls along the north side of developments. The City also supports the Service's plans to rehabilitate and protect habitat along the

33-1

M.33 City of North Las Vegas (Gregory E. Rose), September 9, 2008

Response 33-1: Comment appreciated.

Page 2
September 9, 2008

southern boundary and the development and implementation of a plan to close illegal trails and rehabilitate damaged resources and is looking forward to working with the Service to coordinate future development opportunities. However, the City wishes to continue in the future discussion of allowing access to the Desert Refuge between the southern boundary and the City. As a member of the Southern Nevada Regional Planning Coalition and outlined in the Southern Nevada Regional Policy Plan, within the Conservation, Open Space, and Natural Resource Element, the City wishes to encourage new development "to maintain historic access to adjacent public lands that will remain public, or provide new access".

↑ 33-1
33-2

Thank you for the opportunity to review and comment on the Draft Comprehensive Conservation Plan and Environmental Impact Statement (CCP/EIS) for the Desert National Wildlife Refuge Complex.

Sincerely,



Gregory E. Rose
City Manager

GER/

c: Maryann Ustick, Assistant City Manager, Development
Frank Fiori, Planning & Zoning Director

Response 33-2: We will continue to coordinate with the City of North Las Vegas regarding adjacent development and access to the Desert Wildlife Refuge along the southern boundary.



JIM GIBBONS
Governor

STATE OF NEVADA
DEPARTMENT OF WILDLIFE

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Reno, Nevada 89512
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September 9, 2008

Letter 34

KENNETH E. MAYER
Director

DOUG HUNT
Deputy Director

NDOW-SR#: 09-017

Mr. Mark Pelz, Chief
Refuge Planning
U.S. Fish and Wildlife Service
2800 Cottage Way
W-1832
Sacramento, CA 95825

RE: Draft Comprehensive Conservation Plan/Environmental Impact Statement for the Desert National Wildlife Refuge Complex

Dear Mr. Pelz:

Thank you for review opportunity of the Draft Comprehensive Conservation Plan / Environmental Impact Statement for the Desert National Wildlife Refuge Complex (CCP). The Department overall is pleased as the CCP is much improved from previous versions. Many of the Department's observations and comments have been addressed during meetings and consultations and are reflected in the CCP. However, some observations and concerns remain outstanding and/or were recently detected in the present CCP. The Department provides the following as productive topical input and editorial critique.

Ash Meadows NWR

The Department supports Alternative C. This option offers the greatest habitat restoration benefit to wildlife all-inclusive.

34-1
34-2
34-3
34-4

- Ash Meadows NWR has limited information relative to management tools addressing decadent vegetation, which could lead to future large-scale fires. In particular, the Refuge has some fairly overgrown and decadent wetland vegetation that is in need of encouragement of new growth in terms of open areas and forage value for migratory and resident shorebirds.
- There is also no mention in the plan of how the Refuge will work with private landowners when conducting salt cedar control efforts.
- Past requests by the Department (Goals and Objectives comments in 2005 and Preliminary Draft comments in 2006) regarding the topic of accommodating bighorn sheep hunting on the Ash Meadows NWR remains unresolved. This topic was also not addressed in the recent compatibility determinations accomplished for the CCP. The Department is greatly disappointed in the Service's overlooking what has become issue. The points remain:

M.34 Nevada Department of Wildlife (D. Bradford Hardenbrook), September 9, 2008

Response 34-1: Comment appreciated.

Response 34-2: Comment noted. The preferred alternative includes the use of prescribed fire and fuel treatments to maintain habitat and treat hazardous fuels. More specific information is contained in the fire management plan and the integrated pest management plan for Ash Meadows NWR.

Response 34-3: The preferred alternative for Ash Meadows was revised to include coordination with the Service's Private Lands Program, which is currently working with private landowners in the removal of salt cedar and the planting of native species.

Response 34-4: The preferred alternative in the Final CCP/EIS includes the preparation of a hunting step-down plan which will address all hunting opportunities on Ash Meadows NWR. We are currently collecting data that will inform the development of the hunting step-down plan.

Pelz, M. (NDOW-SR#: 09-017)

2

September 9, 2008

- o In light of the scope of issues discussed in the CCP, it is appropriate to address desert bighorn hunting.
- o Certain, peripheral portions of the refuge are bighorn habitat and are adjacent to BLM lands where hunting is permitted.
- o The vast majority of the refuge lands where bighorns could be hunted are BLM lands managed by the USFWS as part of the refuge.
 - East of Five Springs
 - Eastern Portion of the Warm Springs Unit
 - Point of Rocks Ridge
 - Two parcels on the eastern edge of the refuge, east of Point of Rocks Ridge.
- o There has been no presentation that:
 1. Desert bighorn sheep hunting on portions of the refuge would conflict with the primary mission of the refuge;
 2. Public safety would be threatened; or,
 3. The hunting activity would increase the work load of refuge staff.

34-4

Desert NWR

The Department generally supports the Service's preferred Alternative C for Desert NWR while noting proactive attention to the following would firm up the Department's support.

34-5

- Note: the 8,503 acres transferred to the Service by the Lincoln County Conservation, Recreation and Development Act of 2004 is not shown on any of the maps of the Desert NWR.
- There is troubling discrepancy between the written narratives for Alternative's C and D on pages 3-31 and 3-35, respectively, and with Table 3.6-2 on page 3-82 relating to the Wildlife Diversity section and the topic regarding long-term permanent inventory plots above and below 5,000 feet elevation.

34-6

1) The Department has twice previously pointed out that the preferred Alternative C indicates only establishing these plots below 5,000 feet, while the non-preferred Alternative D also includes plots above 5,000 feet. On this, the Department cannot concur with preferred alternative C based on biological merits. It would be remiss on the part of the Service to 'ignore' those habitats and vegetative and animal communities that occur above 5,000 feet due to a lack of permanent inventory plots. These plots are important not only to potential special status species or species of conservation concern that occur at higher elevations, but surveys are also necessary to begin documenting effects of climate change; the latter which the Service has repeatedly mentioned and expressed concern about throughout the CCP.

34-7

2) While Alternative C in Table 3.6-2 on page 3-82 does state "Establish permanent plots...throughout the refuge...," Alternative D still indicates the addition of plots above 5,000 feet. NDOW recommends removing the Alternative D language in the Wildlife Diversity section of Table 3.6-2 and the written narrative pertaining to this issue in section 3.3.5 on page 3-35, and re-writing that same portion of section 3.3.4 on page 3-31 to clarify that plots will be established both above and below 5,000 feet, or throughout the refuge.

- The CCP should address the maintenance of both "guzzlers" and springs. Currently, many of the springs are in need of maintenance and repair, as they have mechanical fixtures (pipes, spring boxes, etc). The only mention of spring/water source maintenance is in regard to bighorn sheep habitat management (DEST, Table 3.6-2, page 3-81, and also in text).

34-8

- Response 34-5:** Comment appreciated.
- Response 34-6:** The 8,503 acres of BLM-administered land that were transferred to the Service to be managed as part of the Desert NWR are located at the northeastern boundary of the Desert NWR and the western boundary of Pahrangat NWR. This is shown on all EIS figures depicting the Desert NWR boundary.
- Response 34-7:** The CCP/EIS was revised to include monitoring permanent plots throughout Desert NWR for both Alternatives C and D.
- Response 34-8:** The CCP/EIS was revised to clarify that all springs and catchments on Desert NWR would be maintained. In addition, Alternative C was modified to include regular monitoring of flow rates of springs throughout Desert NWR.

Pelz, M. (NDOW-SR#: 09-017)

3

September 9, 2008

The Department would be far more comfortable if the CCP commit refuge staff to regular inspection and maintenance of all water sources and developed springs, including higher elevation springs that may not be regularly used by bighorn sheep, but are of critical importance to other wildlife species (e.g. Sawmill, Wiregrass, and Perkins springs). Flow rate data should also be collected regularly and maintained for each spring.

34-8

- On page 3-21 in the second paragraph of the Wildlife Diversity Section, the plan states that bighorn sheep surveys could be utilized to collect raptor data. While recording raptor sightings incidental to bighorn sheep helicopter surveys have merit from a sight record database standpoint, there is little scientific value to this approach. Well thought out and executed raptor surveys during appropriate times of the year (i.e. spring or fall migration) would ultimately provide more useful information on raptor usage of the area.

34-9

- On page 3-31 the first sentence of the Wildlife Diversity Section would read better by inserting *and wildlife*, such that it would read: "In order to track long-term trends in vegetation *and wildlife* communities on the Refuge..."

34-10

- In the first full paragraph regarding fire and fire suppression on page 3-32 (as well as Page 3-84 Wildlife and Habitat Management issue area, Alternative C), the first bullet statement mentions using prescribed burns and allowing natural fires throughout the refuge to restore vegetation without reference to elevations. The second bullet deals with fires above 5000 feet, but the specifics of the first bullet are unclear. The Department recommends that wording be added to clarify that this will not apply to Mojave scrub and Joshua tree habitats.

34-11

- Under the Affected Environment Section for DNWR on page 4-51, the fire history should be updated with information from the 2005 and 2006 fires, due to their size and the apparent change in the fire regime being observed in the Mojave Desert.

34-12

- For a large refuge primarily created for the management of desert bighorn sheep it seems incongruous that the mammals section on Page 4-59 begins discussion with bats. Was this in keeping with traditional taxonomic order? As an aside, O'Farrell and Bradley's 1970 bat work was done at White Blotch Spring, not White Hot Spring.

34-13

- On page 4-59, desert bighorns are identified in the third paragraph as a subspecies of bighorn sheep (*Ovis canadensis*), but the subspecies is not identified until the following paragraph. (*Ovis canadensis nelsoni*).

34-14

- Figure 4.3-3 shows a spring on the northeast end of the Las Vegas Range, almost directly west of the junction of SR-168 and US-95. This is a test well site, not a spring. It should be deleted from all maps. There is also a spring shown on the north tip of the East Desert Range. This is an old cattle pond, dug on the edge of the playa. It should be deleted from all maps.

34-15

- On page 4-59, the plan cites the Air Warfare Center. This not an appropriate, credible source of information about desert bighorns movements on the refuge. McQuivey (NDOW 1978) quotes several sources on seasonal movements. The best of which are probably those by Charles Hansen and Gayle Monson since they relate specifically to the Desert Game Range.

34-16

- Response 34-9:** Comment acknowledged. We will consider raptor-specific surveys.
- Response 34-10:** The CCP/EIS has been revised as suggested.
- Response 34-11:** The CCP/EIS has been revised as suggested.
- Response 34-12:** The final CCP/EIS has been updated to reflect the 2005 and 2006 fire occurrences. In addition, text has been added to address the impact of invasive, non-native vegetation on fire management decisions.
- Response 34-13:** The order of the discussion is consistent with other refuge descriptions. White Hot Spring was changed to White Spot Spring, which is consistent with the cited reference.
- Response 34-14:** The scientific name for the desert bighorn sheep was moved to the correct location.
- Response 34-15:** The CCP/EIS maps have been revised as suggested.
- Response 34-16:** The CCP/EIS has been revised to include a more appropriate reference for desert bighorn sheep movements.

Pelz, M. (NDOW-SR#: 09-017)

4

September 9, 2008

- On page 5-31, under 5.3.2 Biological Resources, Vegetation, there is no mitigation suggested with regard to allowing prescribed and naturally ignited fires to burn. Mitigation should include post-fire habitat monitoring and actions to prevent spread of invasive exotic vegetation in addition to re-seeding with native species where appropriate. In addition, the Department believes that close coordination should be maintained between our agencies relative prescribed burns and natural fires above 5,000 feet. 34-17
- The third full paragraph on page 5-32, pertaining to habitat above 5000' and fires, should mention the Hidden Forest Uinta Chipmunk (*Tamias umbrinus nevadensis*), which is a Nevada Department of Wildlife Species of Conservation Priority as well as Protected Sensitive under NAC 503.030. Until the status of this species can be determined it should be assumed that it still exists in the habitat above 5000' as an endemic species. As such, this species may be negatively impacted by prescribed and natural fires and subsequent loss of downed woody debris. Mitigation measure should be added to address these possible impacts. 34-18
- On page 5-31, fifth paragraph, third sentence reads, "The Service would coordinate with the Nevada Fish and Wildlife Office....." This should be changed to the "Nevada Department of Wildlife". 34-19

Moapa NWR:

The Department supports alternative C, with the notations below. This Alternative has the greatest benefit to all wildlife species from habitat restoration to Refuge expansion and there is the greatest long-term benefit to desert tortoise, Gila monster and other wildlife from Refuge expansion. 34-20

- It is indicated under 'Features common to all alternatives' (page 3-40), that the Service will remove palm tress associated with riparian areas and conduct periodic palm tree maintenance for fire protection. Further, Alternative C (page 3-48, 2nd paragraph) states the Service will coordinate with NDOW to conduct surveys of palm tree habitat for their use by bats. 34-21

The document should specify that removal or thinning occur only in locations essential for aquatic critical habitat restoration or where necessary for fire fuel reduction until said coordination, surveys and research are conducted. The western yellow bat (*Lasiurus xanthinus*) is listed as a Species of Conservation Priority in the Nevada Wildlife Action Plan, and can be negatively affected by the trimming of dead leaf skirts, removal of palms, etc. Close coordination with NDOW must occur prior to fan palm habitat modification. 34-21

- Current yellow bat mitigation is limited only to "bats would be flushed from palm trees prior to removal to minimize harm of individuals". The Department suggests the following mitigation measures should be identified in this document for the yellow bat (page 5-50) and incorporated into future Refuge restoration planning efforts. Additional mitigation could include, but is not be limited to: replace removed palms with native vegetation known to be used by yellow bats (i.e. cottonwood); minimize palm removal away from areas where palms directly affect aquatic habitat quality and retain some higher density palm habitat in less sensitive areas; conduct thinning and removals during winter months (although yellow bats have been documented year-round in Nevada and do not hibernate, a major portion of the breeding population may migrate south during the winter). 34-22

Response 34-17: The CCP/EIS has been revised as suggested.

Response 34-18: The CCP/EIS has been revised as suggested.

Response 34-19: The CCP/EIS has been revised as suggested

Response 34-20: Comment appreciated.

Response 34-21: Comment noted. We will coordinate with NDOW regarding future removal and thinning efforts.

Response 34-22: The CCP/EIS has been revised as suggested

Pelz, M. (NDOW-SR#: 09-017)

5

September 9, 2008

Pahranagat NWR

The Department supports Alternative D. This option offers the greatest long-term benefits to common wildlife species and offers the highest protection to the desert tortoise.

34-23

- On Figure 3.5-4 (Figure 9 in the CCP Summary), the central portion of the refuge is identified as an area where the Service would, "Modify Upland Game Hunt Area to Reduce Crane Disturbance." Although there is mention of improving habitat for sandhill cranes in Alternatives B, C and D, we are unable to find any discussion of how modifying the area open to upland gamebird hunting might be accomplished.
- Page 4-113, second line, Should read: "A handicapped accessible hunting blind ..."

34-24

34-25

Appendix G

On Page G-88, Compatibility Determination: Recreational Use of Pack and Saddle Stock, This compatibility determination must prohibit the use of pack goats or llamas. These animals can carry diseases which are devastating to bighorn sheep populations. Recent Nevada BLM wilderness plans in areas with desert bighorn sheep prohibit the use of these animals for pack stock (South McCullough/Wee Thump Wilderness Management Plan, Muddy Mountains Wilderness Plan, Sloan Canyon Resource Management Plan).

34-26

Appendix H

- The phrase 'special status species' is used many times throughout the documents in reference to various plant and animal species. Should it be assumed that 'Special Status Species' is synonymous with 'Sensitive Wildlife Species...' as in the title of Table 4 in appendix H?

In dealing with multiple agencies, all of whom use their own vernacular when describing species (i.e. endangered, listed, species of concern, sensitive species, special status, etc), these situations can be confusing. For example, in Table 3 (appendix H) the Hidden Forest Chipmunk is listed as "*FWS NS=no status, these species previously considered species of concern, and NV SCP=Species of Conservation Priority.*" Is this species still considered a 'special status species'? We recommend including a section to define 'special status species' and 'sensitive wildlife', and/or clarify the text and table titles.

34-27

- Adding to the above confusion is the fact that the text narratives beginning on page H-19 in Appendix H under the heading 'Sensitive Species Accounts' are not inclusive of all the species listed in the 'Sensitive Wildlife Species...' Table 3.

- We recommend the following changes to Table 3 in Appendix H:
 - Hoary bat (*Lasiurus cinereus*) NV SCP, Mova
 - Western red bat (*Lasiurus blossevillii*) NV SCP, Mova
 - Western yellow bat (*Lasiurus xanthinus*) NV SCP, Mova
 - Pallid bat (*Antrozous pallidus*) NV S, all refuges
 - Brazilian free-tailed bat (*Tadarida brasiliensis*) NV S, all refuges
 - California leaf-nosed bat (*Macrotus californicus*) NV S, Mova
 - Western mastiff bat (*Eumops perotis*) NV S
 - Status' for Table 3, on pages H 8-11, indicates the possibility of inclusion of Stewardship Species (SS). Please refer to the Nevada Wildlife Action Plan for a list of identified Nevada Stewardship Species, which are too numerous to list here.

34-28

- Response 34-23:** Comment appreciated.
- Response 34-24:** The CCP/EIS has been revised to remove the proposed modification of the upland game hunt area from the preferred alternative for Pahranaagat.
- Response 34-25:** Comment noted. The referenced text has been changed to “A wheelchair accessible hunting blind . . .”
- Response 34-26:** The referenced Compatibility Determination has been revised to include the stipulation prohibiting pack goats and llamas.
- Response 34-27:** Comment acknowledged. Text within the document and table title has been changed to define the meaning of special status species and use it consistently throughout the document.
- Response 34-28:** The CCP/EIS has been revised as suggested

Pelz, M. (NDOW-SR#: 09-017)

6

September 9, 2008

- Many of the species in Table 3 are recognized as having NV Status¹ of 'SCP' (species of conservation priority). It may be important to note that many species are also afforded additional protection under NAC 503 and as such should also be noted with 'S' for Nevada Special Status Species. 34-29
- On page H-7, the last sentence of the first paragraph indicates "Lists of common wildlife species are also provided for each of the refuges at the end of this appendix." Are these lists at the end meant to be inclusive or exclusive of the species already identified in Tables 3 and 4? If they are meant to be inclusive of all species then the lists should be reviewed and revised to include those species listed above and possibly others. If the lists are meant to be exclusive, they should also be revised to include only the most common species (example: the list for Ash Meadows includes the Ash Meadows montane vole, which is by no means common (possibly extinct) and already addressed in Table 3). These lists need to be reviewed and/or revised to clarify their purpose. 34-30
- In Table 4, Page H-14, what is the reason for the "?" after the NV WAP Priority heading? 34-31
- On page H-20, under desert tortoise, first paragraph:
 - The Upper Sonoran life zone should be changed to lower Sonoran life zone. C.H. Merriam's lower and upper life zones described below identify the Mojave Desert as a lower Sonoran life zone.
 - Lower Sonoran Life Zone: The vegetation of this life zone corresponds with the hot deserts of the southwestern United States and northwest Mexico (the Mojave, Sonoran, and Chihuahuan deserts). Creosote (*Larrea tridentata*) and other desert shrubs and succulents occur at elevations from 100 ft to 3,500-4,000 ft above sea level. Total annual precipitation averages 10 inches or less. 34-32
 - Upper Sonoran Life Zone: A number of communities are characteristic of this zone that ranges from 3,500-4,000 ft to about 7,000 ft in elevation. These include a woodlands of evergreen oaks (*Quercus* spp.), pinyon pine (*Pinus cembroides*), and/or juniper (*Juniperus* spp.); the Arizona chaparral of leathery-leaved scrub oaks (e.g., *Quercus emoryi*), manzanita (*Arctostaphylos* spp.), buckthorn (*Rhamnus* spp.) and mountain mahogany (*Cercocarpus* spp.); grassland; and Great Basin desertscrub with its dominant sagebrush (*Artemisia tridentata*). Total annual precipitation varies from 8 to slightly more than 20 inches.
 - The last sentence should be deleted. Tortoise burrows are found in many other places other than washes and arroyos in the Mojave Desert. 34-33
- On page H-20, desert tortoise, second paragraph:
 - Change the first sentence to, "Tortoises *utilize their underground burrows* to escape the heat..." Otherwise it sounds as though they spontaneously dig burrows only to escape heat, rest and find warmth in winter, rather than retreating to existing burrows for these purposes. 34-34
 - Change the third sentence to, "...can *sometimes* be found under bushes at night." Otherwise, it sounds as though tortoises don't use their burrows at night, which they often do. 34-35
- On page H-21, desert tortoise, second paragraph:
 - Delete the first sentence, as it is redundant. The range of the desert tortoise was already described earlier in this section on p H-20. 34-36

- Response 34-29:** The CCP/EIS has been revised as suggested.
- Response 34-30:** Tables in Appendix H have been reviewed and updated, as appropriate.
- Response 34-31:** The referenced question mark has been removed from Table 4.
- Response 34-32:** The CCP/EIS has been revised as suggested.
- Response 34-33:** The CCP/EIS has been revised as suggested.
- Response 34-34:** The CCP/EIS has been revised as suggested.
- Response 34-35:** The CCP/EIS has been revised as suggested.
- Response 34-36:** The CCP/EIS has been revised as suggested.

Pclz, M. (NDOW-SR#: 09-017)

7

September 9, 2008

- On page H-21, desert tortoise, third paragraph:
 - At the end of this paragraph, add, "The Moapa Valley and Ash Meadows NWRs are located within desert tortoise habitat and it is likely that tortoises occupy lands on or around these Refuges."
- Please make the following changes to the reptile lists for each of the Refuges.
 - H-37: Reptile List for Ash Meadows NWR
 - *Cnemidophorus* should be *Aspidozelis*.
 - Desert spiny lizard (*Sceloporus magister*) should be yellow-backed spiny lizard (*Sceloporus uniformis*).
 - Speckled rattlesnake (*Crotalus mitchellii*) should be Panamint rattlesnake (*Crotalus stephensi*).
 - Coachwhip should be *Coluber flagellum*.
 - Delete gopher snake *Pituophis melanoleuces*.
 - Add:
 - Desert tortoise (*Gopherus agassizii*)
 - Western lyresnake (*Trimorphodon biscutatus*)
 - Smith's black-headed snake (*Tantilla hobartsmithi*)
 - Desert night snake (*Hypsiglena chlorophaea*)
 - Western shovel-nosed snake (*Chionactis occipitalis*)
 - Long-nosed snake (*Rhinocheilus lecontei*)
 - Glossy snake (*Arizona elegans*)
 - Western patch-nosed snake (*Salvadora hexalepis*)
 - Striped whipsnake (*Coluber taeniatus*)
 - Page H-51: Change 'Plecotus' to 'Corynorhinus'.
 - H-52: Reptile List for Desert NWR
 - *Cnemidophorus* should be *Aspidozelis*.
 - "Genus *Phrynosoma*" should be "*Phrynosoma platyrhinos*"
 - Gila should be capitalized. The subspecies of the banded Gila monster is *cinctum*, not *suspectum*.
 - Chuckwalla should be *Sauromalus ater*.
 - Desert spiny lizard (*Sceloporus magister*) should be yellow-backed spiny lizard (*Sceloporus uniformis*).
 - Coachwhip should be *Coluber flagellum*.
 - Gopher snake should be *Pituophis catenifer*
 - Add:
 - Banded gecko (*Coleonyx variegatus*)
 - Desert night lizard (*Xantusia vigilis*)
 - Desert iguana (*Dipsosaurus dorsalis*)
 - Western fenced lizard (*Sceloporus occidentalis*)
 - Sagebrush lizard (*Sceloporus graciosus*)
 - Long-tailed brush lizard (*Urosaurus graciosus*)
 - Gilbert's skink (*Plestiodon gilberti*)
 - Western skink (*Plestiodon skiltonianus*)
 - Western thread snake (*Leptotyphlops humilis*)

34-37

34-38

Response 34-37: The requested change has been made in the CCP/EIS, as appropriate.

Response 34-38: The requested changes have been made in the CCP/EIS, as appropriate.

Pelz, M. (NDOW-SR#: 09-017)

8

September 9, 2008

- H-52: Reptile List for Desert NWR, cont.
 - Spotted leaf-nosed snake (*Phyllorhynchus ecurtatus*)
 - Striped whipsnake (*Coluber taeniatus*)
 - Western patch-nosed snake (*Salvadora hexalepis*)
 - Glossy snake (*Arizona elegans*)
 - Common kingsnake (*Lampropeltis getula*)
 - Long-nosed snake (*Rhinocheilus lecontei*)
 - Western ground snake (*Sonora semiannulata*)
 - Western shovel-nosed snake (*Chionactis occipitalis*)
 - Desert night snake (*Hypsiglena chlorophaea*)
 - Western lyresnake (*Trimorphodon biscutatus*)
 - Sidewinder (*Crotalus cerastes*)
 - Panamint rattlesnake (*Crotalus stephensi*)
 - Southwestern speckled rattlesnake (*Crotalus mitchellii*)
 - Mohave rattlesnake (*Crotalus scutulatus*)

- H-59: Reptile list for Moapa Valley NWR
 - Desert collared lizard *Crotaphytus collaris* should be Great Basin collared lizard *Crotaphytus bicinctores*
 - Add:
 - Banded gecko (*Coleonyx variegatus*)
 - Desert night lizard (*Xantusia vigilis*)
 - Desert iguana (*Dipsosaurus dorsalis*)
 - Zebra-tailed lizard (*Callisaurus draconoides*)
 - Long-nosed leopard lizard (*Gambelia wislizenii*)
 - Yellow-backed spiny lizard (*Sceloporus uniformis*)
 - Western fenced lizard (*Sceloporus occidentalis*)
 - Sagebrush lizard (*Sceloporus graciosus*)
 - Ornate tree lizard (*Urosaurus ornatus*)
 - Long-tailed brush lizard (*Urosaurus graciosus*)
 - Side-blotched lizard (*Uta stansburiana*)
 - Desert horned lizard (*Phrynosoma platyrhinos*)
 - Western whiptail (*Aspidoscelis tigris*)
 - Western thread snake (*Leptotyphlops humilis*)
 - Spotted leaf-nosed snake (*Phyllorhynchus ecurtatus*)
 - Coachwhip (*Coluber flagellum*)
 - Striped whipsnake (*Coluber taeniatus*)
 - Western patch-nosed snake (*Salvadora hexalepis*)
 - Gopher snake (*Pituophis catenifer*)
 - Glossy snake (*Arizona elegans*)
 - Common kingsnake (*Lampropeltis getula*)
 - Long-nosed snake (*Rhinocheilus lecontei*)
 - Western ground snake (*Sonora semiannulata*)
 - Desert night snake (*Hypsiglena chlorophaea*)
 - Western lyresnake (*Trimorphodon biscutatus*)
 - Sidewinder (*Crotalus cerastes*)
 - Southwestern speckled rattlesnake (*Crotalus mitchellii*)
 - Mohave rattlesnake (*Crotalus scutulatus*)

34-38

Pelz, M. (NDOW-SR#: 09-017)

9

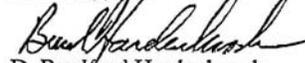
September 9, 2008

- H-71: Reptile List for Pahrnagat NWR
 - Unsure as to why the ground snake is categorized with rattlesnakes.
 - *Cnemidophorus* should be *Aspidoscelis*.
 - Desert collared lizard *Crotaphytus collaris* should be Great Basin collared lizard *Crotaphytus bicinctores*.
 - *Eumeces* should be *Plestiodon*
 - Desert spiny lizard (*Sceloporus magister*) should be yellow-backed spiny lizard (*Sceloporus uniformis*).
 - *torquata* should be *chlorophaea*.
 - *Masticophis* should be *Coluber*
 - Add:
 - Western fenced lizard (*Sceloporus occidentalis*)
 - Sagebrush lizard (*Sceloporus graciosus*)
 - Western thread snake (*Leptotyphlops humilis*)
 - Ring-necked snake (*Diadophis punctatus*)
 - Delete Gila monster (*Heloderma suspectum*)

34-38

Thank you for the opportunity to work with the Service on this plan. Please contact Habitat Biologist Craig Stevenson concerning this review at 702-486-5127 x3614 or cstevenson@ndow.org

Sincerely,



D. Bradford Hardenbrook,
Supervising Habitat Biologist

CS:cs/dbh

cc: NDOW, Files

SEP-09-2008 TUE 01:45 PM U. S. E. P. A.

FAX NO. 4159478026

P. 02/04



Letter 35

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

September 9, 2008

Cynthia T. Martinez
Complex Manager
Desert National Wildlife Refuge Complex
4701 N. Torrey Pines Drive
Las Vegas, NV 89130-5450

Subject: Draft Environmental Impact Statement for the Desert National Wildlife Refuge Complex Comprehensive Conservation Plan, Clark, Lincoln, and Nye Counties, Nevada (CEQ #20080262)

Dear Ms. Martinez:

The Environmental Protection Agency (EPA) has reviewed the above-referenced document pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act.

EPA supports the purpose and goals of the Comprehensive Conservation Plan and the preferred alternatives for each of the four refuges. We believe that the more extensive efforts to improve and protect habitat for plants and wildlife included in the preferred alternatives will be most beneficial to those species that depend upon the refuge habitats. We also support adaptive management in efforts to minimize temporary adverse impacts to listed species during activities such as eradication of invasive species. We have, therefore, rated this Draft Environmental Impact Statement (DEIS) as LO, *Lack of Objections*. Please see the enclosed *Summary of EPA Rating Definitions* for a description of our rating system.

35-1

There are a few items that EPA recommends be clarified in the Final Environmental Impact Statement (FEIS):

- The Nevada Department of Transportation and the Federal Highway Administration (FHWA) have initiated an environmental review process for the Sheep Mountain Parkway, a proposed transportation corridor that may be located near the southern border of the Desert National Wildlife Refuge (DNWR). This project should be included in the cumulative impact discussion, and its potential impacts considered in planning for the DNWR. We also encourage DNWR staff to participate in the Sheep

35-2

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TO-

P002/004

M.35 Environmental Protection Agency, September 9, 2008

Response 35-1: Comment appreciated.

Response 35-2: The referenced project has been added to the cumulative impacts section. Desert NWR Complex staff have been and will continue to coordinate with FHWA and other stakeholders involved with this project.

Mountain Parkway planning process. Information about this project can be obtained from Abdelmoez Abdalla of FHWA at 775-687-1231.

- The DEIS states that the Las Vegas Valley Airshed is considered nonattainment for carbon monoxide and particulate matter less than 10 microns. The Las Vegas Valley airshed is also in nonattainment with the 8-hour ozone standard. Please contact the Clark County Department of Air Quality Management for current information on attainment status and state implementation plans for these pollutants and include this information in the FEIS.
- The DEIS states that "[e]ach of the refuges in the Desert Complex has potential to contain paleontological resources based on the geologic units that have been mapped." However, the *Environmental Consequences* chapter states that paleontological resources would not be affected by the Proposed Action, and no discussion of potential impacts is included. Please clarify why these potential resources would not be impacted by activities such as earthmoving associated with habitat restoration and facility construction.

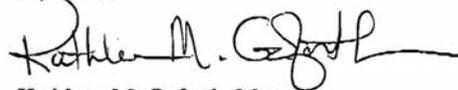
↑ 35-2

35-3

35-4

We appreciate the opportunity to review this DEIS, and request a copy of the FEIS when it is officially filed with our Washington, D.C., office. If you have any questions, please contact Carolyn Mulvihill of my staff at 415-947-3554 or mulvihill.carolyn@epa.gov.

Sincerely,



Kathleen M. Goforth, Manager
Environmental Review Office (CED-2)

Enclosure: Summary of EPA Rating Definitions

cc: Abdelmoez Abdalla, Federal Highway Administration

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2

TO-

P003/004

- Response 35-3:** The CCP/EIS air quality discussion within section 4.1.1 has been revised to reflect that the Las Vegas Valley airshed is in nonattainment for the 8-hour ozone standard.
- Response 35-4:** The CCP/EIS text has been changed to explain that no known resources are present but that ground disturbing activities may result in the finding of such resources.



National Headquarters
1130 17th Street, N.W. | Washington, D.C. 20036-4604 | tel 202.682.9400 | fax 202.682.1331
www.defenders.org

Letter 36

September 9, 2008

Ms. Cynthia Martinez, Project Leader
U.S. Fish and Wildlife Service
Desert National Wildlife Refuge Complex
4701 North Torrey Pines
Las Vegas, NV 89130

Sent via Fax to 702-515-5460, Hard Copy to Follow

RE: DRAFT COMPREHENSIVE CONSERVATION PLAN FOR THE DESERT NATIONAL WILDLIFE
REFUGE COMPLEX

Dear Ms. Martinez:

Thank you for the opportunity to provide comments as you develop the Comprehensive Conservation Plan ("CCP") for the Desert National Wildlife Refuge Complex. Defenders of Wildlife ("Defenders") is a non-profit, public interest institution with over 530,000 members nationwide, including more than 1,000 living in Nevada.

Defenders has long been an advocate for the Refuge System and takes a special interest in the Refuge System planning process. We published the *Citizen's Wildlife Refuge Planning Handbook* to encourage the public to become more involved in refuge planning. We have been actively involved in issues facing the refuges in the Desert Complex. We featured the refuges in the Complex in our report, *Gambling on the Water Table*, which described in detail the threat of large-scale groundwater withdrawals on the species in the southern Nevada refuges. Defenders also publishes an annual report on the state of the Refuge System, *Refuges at Risk*. The 2006 report featured the impacts that water withdrawals would have the Desert Complex.

Overall, Defenders is supportive of the draft CCP including the habitat restoration and invasive species control planned. Of particular concern to Defenders in the development of this CCP, however, is how the Fish and Wildlife Service ("FWS") proposes to address the two most significant threats to refuge resources over the planning horizon: large-scale groundwater withdrawals and climate change.

36-1

CLIMATE CHANGE

The National Wildlife Refuge System Improvement Act of 1997 ("Refuge Improvement Act") has been called "the most important statute Congress has passed for the Refuge System."¹ Prior to its enactment, the Refuge System was the lone remaining system of federal public lands without an "organic" statute.² Congress intended the Refuge Improvement Act to fill this void, by directing that the primary mission of the Refuge System is "to administer a national network of lands for the conservation . . . of the fish, wildlife, and plant resources and their habitats within the United States

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TO-

1
P002/006

M.36 Defenders of Wildlife, September 9, 2008

Response 36-1: We agree that existing and proposed groundwater withdrawals and the potential effects of climate change are significant issues on all four Refuges. As a part of water resources management, the Service would continue to monitor water parameters at springs and wells, compare water quality and quantity with past measurements on a biannual basis, and implement measures in coordination with the State Engineer to defend water rights and mitigate substantial changes in water flow or temperature and maintain constant water parameters. The Service will also monitor changes in the environment, such as changes in vegetation communities, wildlife trends, and surface and groundwater levels, to assess the effects of climate change on the Refuges. Climate change impacts will be further analyzed in project-specific NEPA documents, as appropriate.

for the benefit of present and future generations of Americans.”³

The CCP process is the primary vehicle for ensuring that the Refuge System conservation mission is met. Under section 7 of the Improvement Act, FWS must issue a CCP for every refuge at least once every 15 years. Among many other things including evaluating existing or proposed public or economic uses for compatibility, the CCP must identify and describe the “significant problems that may adversely affect the populations and habitats of fish, wildlife, and plants” within the Refuge and identify “the actions necessary to correct or mitigate such problems.”⁴

Defenders believes that climate change is clearly a “significant problem” affecting plant communities, wildlife, habitat and variables such as rainfall and snowpack. Therefore, the impacts of climate change should be a central consideration in the development of refuge CCPs.⁵ As highlighted in Defenders’ *Refuges at Risk 2006* report, such consideration is especially critical for refuges that are particularly susceptible to a rapidly changing climate, including refuges in arid regions. Indeed, Congress in May 2006 specifically directed that FWS “should incorporate consideration of global warming and sea-level rise into the comprehensive conservation plans for coastal national wildlife refuges, and for other purposes.”⁶

36-2

Though Defenders supports the draft CCP’s inclusion of climate change into the “Affected Environment” and other sections, the draft CCPs coverage of climate change should be greatly expanded given the enormity and complexity of the problem.

The effects of climate change on the Desert Complex are provided a total of three paragraphs (CCP at 163). The description of the impacts of climate change on southern Nevada provided in the CCP include a documented increase in air temperatures, a documented increase in precipitation at Ash Meadows refuge, and potential future conversion of forests to grasslands and arid lands. The CCP

36-3

³ In addition, Department of the Interior Secretarial Order 3226, issued January 19, 2001, states that: “Each bureau and office of the Department will consider and analyze potential climate change impacts when undertaking long-range planning exercises, when setting priorities for scientific research and investigations, when developing multi-year management plans, and/or when making major decisions regarding the potential utilization of resources under the Department’s purview. Departmental activities covered by this Order include, but are not limited to...management plans and activities developed for public lands.”

⁶ House Concurrent Resolution 398. The resolution states that: (1) the United States Fish and Wildlife Service should incorporate consideration of the effects of global warming and sea-level rise into the comprehensive conservation plan for each coastal national wildlife refuge; (2) each such comprehensive conservation plan should address, with respect to the refuge concerned, how global warming and sea-level rise will affect--(A) the ecological integrity of the refuge; (B) the distribution, migration patterns, and abundance of fish, wildlife, and plant populations and related habitats of the refuge; (C) the archaeological and cultural values of the refuge; (D) such areas within the refuge that are suitable for use as administrative sites or visitor facilities; and (E) opportunities for compatible wildlife-dependent recreational uses of the refuge; and (3) the Director of the United Fish and Wildlife Service, in consultation with the United States Geological Survey, should conduct an assessment of the potential impacts of global warming and sea-level rise on coastal national wildlife refuges.

Response 36-2: We agree that climate change and its potential effects on fish, wildlife, and plants and their habitats is a significant problem on all refuges. The discussion of climate change in chapter 4 has been substantially expanded. In addition, the preferred alternatives for each Refuge have been revised to include modeling of climate change and its effects on refuge resources. We currently have a proposal with NDOW and several other partners to implement such a project on Desert and Pahranaagat Wildlife Refuges, pending available funding. Climate change impacts will be further analyzed in project-specific NEPA documents, as appropriate.

Response 36-3: See response to comment 36-2.

fails to further explore these and other impacts. For example, there is widespread scientific agreement that there will be significant further warming globally, and in the Western United States specifically. This will in turn lead to earlier spring snow melting, reducing summer riparian flows. Though the magnitude and timing of these changes are difficult to predict, a thorough discussion of these effects on refuge fish and wildlife is needed to explore management options.

36-3

In addition, many of the threatened, endangered, and endemic species found within the Desert Complex have narrow temperatures tolerances, particularly water temperature for some of the desert fish species. How will global warming affect these species? Though the CCP does state that inventory and monitoring programs will be established to monitor these types of environmental changes, much more detail needs to be included.

36-4

A more thorough discussion of climate change's effects on wildfire is also needed in the CCP. A shorter and earlier spring snowmelt means that drier conditions will come earlier in the season, making for a longer fire season. Given the history of fire suppression in Nevada, forests are already overgrown and have a heavy fuel load. With the potential for a longer fire season, Nevada forests will be at higher risk of more frequent and intense forest fires due to climate change (Nevada Climate Change Advisory Committee 2008). Additionally, less cold winters could mean that bark beetles are better able to survive through the winter, leading to a more wide-spread infestation. This infestation would make trees even more vulnerable to burning (Nevada Climate Change Advisory Committee 2008). The CCP should include these changes in the fire regime in the CCP and adjust, if necessary, proposed fire management.

36-5

Climate change will necessitate more landscape-level and regional-scale analysis and partnerships to solve the conservation problems of the future. There are many scientific questions that may need to be answered that the FWS lacks the capacity to address. Though the CCP contains lists of existing partnerships, additional partnerships should be established specifically to address complex climate change issues. In particular, we are surprised that the Nevada Desert Research Center (NDRC), which has facilities at the Nevada Test Site, and thus on the Desert Range, was not listed as a partner. The NDRC is currently conducting ecological experiments and other studies relating to the effects of climate change and would seem a natural partner both in the development of this CCP and in future research for the refuge complex.

36-6

Defenders is pleased to see that the Nevada State Wildlife Action Plan was consulted in the development of the draft CCP. We understand that the Nevada Division of Wildlife is planning a revision of their state wildlife action plan by 2010 to include more detailed description of the effects of climate change and strategies to address these. Many of these effects and strategies will likely be applicable to the Desert Complex. The FWS should work closely with NDOW and partners to ensure that information developed during the state plan revision process is incorporated into the final CCP.

36-7

WATER RIGHTS AND ASSOCIATED ISSUES

Like global warming, proposed groundwater and surface water development and withdrawals adjacent to the four Refuges comprising the Desert Refuge complex is without question a "significant problem that may adversely affect the populations and habitats of fish, wildlife, and plants" within the Refuge and thus, FWS is required during this CCP process to identify "the actions necessary to correct or mitigate such problems." Indeed, the issue of ensuring adequate water

36-8

- Response 36-4:** Currently, little or no information exists on how climate change may affect the many special status and endemic species which occur on the Desert Refuge Complex. The preferred alternative for each refuge includes expansion of inventory and monitoring which is a key part of detecting climate change impacts. In addition, we have revised the preferred alternative for each refuge to include modeling of climate change impact scenarios and development of adaptation strategies.
- Response 36-5:** Section 4.1.1 in the CCP/EIS has been revised to include more information on the potential influence of climate change on wildfires.
- Response 36-6:** The Nevada Test Site, and thus the Nevada Desert Research Center (NDRC), are adjacent to but not within the boundaries of the Desert Wildlife Refuge. However, we will explore opportunities for collaboration with the NDRC.
- Response 36-7:** Comment acknowledged. See response to comment 36-2.
- Response 36-8:** We agree that groundwater development on is a significant concern for the Refuges. Section 2.3 of the CCP/EIS has been revised to include the impacts of potential groundwater development as a planning issue for each refuge. Furthermore, the alternatives for each refuge include an action to work with the State Engineer's office to defend existing water rights. In addition, the water resources section (4.1.1) in the affected environment has been expanded with a discussion of some of the potential options for defending refuge water rights.

quantity and quality has arguably always been *the* central challenge facing the Desert Refuge complex and as the Service is well aware, was a primary catalyst for protecting these unique and irreplaceable National Wildlife Refuges.

↑ 36-8

Defenders is thus pleased to see that FWS has recognized the threats that water development poses to the future integrity and biological diversity of the Desert Complex, and identified some specific measures that the agency intends to take to address those threats.

For example, with respect to Ash Meadows, the draft CCP states at p. 72:

As a part of water resources management, the Service would continue to monitor water parameters (flow, levels, and temperature) at springs and wells identified in the Water Monitoring Plan (Mayer 2003), compare water quality and quantity with past measurements on a biannual basis, and *implement measures in coordination with the State Engineer to defend water rights and mitigate substantial changes in water flow or temperature and maintain constant water parameters.*

Similarly, with respect to Pahranaagat, the draft CCP states at p. 121:

The Service would restore and manage 40 acres of native forage for migrating sandhill cranes between the Headquarters Unit and Lower Pahranaagat Lake. Sandhill crane usage of the Refuge would be monitored. The Service would *acquire additional water rights from willing sellers and explore opportunities for additional water supplies* through coordination with the Alamo, Richardville, and Hiko Water Boards, Lincoln County, and the U.S. Bureau of Reclamation.

And finally, the draft CCP at p. 87 states with respect to Desert Refuge:

Wild horses or burros that occur on the Refuge would be removed as soon as possible to protect Refuge resources and minimize competition with wildlife. Well water use and discharge at Corn Creek would continue to be monitored, and the Service would *work with the State Engineer to defend water rights and mitigate substantial changes in temperature or flow.* (P87)

Defenders notes, however, that the draft CCP does not appear to make similar statements with respect to the Moapa Valley National Wildlife Refuge, and thus requests FWS to ensure that the final CCP makes clear that FWS will vigorously defend water rights at not only Moapa Valley, but *all* four of the Refuges comprising the Desert Refuge Complex.

| 36-9

Specific to Moapa Valley, Defenders also requests that the final CCP address the future inclusion of the Warm Springs Ranch (currently owned by SNWA) into the Refuge, and the preferred alternative for that Refuge include a boundary adjustment that would authorize and facilitate this

↓ 36-10

Response 36-9: The CCP/EIS has been revised to include an action to defend water rights for each Refuge, including Moapa Valley.

Response 36-10: Comment acknowledged. The preferred alternative for Moapa Valley Refuge in the final CCP/EIS includes expansion of the acquisition boundary by 1,765 acres, including the former Warm Springs Ranch.

expansion. Defenders believes that expanding Moapa Valley to include the Warm Springs Ranch is both a natural and logical step to take in ensuring the continued existence and recovery of the Moapa dace and other endemic and imperiled species that the Refuge is intended to protect.

↑
36-10

In addition, Defenders believes that despite FWS's effort to specifically address water issues, the draft CCP as a whole fails to adequately highlight its central importance, and indeed, water and the potential effect on Refuge water resources from groundwater development is not even identified as one of the CCP's major issues, or as an "area of controversy." See CCP at S-17, S-18. These shortcomings must be remedied in the final CCP. In general, as is the case with the discussion of global warming, the final CCP's discussion of water issues must be greatly expanded given the enormity and complexity of the problem.

36-11

Specifically, Defenders recommends that the final CCP include detailed information on all pending water proposals (groundwater and surface) that have the potential to impact any water resources within any of the four Refuges. Defenders further recommends that the issue of protecting Refuge water resources actually be incorporated into the final CCP's preferred alternative for each Refuge. This course of action is clearly justified—and is in fact compelled—by FWS's duties under the Improvement Act, as the development of water resources is the most pressing challenge facing the agency, the Refuges, and the many imperiled and endemic species that depend upon the Refuge's habitat, and will likely remain so for the approximate 15-year period that this CCP will govern management of the Desert Complex.

36-12

CONCLUSION

We appreciate this opportunity to comment, and again stress the importance of better addressing climate change and water issues in the final CCP. We hope our comments have been helpful in the development of the Desert National Wildlife Refuge Complex final CCP.

Sincerely,



Noah Matson
Vice President for Land Conservation

¹ Fischman, Robert L. The National Wildlife Refuge System and the Hallmarks of Organic Legislation, 29 Ecology L.Q. 457, 501 (2002).

² See H. Rep. No. 105-106 at 3 (1997).

³ 16 U.S.C. § 668dd(e)(1)(A).

⁴ 16 U.S.C. § 668dd(e)(2)(E).

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Response 36-11: The CCP/EIS Summary has been revised to include potential impacts resulting from existing and proposed groundwater development as both a major issue and an area of controversy. We have also expanded the water resources discussion in the Final CCP/EIS to reflect groundwater concerns potentially affecting the refuges and actions we have taken to address these concerns.

Response 36-12: See response to comments 38-9 and 38-11. The CCP/EIS has been revised to include more information on pending groundwater development proposals, including SNWA's proposed Groundwater Development Project.

September 9, 2008

Letter 37

Mark Pelz
Chief, Refuge Planning
2800 Cottage Way, W-1832
Sacramento, CA 95825

Dear Mr. Pelz,

I am a member of the public who resides in Las Vegas, Nevada. I am a wildlife biologist and an avid recreational user of federal public lands managed by the National Park Service, Bureau of Land Management, U.S. Forest Service and the U.S. Fish and Wildlife Service (Service). I enjoy backcountry driving, viewing wildlife, hiking, photography (scenery and wildlife), camping, picnicking, and learning about our public lands. With respect to the Desert National Wildlife Refuge Complex (Complex), I have a keen interest in the development of the Comprehensive Conservation Plan and Environmental Impact Statement (CCP/EIS) as I visit the Desert National Wildlife Refuge (DNWR) on occasion and is one of the places I enjoy taking visitors from out-of-town to show them what else southern Nevada has to offer besides "the Strip". Without fail, everyone is amazed by the beauty of the landscape and the remoteness and isolation of the area in such proximity to the zaniness of Las Vegas.

I commend the Service in its efforts on the Complex to enhance visitor services and maintain the roadways many of us enjoy driving. I fully support the Service's efforts that include reopening the Alamo Road and maintaining it and the Mormon Well Road as "open" on the DNWR. These two roads provide great backcountry driving opportunities that allow the public to appreciate and enjoy our public lands. I realize, however, that there are instances where members of the public do not realize or understand the remoteness, length or condition of these roads, especially after significant rain events and may experience unpleasant driving conditions or worse, become stranded. This is unfortunate for the health and safety of those individuals, but also for those of us who are responsible, experienced and properly outfitted drivers of the backcountry when it leads the Service to close roads. I would support some sort of responsible and fair system, be it a toll or permit of some sort, which would allow responsible, experienced and properly outfitted drivers to continue to be able to use the backcountry roads of the Complex when otherwise they would temporarily be designated "closed".

37-1

I also support efforts to deter unauthorized uses of the Complex, such as increased law enforcement and boundary fencing; although I imagine that will become increasingly difficult as development within the Cities of Las Vegas and North Las Vegas advance north to the southern boundary of the DNWR.

37-2

Thank you for the opportunity to review and comment on the CCP/EIS.

Sincerely,



Paul B. Aguirre

M.37 Paul B. Aguirre, September 9, 2008

Response 37-1: Comment appreciated. We plan to continue to keep Mormon Well and the portion of Alamo Road south and north of the Desert Dry Lake open to the public. Furthermore, we are evaluating options for reopening the portion of Alamo Road which traverses the Desert Dry Lake, if feasible.

Response 37-2: Comment appreciated.



SOUTHERN NEVADA WATER AUTHORITY

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September 9, 2008

Mark Pelz
Chief, Refuge Planning
2800 Cottage Way, W-1832
Sacramento, CA 95825-1846

Re: *Comments on Draft Comprehensive Conservation Plan/Environmental Impact Statement for the Desert National Wildlife Refuge Complex, 73 Fed. Reg. 39979 (July 11, 2008)*

Dear Mr. Pelz:

The Southern Nevada Water Authority (SNWA) submits the enclosed comments in response to the above-referenced notice by the U.S. Fish and Wildlife Service (Service) regarding the availability of the Draft Comprehensive Conservation Plan/Environmental Impact Statement (draft CCP/EIS) for the Desert National Wildlife Refuge Complex. SNWA is a cooperative agency formed in 1991 to address Southern Nevada's unique water needs on a regional basis. SNWA officials are charged with managing the region's water resources and providing for Las Vegas Valley area residents' and businesses' present and future water needs.

In fulfilling this mission, SNWA has obtained and is in the process of applying for water rights in and near the four refuges in the Desert National Wildlife Refuge Complex. SNWA has also entered into numerous agreements and stipulations with the Service to protect the natural resources in and around the refuges. Thus, SNWA has a significant interest in the draft CCP/EIS for the Desert National Wildlife Refuge Complex. Please consider and include these comments in the administrative record for the Desert National Wildlife Refuge Complex draft CCP/EIS.

Sincerely,

John J. Entsminger
Deputy General Counsel

Enclosures

Cc: Kay Brothers, Deputy General Manager, Engineering/Operations
Ken Albright, Director, Groundwater Resources
Bill Rinne, Director, Surface Water Resources
Robert Williams, Field Supervisor, U.S. Fish & Wildlife Service
Cynthia Martinez, Complex Manager, Desert National Wildlife Refuge Complex
Michael Brennan, Esq., Holland and Hart LLP

SNWA MEMBER AGENCIES

Big Bend Water District • Boulder City • Clark County Water Reclamation District • City of Henderson • City of Las Vegas • City of North Las Vegas • Las Vegas Valley Water District

Southern Nevada Water Authority's Comments on the Draft Comprehensive Conservation Plan/Environmental Impact Statement for the Desert National Wildlife Refuge Complex

On July 11, 2008, the U.S. Fish and Wildlife Service (Service) made available for public comment the draft Comprehensive Conservation Plan/Environmental Impact Statement (CCP/EIS) for the Desert National Wildlife Refuge Complex, which encompasses the Ash Meadows, Desert, Moapa Valley, and Pahrangat national wildlife refuges. *See* 73 Fed. Reg. 39979 (July 11, 2008). The draft CCP/EIS describes how the Service will manage each National Wildlife Refuge (NWR) over the next 15 years, assesses the environmental impacts of such management, and includes draft compatibility determinations for several existing and proposed public uses. The following are the comments of the Southern Nevada Water Authority (SNWA) on the draft CCP/EIS.

I. Compatible Use Determinations

The Refuge Improvement Act (16 U.S.C. §§ 668dd-668ee) requires that the Service prepare a comprehensive conservation plan (CCP) for each refuge or refuge complex (i.e., planning unit) that provides management direction for such planning unit for a 15-year period. 16 U.S.C. § 668dd(e)(1). More specifically, a CCP

describes the desired future conditions of a refuge or planning unit and provides long-range guidance and management direction to achieve the purposes of the refuge; helps fulfill the mission of the Refuge System; maintains and, where appropriate, restores the ecological integrity of each refuge and the Refuge System; helps achieve the goals of the National Wilderness Preservation System; and meets other mandates.

50 C.F.R. § 25.12(a).

The Refuge Improvement Act authorizes the Service to permit the use of any area within the Refuge System whenever it determines that such use is compatible with the major purposes for which such area was established and is not inconsistent with public safety. 16 U.S.C. §§ 668dd(d)(1), (d)(3). A compatible use is "a wildlife-dependent recreational use or any other use of a refuge that, in the sound professional judgment of the Director, will not materially interfere with or detract from the fulfillment of the mission of the System or the purposes of the refuge." *Id.* § 668ee(1). As part of the CCP planning process, the Service provides "a forum for the public to comment on the type, extent, and compatibility of uses on refuges[.]" Refuge Manual, 602 FW 3.3(F).

A. Applying a Two-Tier Screening Process for Evaluating Proposed Refuge Uses is Improper

The draft CCP/EIS describes the process for approving proposed uses of refuge lands as follows:

The first step in determining if a use is compatible is to determine if the use is appropriate (called an appropriateness finding). The Service evaluates each use to determine if it is appropriate based on the NWRs [National Wildlife Refuge System] mission and refuge purpose(s). If a use is not appropriate, the use is not further considered, and a compatibility determination is not required. If a use is determined to be appropriate, the Service must prepare a compatibility determination. When a determination is made as to whether a proposed use is compatible or not, this determination is provided in writing and is referred to as a compatibility determination.

Draft CCP/EIS at 1-7. This process is based on Service policy in general, and is not specific to the Desert National Wildlife Refuge Complex.

This two-tier process established by Service national policy—i.e., the use of an initial appropriateness finding followed by a compatibility determination, if the use is deemed appropriate—is not contemplated by the Refuge Improvement Act or its implementing regulations (50 C.F.R. parts 25 and 26), but instead is wholly a creation of Service policy. The only criteria authorized by the statute and its implementing regulations for considering proposed uses of refuge system lands is the requirement that a proposed use be a “compatible use” and that it is not inconsistent with public safety. 16 U.S.C. § 668dd(d)(3)(A); 50 C.F.R. § 26.41. As noted above, a “compatible use” is one that “will not materially interfere with or detract from the fulfillment of the mission of the System or the purposes of the refuge.” 16 U.S.C. § 668ee(1); 50 C.F.R. § 25.12(a). Neither the Act nor Service regulations discuss an appropriate-use standard or define what uses may be considered “appropriate.”

The compatibility finding requires a determination of whether a use would physically conflict with management of the refuge to meet refuge purposes. See Refuge Manual, 603 FW 2.11(B) (the threshold requirement is that the proposed use “not degrad[e] the ecological integrity of the refuge”; “refuge managers should be looking for tangible impacts”). The Service’s use of an “appropriateness” determination means that a use could be denied without ever reaching the congressionally mandated determination that the activity would be incompatible. The appropriate-use test thus allows a refuge manager to reject a proposed use based on a more stringent and more ambiguous standard for approval than the compatibility requirement established by the statute or regulations.

For example, for a nonwildlife-dependent use to be deemed compatible under the Act, it must not materially interfere with or detract from the mission of the System or purposes of the refuge. But under Service policy, as set forth in the Refuge Manual, for such a use to be appropriate, it generally must, among other things, “contribute to the public’s understanding and appreciation of the refuge’s natural and cultural resources” or be “beneficial to the refuge’s natural or cultural resources.” 603 FW 1.11(A)(3)(i). This is a higher standard, which is not consistent with the Act’s requirements and is improper for the Service to propose. See *Wilderness Society v. U.S. Fish & Wildlife Serv.*, 316 F.3d 913, 926 (9th Cir. 2003) (“a use need not *support* Refuge purposes in order to be compatible, as the definition clearly provides. In order to be ‘compatible,’ a use simply must not ‘materially interfere’ with stated Refuge purposes”) (emphasis in original).

Other criteria in the appropriate-use test are sufficiently lacking in detail that they provide almost unfettered authority for a refuge manager to deny a proposed use on wholly subjective and unsubstantiated grounds. For instance, the refuge manager may reject a use as not appropriate if he or she finds that such use is not consistent with refuge goals and objectives. Unlike the term “compatible use,” there is no definition of “consistent with” in the Act, regulations, or policies. The Refuge Manual section on appropriate use indicates that if a use conflicts with the goals and objectives of the refuge, it generally is not appropriate. 603 FW 1.11(A)(e). But “conflicts with” is no more self-explanatory than “consistent with.” And to the extent that the Service interprets “consistent with” as synonymous to “compatible with,” such an interpretation would allow the refuge manager to determine that a use is not compatible outside the normal constraints of the compatibility determination process (i.e., public involvement and Regional Chief concurrence).

This lack of clarity is compounded by the fact that the goals of a refuge are often broadly worded, which renders them susceptible to subjective (and inconsistent) interpretation and application in the appropriate-use test. For instance, in the draft CCP/EIS, one of the proposed goals for the Ash Meadows National Wildlife Refuge is to “[r]estore and maintain the ecological integrity of natural communities within the Ash Meadows NWR.” Worded this way, different refuge managers could easily reach different conclusions regarding whether a proposed use is “consistent with” this goal.

In addition, the refuge manager is able to reject proposed uses through the appropriate-use test with little to no oversight. For compatibility determinations, the refuge manager must obtain the Regional Chief’s concurrence. 50 C.F.R. § 26.41(a)(14). But when the refuge manager determines that a use is not appropriate, no concurrence by the Regional Chief or even the refuge supervisor is required. 603 FW 1.11(C). Moreover, with compatibility determinations, the refuge manager solicits public review and comments on the proposed refuge use before issuing the final compatibility determination. 603 FW 2.12(A)(9). By contrast, for appropriateness findings outside the comprehensive conservation plan process, the appropriateness finding is made without public review and comment. 603 FW 1.9(B). This is contrary to the Act, which directs the Service to provide an opportunity for public review and comment on each evaluation of a use. 16 U.S.C. § 668ddd(d)(3)(B)(ix). Thus, the

refuge manager may unilaterally deny a proposed use based on his or her subjective opinion as to the “appropriateness” of the use without input or oversight by other Service personnel or the public. The Service should not employ the “appropriateness” test in evaluating potential uses of the National Wildlife Refuge System, either at the Desert National Wildlife Refuge Complex or elsewhere.

38-1

B. Draft Compatibility Determinations for the Desert National Wildlife Refuge Complex

1. Water Resource Monitoring

Appendix G to the draft CCP/EIS lists water monitoring on the Moapa Valley NWR as both an appropriate and a compatible use. See Draft CCP/EIS at G-2. However, the specific compatibility determination for these water monitoring activities is not included in Appendix G. The Service should make this compatibility determination available for public review and comment.

38-2

More importantly, however, the Service should recognize that water resource monitoring is a refuge-management activity that does not require a compatible use determination. The Refuge Manual recognizes that the Service does not need to prepare compatibility determinations for refuge management activities. 603 FW 2.10(A). The regulations define “refuge management activity” as “an activity conducted by the Service or a Service-authorized agent to fulfill one or more purposes of the national wildlife refuge, or the National Wildlife Refuge System mission. Service-authorized agents include contractors, cooperating agencies, cooperating associations, refuge support groups, and volunteers.” 50 C.F.R. § 25.12(a).

38-3

Water resource monitoring qualifies as a refuge management activity because it helps fulfill the purposes of the four refuges. The purposes of the Ash Meadows, Desert, and Moapa Valley NWRs include the conservation of species listed as threatened or endangered under the Endangered Species Act. Draft CCP/EIS at 1-25, 1-33, 1-38. The vision statement for the Ash Meadows NWR recognizes the manner in which water monitoring contributes to such species conservation:

Researchers are drawn to the Refuge where science-based management and *monitoring* is used to guide habitat restoration and endangered species recovery efforts and, in the process, further scientific knowledge of fields such as species genetics, *regional water flow*, geology and even the cultural and historical significance of this long inhabited area.

Id. at 1-25 (emphasis added).

In addition, the purpose of the Pahrnatagat NWR is to serve as a sanctuary for migratory birds. *Id.* at 1-43. The vision statement for the Pahrnatagat NWR recognizes that “researchers focus on understanding the role of southwestern wetlands and

M.38 Southern Nevada Water Authority (John J. Entsminger), September 9, 2008

- Response 38-1:** This Appropriate Refuge Uses Policy was promulgated under the authority of the National Wildlife Refuge System Administration Act of 1966, as amended (16 USC 668dd–668ee) and the Refuge Recreation Act of 1962 (16 USC 460k). The draft policy was made available for public comment in the Federal Register on January 16, 2001 (66 FR 3673). The initial public comment period closed March 19, 2001. However, the comment period was extended several times, and eventually ended June 30, 2001. The Notice of Availability of the final policy, which included a response to comments on the draft, was published in the Federal Register on June 26, 2006 (71 FR 36408). The final Appropriate Refuge Uses Policy took effect on July, 26, 2006. This policy is currently in effect and applies to all existing and proposed uses of the Desert National Wildlife Refuge Complex.
- Response 38-2:** The references to water monitoring in Appendix G, Table 1 were included in error. No compatibility determinations (CDs) exist for this specific use because in this particular instance, it was determined to be a refuge management activity and thus did not require a compatibility determination. These references were removed in the final CCP/EIS.
- Response 38-3:** Water monitoring is not always considered a refuge management activity. Any such activity will be evaluated on a case-by-case basis pursuant to Service policy

diversity in the regional and national refuge system . . . This ever expanding understanding contributes to conservation and management of Mojave Desert environments important to southern Nevada, the southwest, and the United States.” *Id.* at 1-44. Groundwater and surface-water monitoring provides information that is essential to the Service’s management of the refuges, and which thus helps advance the Refuge’s purpose.

Moreover, the Service has previously recognized that groundwater monitoring activities undertaken by SNWA on the Desert NWR qualify as refuge management activities. In the 2004 stipulation between Las Vegas Valley Water District (LVVWD), SNWA, and the Service regarding applications for water rights in the North and South Tikaboo Valleys and the Three Lakes North and South Valleys (attached as Attachment 1), the parties agreed to develop and implement a groundwater monitoring study on the Desert NWR. 2004 Tikaboo/Three Lakes Stipulation ¶ 4. The Service determined that the study fulfilled one or more of the purposes of the Desert NWR or the System and that LVVWD/SNWA was a Service-authorized agent. *Id.* ¶ 3. Thus, the Service concluded that the groundwater monitoring on the Refuge was a “refuge management activity” that did not require a compatibility determination. *Id.* The Service should similarly regard any future water resource monitoring on the refuges as a refuge management activity that does not require a compatible-use determination.

38-3

2. Mitigation Activities on Refuge Lands

The regulations state that that the Service will not allow compensatory mitigation to make a proposed refuge use compatible. 50 C.F.R. § 26.14(b). But if SNWA were to propose to conduct activities on the refuge that would mitigate and compensate for *offsite* impacts, the Service should consider such mitigation measures to be refuge management activities that do not require a compatibility determination. For instance, in the Memorandum of Agreement (MOA) that the Service, SNWA, and other parties entered into with respect to SNWA’s application for water rights in the Coyote Spring Valley hydrographic basin (Muddy River MOA) (attached as Attachment 2), SNWA agreed to provide funding in the amount of \$750,000 for the restoration of Moapa dace habitat under the direction of the Service on the Apcar Unit of the Moapa NWR. Similar to water resource monitoring activities, mitigation measures such as those contemplated in the Muddy River MOA that are undertaken to improve refuge resources help fulfill one or more of the purposes of the refuge and the System, and should be considered refuge management activities. Therefore, mitigation activities that the Service authorizes SNWA to undertake on the Refuges to compensate for offsite impacts should be exempt from the compatible use determination.

38-4

3. Water Development Activities

SNWA has the following water rights for groundwater withdrawals with points of diversion on the Desert NWR: (1) Permits 53950 and 53951 for a combined duty of 1,700 acre-feet per year (afy); (2) Permit 54060 for 1,700 afy; and (3) Permits 54068 and 54069 for a combined duty of 2,000 afy. In addition, SNWA has eight water rights applications for groundwater withdrawals pending before the State Engineer that have

Response 38-4: We will make a case-by-case determination whether proposed mitigation or other activities on refuge lands are considered a refuge management activity or are subject to an appropriateness finding and compatibility determination, in accordance with 603 FW 1 and 2 of the Fish and Wildlife Service Manual. According to this policy, a refuge management activity is “an activity conducted by the Service or a Service-authorized agent to fulfill one or more purposes of the national wildlife refuge, or the National Wildlife Refuge System Mission. . .”

points of diversion on the Desert NWR: (1) application 53952 for 10 cubic feet/second (cfs); (2) application 54056 for 6 cfs; (3) application 54061 for 10 cfs; (4) application 54065 for 10 cfs; (5) application 54070 for 10 cfs; (6) application 54071 for 10 cfs; (7) application 54072 for 10 cfs; and (8) application 54106 for 10 cfs.

Development of SNWA's existing water rights should be deemed a compatible use of the Desert NWR in light of the various stipulations SNWA has entered into with the Service regarding such water rights to ensure they would have no adverse effects on refuge resources. For instance, in the 2005 Tikaboo/Three Lakes Stipulation (attached as Attachment 3), the Service and SNWA agreed to a monitoring, management, and mitigation plan to protect federal water-related resources, including those on the Desert NWR. The monitoring requirements of the plan include monitoring wells, spring flow measurements, water quality analyses, quality control procedures, and reporting requirements. The management requirements include the creation of a Technical Review Panel to review information collected under the plan, use of a numerical groundwater flow model to predict the impacts of pumping, and the establishment of a decision-making process. The mitigation plan involves the modification of the location and quantity of pumping, if necessary to avoid unreasonable adverse effects to federal water rights and resources or to rehabilitate, repair, or replace resources affected by pumping. With these protections in place, the development of these existing water rights is a compatible use of the Desert NWR.

38-5

SNWA is supportive of the Service's management goals and objectives for the Desert NWR. With respect to future efforts by SNWA to develop its pending water rights applications (once acted on by the State Engineer), SNWA will endeavor to propose development in a manner that does not impair refuge resources and can be determined to be compatible for the purposes of the Service's regulations. Furthermore, it is possible that SNWA and the Service would enter into similar protective stipulations regarding the development of those water rights to protect refuge resources. It is similarly possible that the State Engineer would impose conditions on the approval of such water rights that protect refuge resources. Accordingly, SNWA believes that development by SNWA of future water rights on the refuge can be done in a manner that will not materially interfere with or detract from the fulfillment of the mission of the System or the purposes of the refuge, and which can thus be determined to be a compatible use.

38-6

38-7

As a related matter, the final CCP/EIS should recognize that the Service has been coordinating and will continue to coordinate with local agencies, such as SNWA, with respect to activities on- as well as off-refuge lands. In its discussion of the Desert NWR preferred alternative, the draft CCP/EIS states: "[t]he FWS would coordinate with local jurisdictions along the southern boundary to ensure compatible development occurs adjacent to the Refuge." Draft CCP/EIS at 3-32. This statement, while beneficial, appears to be limited to areas outside of the Refuge; it should be expanded to include and provide for coordination with local jurisdictions for compatible development within the boundaries of the refuges that comprise the Desert National Wildlife Refuge Complex.

38-8

Response 38-5: See response to comment 39-5. Furthermore, as pointed out in the SNWA comments, the Service's compatibility policy (603 FW 2) states that "We will not allow compensatory mitigation to make a proposed refuge use compatible." Our determination on whether or not a proposed use is compatible will be based entirely on its potential impacts and any avoidance or minimization measures. The foundation of the Monitoring, Management, and Mitigation (3-M) plan developed as part of the November 2005 Tikaboo/Three Lakes Stipulation was that all groundwater development by SNWA would be off refuge lands and would be located south of the refuge in the Three Lakes South Hydrographic Basin. There was never any consideration of groundwater development on the refuge in the plan. This stipulation only considered the change applications proposed by SNWA in Three Lakes South.

Furthermore, all the parties to the Stipulation agreed to implement the Monitoring, Management, and Mitigation Plan "...if and only if the Nevada State Engineer grants SNWA's Applications for changes in points of diversion for permits 53950, 53951, 54060, 54068, and 54069, in total or in part. In the event the Nevada State Engineer only grants SNWA's Applications for changes in points of diversion for permits 54062 and 54066, in total or in part, SNWA agrees that it shall negotiate in good faith with the federal agencies to develop 'sufficient monitoring and plans for mitigation of impacts, including cessation of pumping, if necessary'." In the ruling on these change applications, the State Engineer did not grant any of the change applications for permits 53950, 53951, 54060, 54068, and 54069, in total or in part. According to the stipulation, this means the 3-M plan originally negotiated by the parties terminated by its own terms.

Response 38-6: Comment appreciated.

Response 38-7: While we are skeptical that any such use on the Desert NWR would be considered compatible, we will determine compatibility of proposed uses on a case-by-case basis in accordance with our Appropriateness and Compatibility Policies (603 FW 1 and 2). Evidence suggests that groundwater development on Desert NWR would impact Service water rights and trust resources at Desert NWR, Ash Meadows NWR, and Devils Hole (see State Engineer Rulings from the Amargosa Basin and the Three Lakes/Tikaboo Basins).

Response 38-8: The statement regarding development adjacent to the southern boundary refers to residential and related development proposed by the City of North Las Vegas and the City of Las Vegas. The purpose of this statement was to express our desire to work with city governments and other stakeholders to ensure that refuge purposes are taken into consideration in any development plans near our boundaries. Any proposed uses within the refuge boundaries will be evaluated on a case-by-case basis in accordance with the Service's compatibility and appropriateness policies.

4. Pipeline Rights-of-Way

The draft CCP/EIS does not address potential rights-of-way (ROWs) across any of the refuges, such as for water pipelines. For future proposed ROWs, the Service would need to determine that the specific proposed use is compatible with the purpose of the refuge and the mission of the System. The Service would make this compatibility determination once a ROW application has been filed and an additional project-specific NEPA analysis has been prepared, as contemplated by the draft CCP/EIS. *Id.* at 1-45. However, these proposed uses should not be evaluated under the appropriate-use test.

The Refuge Improvement Act specifically recognizes the authority of the Service to grant the use of or easements across refuges for purposes such as powerlines, telephone lines, canals, ditches, pipelines, and roads, when they are compatible uses. 16 U.S.C. § 668dd(d)(1)(B). Through this provision, Congress implicitly recognized that it is appropriate to allow use of a refuge for pipelines and the like, so long as they are compatible with the purposes of the refuge.

In addition, unlike other proposed uses of refuge lands, ROWs requests are governed by their own regulations, 50 C.F.R. §§ 29.21-29.22, and Service policy, 340 FW 3, where they are subject to different evaluation procedures than other proposed uses. *See, e.g.*, 50 C.F.R. § 29.21-1(a) (requiring the *Regional Director* to determine whether the use is compatible); *id.* § 29.21-4 (outlining specific terms and conditions for a ROW easement or permit). In light of the other regulations and policy, the Service expressly recognized in the preamble to its appropriate-use policy that “[r]ights-of-way will continue to be handled through the compatibility and right-of-way permit processes, not this policy.” 71 Fed. Reg. 36408, 36415 (June 26, 2006). Thus, if SNWA were to request a ROW across any of the refuges in the Desert National Wildlife Refuge Complex, the Service must evaluate the compatibility of such ROW request, but should not subject the request to the appropriate-use test.

38-9

Likewise, by specifically authorizing the Service to permit rights-of-way across refuges for pipelines, powerlines, and the like, Congress anticipated that such ROWs can be found compatible. This statutory provision renders any argument that these types of uses are per se incompatible with the System mission or individual refuge purposes unsupportable. Instead, it demonstrates Congress’s continuing intent that such uses can be allowed if they do not physically jeopardize the purposes of the refuge in question. Thus, absent a demonstration that a particular ROW will have tangible, negative impacts on refuge wildlife resources or the ability to manage the refuge for refuge purposes, a ROW should be found compatible.

II. Draft Wilderness Policy

In its section on the legal mandates and Service policies that govern the Service’s planning and management of the National Wildlife Refuge System, the draft CCP/EIS discusses the Draft Wilderness Stewardship Policy Pursuant to the Wilderness Act of 1964 (Draft Wilderness Policy). Draft CCP/EIS at 1-9. The Draft Wilderness

38-10

- Response 38-9:** Requests for water pipeline rights-of-way or other proposed uses will be evaluated on a case-by-case basis in accordance with our Appropriateness and Compatibility Policies (603 FW 1 and 2).
- Response 38-10:** Comment noted. Subsequent to the release of the Draft CCP/EIS, the Service's Final Policy on Wilderness Stewardship was published in the Federal Register (see 73 FR 67876).

Policy was circulated for public comment on January 16, 2001. *See* 66 Fed. Reg. 3708 (Jan. 16, 2001). Since that time, it does not appear that the Service has taken steps to finalize the draft policy. In light of the time that has passed since it was originally issued, the Service should recirculate the Draft Wilderness Policy for additional public comment and finalize the policy before relying on its content to support the CCP/EIS. 38-10

III. Affected Environment

A. Effects Across Flow Systems

Several statements in the draft CCP/EIS regarding adverse impacts from groundwater pumping propagating within and across regional flow systems are inaccurate. For instance, the document states that “surface water resources within each of the four refuges can be affected by uses elsewhere within the same flow systems” *Id.* at 4-8. It also states that “[b]ecause the springs at Ash Meadows NWR are derived from the regional flow system, groundwater use in other, more distant basins is also a concern, including as far as Pahranaagat Valley and the Spring Mountains.” *Id.* at 4-25. Furthermore, the draft CCP/EIS claims that “[t]he groundwater aquifer within each Refuge connects to other aquifers in southern Nevada; therefore, impacts at Coyote Springs, for example, could have adverse impacts at Ash Meadows NWR.” *Id.* at 5-77.

Blanket statements such as these oversimplify the physical characteristics of the hydrologic system of the regional carbonate aquifer, and disregard the administrative processes established to protect such systems. First, the statements in the draft CCP/EIS do not reflect the complexity of the region’s groundwater hydrology. The importance of major structures in compartmentalizing the carbonate aquifer system has been described by several researchers including Winograd (1963), Winograd and Thordarson (1968 and 1975) and Rowley and Dixon (2000) among others.¹ This compartmentalization will in effect isolate or at the least attenuate the effects resulting from groundwater production. Hydraulic barriers that may disrupt flow continuity include fault zones and the juxtaposition of confining units with aquifers. These barriers occur throughout the carbonate rock province, so it is improper simply to assume that effects will propagate long distances within a flow system or across flow systems. 38-11

¹ See Rowley, P.D., and G.L. Dixon, 2000, Cenozoic Evolution of the Great Basin Area, USA, - New Interpretations Based on Long-term Field Studies, Geological Society of America Abstracts with Programs, V. 32, No. 7, at A461; Winograd, I.J., 1963, A Summary of the Ground-water Hydrology of the Area between the Las Vegas Valley and the Amargosa Desert, Nevada: U.S. Geological Survey, Report TEI-840, at 79; Winograd, I.J., and W. Thordarson, 1968, Structural Control of Ground-Water Movement in Miogeosynclinal Rocks of South-Central Nevada, in Eckel, E.B., ed., Nevada Test Site: Geological Society of America Memoir 110, at 35-48; Winograd, I.J., and W. Thordarson, 1975, Hydrogeologic and Hydrogeochemical framework, south-central Great Basin, Nevada-California, with Special Reference to the Nevada Test Site: U.S. Geological Survey, Professional Paper 712-C, at 126.

Response 38-11: The referenced sections have been revised to include additional discussion about groundwater hydrology, including the complexity of the regional carbonate aquifer. This discussion also recognizes that there are different interpretations of the data used to characterize the groundwater system and its susceptibility to stressors.

Second, Nevada has a well-developed process for the administration of water rights in which rights to groundwater are granted by the State Engineer based upon perennial yield. Perennial yield is defined as

The amount of usable water of a ground water reservoir that can be withdrawn and consumed economically each year for an indefinite period of time. It cannot exceed the sum of the Natural Recharge, the Artificial (or Induced) Recharge, and the Incidental Recharge without causing depletion of the groundwater reservoir.

Nevada Division of Water Planning, Water Words Dictionary at 236.²

In addition, when evaluating water-rights applications the State Engineer must consider (1) whether there is unappropriated water at the source; (2) whether use of the water would conflict with existing rights; (3) whether use of the water would be detrimental to the public interest; and (4) whether use of the water would adversely impact domestic wells. This administrative process provides a safeguard against adverse impacts within and across regional flow systems.

Furthermore, and directly relevant to the Service's draft EIS, prior to the State Engineer's evaluation of a water right application, the applicant and interested parties often enter into stipulations to protect groundwater resources. This is a process which the Service has engaged specifically to protect various of the Nevada refuges which are the subject of the DEIS, and the DEIS should be revised to recognize the role that such stipulations play with respect to resource management and protection.

38-12

In January 2008, the Service and other agencies of the United States Department of the Interior agreed to withdraw their protests to SNWA's applications for groundwater withdrawals in the Delamar, Dry Lake, and Cave Valley hydrographic basins, based on the terms and conditions set forth in the Delamar, Dry Lake, and Cave Valley Stipulation (attached as Attachment 4), which is primarily applicable to the Pahranaagat NWR with minor application to Moapa NWR. A common goal of the parties to the Delamar, Dry Lake, and Cave Valley Stipulation was to manage the development of groundwater by SNWA in Delamar, Dry Lake, and Cave Valley hydrographic basins without causing unreasonable adverse effects to special status species within the area of interest through the implementation of monitoring, management, and mitigation plans.

The management plan required the creation of a Biologic Resources Team ("BRT") to review biological information collected pursuant to the plan and advise the Executive Committee (created under a previous stipulation); the expansion of the duties of the Technical Review Panel (established under a previous stipulation) to review information collected under the plan and advise the Executive Committee; the use of an agreed upon transient groundwater flow system numerical model to help predict effects

² Available at <http://water.nv.gov/WaterPlanning/dict-1/ww-index.cfm>.

Response 38-12: The water resources discussion in section 4.1.1 of the CCP/EIS has been revised to include a description of some of the options we have to protect refuge water resources

of groundwater withdrawals by SNWA in the subject hydrographic basins; and the use of the consensus-based decision making process.

The monitoring plan requirements included, but were not limited to, existing wells, new monitoring wells, water chemistry analyses, spring discharge measurements, quality control procedures, and reporting requirements. The mitigation plan included, but was not limited to, (1) modification, relocation, or reduction in points of diversion and/or rates and quantities of groundwater withdrawals; (2) the augmentation of federal water rights, federal resources, and/or water-dependent ecosystems; (3) acquisition of real property and/or water rights dedicated to the protection of special status species; and (4) measures designed and calculated to rehabilitate, repair, or replace any and all federal water rights, federal resources, and water-dependent ecosystems, if necessary to achieve the common goals set forth in stipulation.

The stipulation also included a hydrologic plan, which established a process for conducting biological monitoring to further the common goals of the parties and focus on special status species and their habitats within the area of interest that are most likely to be affected by any hydrologic changes that may result from SNWA's groundwater withdrawals in the hydrographic basins. The TRP was directed to determine the areas most likely to be affected by any hydrologic changes that may result from SNWA's groundwater withdrawals in the hydrographic basins. The BRT was directed to develop and implement a biological monitoring program in coordination with the Nevada Department of Wildlife.

SNWA entered into similar protective stipulations with the Service in the Muddy River MOA (applicable to the Moapa Valley NWR; mentioned above in Section I.B.2 and described further below in Section III.F.2), and the Authority's Three Lakes/Tikaboo Valleys groundwater rights (described above in Section I.B.3). Each of these stipulations serves to protect refuge resources from the impacts of regional groundwater development.

The draft CCP/EIS should be revised to reflect the complex groundwater hydrology of the regional and surface flow systems which underlie the refuges, and to consider the role that the State Engineer's thorough evaluation of water rights applications plays in protecting refuge resources. Finally, the CCP/EIS should further reflect the existence and significance of the stipulations entered into by the Service, the Department of the Interior, and the Authority to protect such resources.

38-13

B. Monitoring of Existing Wells on Desert NWR

The draft CCP/EIS states that a "few groundwater monitoring wells exist on the Refuge in the Corn Creek Springs area and on the east side of the Sheep Mountains, but not all have data collected from them. The Southern Nevada Water Authority (SNWA) and Las Vegas Valley Water District (LVVWD) have proposed to install new wells and use existing wells to monitor groundwater on the Refuge." Draft CCP/EIS at 4-47. This statement is not entirely accurate.

38-14

Response 38-13: See response to comments 39-11 and 39-12.

Response 38-14: Section 4.3.1 (water resources) of the CCP/EIS has been revised to more accurately reflect the existing monitoring wells on Desert NWR.

There are, in fact, six existing monitoring wells located on or near the Desert NWR that are part of a long-term groundwater monitoring program conducted by the U.S. Geological Survey (USGS) through a joint funding agreement with SNWA, Nevada Division of Water Resources, and USGS. The monitoring wells with quarterly data collection intervals are USBLM Corn Creek, USGS Cow Camp, USFWS DR-1, USFWS SBH-1, and USAF 2372-1. In addition, the Creech near field monitoring well has continuous data collection. SNWA also maintains an extensive groundwater monitoring network in Coyote Spring Valley, which monitors groundwater levels on a continuous basis. This network includes CSVM-5, which is located within the Desert NWR.

38-14

C. Moapa Valley NWR Groundwater Issues

1. Muddy River

The draft CCP/EIS makes the following statement regarding the Muddy River:

Flow in the Muddy River has been declining since the early 1960s. The decline is attributed to surface water diversions and nearby groundwater pumping. The direct relationship is unclear, as is whether pumping from regional carbonate aquifers or from the local alluvial aquifers has the primary effect on the springs.

Draft CCP/EIS at 4-74.

It is important to note that this decline is being analyzed by members of the Muddy River Hydrologic Review Team (HRT), which was formed as a result of a Muddy River MOA. In October 2007, a Baseline Pumping Report was issued by the HRT to summarize its findings regarding spring discharge and water level changes in the Muddy River Springs Area and nearby basins.

38-15

In its discussion of the Muddy River, the CCP/EIS should include the following information from the HRT's Baseline Pumping Report regarding the debate over the causes of the observed water level changes:

Researchers have debated the cause of the water level declines/rises, but generally attribute them to groundwater production in Muddy River Springs area by MVWD [Moapa Valley Water District] (Arrow Canyon production wells), climate effects including drought, changes in Lake Mead elevations, or some combination thereof. The degree to which each of these factors is individually or cumulatively responsible for observed declines/rises has been substantially debated.

HRT Baseline Pumping Report at 16.

Response 38-15: See response to Comment 39-17.

2. Declining Water Levels

The draft CCP/EIS includes the following statement regarding aquifer water levels in the Moapa Valley NWR:

Water levels appear to be declining slightly in the alluvial and carbonate aquifers in the vicinity of the Refuge. Based on monitoring data, this declining trend began in the late 1990s, approximately the same time that groundwater withdrawals began rising in the vicinity of the Refuge.

Draft CCP/EIS at 4-77.

While it is true that the declining trend began approximately the same time that groundwater withdrawals increased, during this same time period, the region experienced a significant drought that most likely contributed to the declining trend. The final CCP/EIS should acknowledge this contemporaneous drought event in addition to the increased groundwater withdrawals.

38-16

Furthermore, the HRT Baseline Pumping Report concluded that pumping is not the only factor that may affect groundwater levels:

Two important multi-year fluctuations and trends include the 1998 to 2004 decline and the 2005 -06 recovery. These have been attributed to climate, groundwater pumping, and/or base level changes (water levels in recharge areas and in Lake Mead) in the various analyses.

HRT Baseline Report at 21. The final CCP/EIS should similarly acknowledge these alternate causes of declining groundwater levels.

D. Moapa Valley NWR Surface Water Issues

1. Muddy River Mapping

Figures 4.4-1 and 4.4-2 of the draft CCP/EIS erroneously depict the Muddy River, which is also known as the Moapa River, as a perennial stream above the Muddy River Springs area. As accurately described in the text of the draft CCP/EIS, the Muddy River does not receive any of its perennial flow until the Muddy Springs area. Draft CCP/EIS at 4-79. The figures should be revised to reflect this fact.

38-17

2. Spring Flow Monitoring

The draft CCP/EIS includes the following statement regarding spring flow measurements:

The USGS, in cooperation with the SNWA, currently collects data from a number of gauges on streams fed by

38-18

Response 38-16: The information in the HRT Baseline Report, completed in 2007, was compiled from data generally through 2006. Some of this information has already been updated by more recent work (such as Mayer and Congdon 2008). All of it will likely continue to be updated and changed through the additional study and work products of the HRT members. The CCP/EIS summarizes the issues leading to the establishment of the MOA (existing declines in water levels and springs; a Biological Opinion for a pipeline enabling additional carbonate pumping) and briefly mentions the current status of water monitoring sites and water level/spring discharge trends within this context. Readers can refer to ancillary documents for more specific information. The text of the CCP/EIS has been revised to more fully discuss the monitoring, activities, data collection, and water level decline trends.

We recognize that climate affects ground water levels in the Muddy River Area. In a peer-reviewed article in the journal *Ground Water*, Mayer and Congdon (2008) showed that the response of groundwater levels to climate in this area is limited to very wet years, and that there was no response to dry or average years. This analysis also demonstrated that the decline in groundwater levels that began in 1998 was not caused by drought. The decline began in 1998, which was a very wet year. Groundwater levels did not decline during similar droughts that preceded 1998, the year that groundwater pumping increased so significantly. Local climate records do not show a consistent drought from 1998 to 2004, the period of groundwater level declines. Finally, wells outside of the Muddy River/Coyote Springs/CA Wash area do not show a similar response to what is claimed to be a regional drought.

The draft Consensus Statement by the HRT acknowledges that the trends in groundwater levels cannot be explained with climate alone; rather, it is necessary to add pumping or some other parameter as an explanatory variable (page 4 in consensus statement).

Response 38-17: Figures 4.4-1 and 4.4-2 have been revised to show the correct extent of the Muddy River perennial flow.

Response 38-18: The referenced section of the CCP/EIS has been revised to reflect the issues with data quality at these sites prior to 1998. Groundwater monitoring data quality is a dynamic issue and one that is continually being addressed and resolved through the work of the HRT, the USGS, and others. Past flow records have been “cleaned up” or significantly improved at sites such as Pedersen Spring and Corn Creek Springs. We know a great deal more about what data are regarded as poor quality than we did when we first started evaluating these records. We anticipate that this will continue to be an area of further refinement and improvement. The need for a precise statement on the quality of spring discharge data is one of the points the Service has been making in the HRT meetings. It is more appropriately addressed in the HRT documents rather than in the CCP. This comment clearly calls attention to the need for such a statement. Also, see Response 38-16.

spring complexes. Jones and Baldwin Springs are monitored by the Moapa Valley Water District (MVWD). Since 1998, Pedersen Spring has exhibited a downward trend, and from 1998 to 2004, a gauge at Warm Springs West, which measures collective discharge from the Pedersen spring complex, has shown a significant declining trend. In addition to questions over what pumping might be responsible for this decline, some controversy exists whether pumping or some other factor has been affecting spring flow.

Draft CCP/EIS at 4-77.

While it is true that these spring gauge records exhibited downward trends, it is not clear that if these gauges were accurately recording the discharge of the springs themselves, due to a couple of issues with the monitoring station. The HRT Baseline Pumping Report discusses these issues:

The record for Warm Springs West has much greater variability and a slight increasing trend in the discharge prior to 1998. There were unmeasured irrigation diversions above the gage during this time. The post-1998 spring discharge record at Warm Springs West shows a multi-year decline from 1998 to 2004 and an increase in 2005. The trends are similar to those observed in the carbonate water levels in EH-5B and EH-4.

The monitoring record of spring discharge from Pedersen Spring has been the subject of much debate. The discovery of a slight warp in the weir in 2002, along with independent flow measurements at the site led the USGS to adjust the rating curve and recalculate a period of the historical flow back to 1994. The USGS speculated that warped weir was a result of the fire on the Refuge in 1994, but there is no direct evidence that the fire caused the warp or that the warp affected the accuracy of the weir.

In addition, a leak underneath the weir, first noted in December 2003, led to a large decrease in flow over the following months and the weir was replaced cooperatively between FWS, USGS, NDWR, and SNWA in April 2004 to the same elevation. It is not known if the pre-2003 and post-2004 data are directly comparable. Since 2004, the new gage seems to be functioning well and coincides well with the Pedersen East gage. Individual interpretations of the data from this site vary by agency.



38-18

HRT Baseline Pumping Report at 23. The final CCP/EIS should recognize the questionable reliability of these monitoring results.

Also, the last sentence of the quoted paragraph implies that there may be only one factor that is affecting spring flow. As noted above, the HRT concluded in 2007 that a combination of factors can influence spring discharge, such as climate effects, changes in Lake Mead elevations, and groundwater production, although the degree of influence of each factor has not been conclusively determined. *Id.* at 16.

38-18

E. Moapa Valley NWR Water Use

1. Groundwater Use

The draft CCP/EIS makes the following statement regarding use of groundwater at the Moapa Valley NWR:

Water from the local alluvial aquifer has been developed in the Muddy River Springs area for some time, for both irrigation and domestic uses and later by Nevada Power Company by the late 1940s. Water from the regional carbonate aquifer was developed by the MVWD beginning in 1986. The MVWD and SNWA have developed and plan to develop within the next five years several groundwater monitoring and extraction wells to the northwest of the Refuge.

38-19

Draft CCP/EIS at 4-77.

While the MVWD has utilized spring discharge from the Jones Spring since 1959 and Baldwin Spring since the 1975, groundwater development did not occur until 1986. In fact, the use of groundwater did not exceed the use of spring flows until 1999. These data are graphically represented in Figure 5-9 of the report "Water Resources and Ground-Water Modeling in the White River and Meadow Valley Flow Systems, Clark, Lincoln, Nye, and White Pine Counties, Nevada" submitted by SNWA during the Coyote Spring groundwater hearing in support of ground water applications 54055 through 54059. The CCP/EIS should reflect the fact that groundwater did not exceed the use of spring flows until 1999.

In addition, the CCP/EIS should clarify that the wells the SNWA plans to develop are approximately 15 miles to the northwest of the Refuge in another groundwater basin (Coyote Spring Valley). The uncertainty regarding the potential effects of pumping at a location several miles away in another groundwater basin were described in the HRT Baseline Pumping Report as follows:

38-20

It is well understood that structural geologic faulting can have an affect on groundwater movement and also influence the propagation of groundwater pumping effects. The central question is whether or not the existence of geologic

Response 38-19: While we agree that the volume of water pumped from the carbonate aquifer did not exceed the volume of water diverted from springs until 1999, we do not believe this information is relevant to the existing discussion referenced in the comment.

Response 38-20: The CCP/EIS text in section 4.4.1 has been revised to clarify that SNWA's existing and proposed groundwater wells are in Coyote Springs Valley. Redistributing pumping to move groundwater withdrawals further from the Moapa Valley NWR is certainly a strategy to consider. However, the information available to date suggests that this strategy may only delay impacts to the springs and potentially make any impacts more difficult to mitigate. Future data collection and analysis such as that being done through the HRT may enable us to better understand whether the proposed strategy will effectively protect the springs from upgradient pumping.

structures and heterogeneities will function to impede, completely stop, or have no affect on the propagation of pumping impacts to the Muddy River Springs area.

HRT Baseline Pumping Report at 23.

In addition, in 2002, the State Engineer issued Order No. 1169 in connection with various applications for groundwater rights in Coyote Spring Valley. The order requires a minimum five-year pump test to determine the impacts of groundwater withdrawals on the groundwater or surface water resources of the carbonate rock aquifer or the alluvial aquifer systems. In the event that spring flows decline at the Warm Springs West gauge during the test required by State Engineer's Order No. 1169, SNWA and Coyote Springs Investment LLC (CSI), a private landowner with water rights in the Coyote Spring Valley hydrographic basin, will work together to geographically redistribute pumping in the Coyote Spring Valley. The specific flow decline "trigger" volumes and the redistribution of pumping were agreed upon in Section 5 of the Muddy River MOA, of which MVWD, CSI, the Service, and SNWA are signatories. Redistributing pumping will move the groundwater withdrawals even further from the Moapa NWR. In addition, the State Engineer's Order No. 1169 and the Muddy River HRT's data collection and analyses, which are forthcoming, will provide clearer information as to the potential impacts of these wells on springs in the Muddy Springs groundwater basin.

38-20

2. Consumptive Use Information

The draft CCP/EIS states that "[a] number of nonnative palm trees were planted by Moapa Valley settlers and resort owners over the last century. These trees can each consume up to 300 gallons of water per day during summer months." Draft CCP/EIS at 4-78. The rate of 300 gallons, per day per tree is very high. Please provide a source for these data.

38-21

F. Moapa Valley NWR Water Rights

1. Muddy Springs and Coyote Spring Valley Water Rights

The draft CCP/EIS describes the water rights in the Muddy Springs and Coyote Spring Valley area as follows:

In the Muddy Springs area, most of the water rights are actively developed and in use in varying amounts. However, most of the water rights in Coyote Spring Valley, hydraulically upgradient in the flow system, are permitted but as yet are undeveloped (NDWR 2003). Issuance of additional groundwater rights from the regional carbonate aquifer in the southern portions of the White River Flow System were being held in abeyance for five years (2002–2007) while aquifer studies are conducted (NDWR 2002).

38-22

Response 38-21: The reference to palm trees in this section was removed from the CCP/EIS.

Response 38-22: Section 4.4.1 has been updated to more accurately reflect the status of water rights within the vicinity of Moapa Valley NWR.

Draft CCP/EIS at 4-78.

To be more accurate, the CCP/EIS should note that NDWR has held in abeyance the granting of additional water rights within six hydrographic basins, including the basin in which the Moapa Valley NWR is located. In addition, the five-year study, which now has been initiated, will not be complete until at least 2012 to fully comply with NDWR's Order 1169.

It is also important to note that the vast majority of the water rights on the Muddy River (including some rights from local springs being developed by the SNWA) are utilized farther downstream from the Refuge on the Muddy River, and thus their use will not impact the refuge. The Muddy Valley Irrigation Company controls about 80% of the rights on the Muddy River, which flow from the headwaters to the about 15 miles downstream of the Refuge and remain in the natural channel(s). In addition, the spring rights that SNWA is leasing are being developed to allow the water to flow to Lake Mead – thus leaving the water in the natural channels.

38-22

2. Muddy River Memorandum of Agreement

The Service, SNWA, and other parties to the Muddy River MOA agreed that they share a common interest in the conservation and recovery of the Moapa dace and its habitat. Each party also had an interest in the protection, use, and enjoyment of its water rights and entitlements.

To serve these interests, the parties identified certain conservation measures with the objective of making measurable progress toward the conservation and recovery of the Moapa dace, and agreed to coordinate monitoring, management, and mitigation measures. These measures include the following:

- Establishment of Recovery Implementation Program. To effectuate the goals of the Muddy River MOA, the parties agreed to establish a Recovery Implementation Program (“RIP”) whereby measures necessary to accomplish protection and recovery of the Moapa dace, the operation and development of regional water facilities, and the inclusion of necessary and interested third parties are outlined and implemented.
- Dedication of Jones Water Right. The parties agreed that the recovery of the Moapa dace would be enhanced by the guarantee of additional in-stream flows in areas of historical Moapa dace habitat. Once such area was the Apcar Stream down gradient of the Jones Spring. To effectuate the dedication of the Jones Water Right to the provision of in-stream flows in the Apcar Stream, the parties agreed to dedicate and transfer certain water rights as described in the Muddy River MOA.
- Habitat Restoration and Recovery Measures. To restore habitat necessary for the Moapa dace and take other steps to protect and recover the species, the parties agreed to provide funding and other contributions, including: (1) SNWA agreed to provide funding for the restoration of Moapa dace

habitat under the direction of the Service on the Apcar Unit of the Moapa Valley NWR or otherwise; (2) the Service and SNWA agreed to provide funding to develop an ecological model designed to investigate the effects of habitat change on the ecology of the Moapa dace; (3) SNWA agreed to provide funding to construct fish barriers to help eliminate the predacious tilapia from areas of Moapa dace habitat; and (4) SNWA agreed to provide funding to implement programs related to the eradication of non-native fish species, including predacious tilapia, in the Warm Springs area.

- Protection of In-Stream Flows. The parties recognized that the maintenance of minimum in-stream flows in the Warm Springs area was essential for the protection and recovery of the Moapa dace. Although those flows were unknown at the time, the parties agreed to maintain certain average flow levels as described in the Muddy River MOA.
- Acquisition of Additional Land and Water Rights. As a potential conservation measure, the parties agreed to work cooperatively to identify both land and water rights that, if acquired and dedicated to the recovery of the Moapa dace, would assist in making measurable progress towards the recovery of the Moapa dace. SNWA agreed to make a good faith effort to acquire land and water rights identified by the parties. When such land or water rights were acquired by SNWA, SNWA would cooperate with the Service in establishing restrictions upon the use of such lands and water rights consistent with existing law so as to effectuate the conservation of those resources and the recovery of the Moapa dace.
- Adaptive Management Measures. The parties agreed to carry out additional conservation measures to protect and recover the Moapa dace following the initiation of the RIP and as more data became available regarding the biology of the Moapa dace and regional hydrology. These measures are more fully described in the Muddy River MOA.

The CCP/EIS should fully describe the Muddy River MOA and its conservation measures and commitments, and consider the relevance of such measures to the management of the Refuge and its resources, particularly to the conservation of the Moapa dace. Furthermore, to the extent that such measures are performed on refuge lands, they should be identified as refuge management activities for which no compatibility determination is required.

38-23

3. Refuge Water Rights

The draft CCP/EIS notes that:

The Service has two water rights for the Refuge that have been certified by the Nevada State Engineer. One of these is for approximately 2,500 cfs of spring flow. The other is for

38-24

- Response 38-23:** The Final CCP/EIS Section 4.4.1 has been revised to include a summary of the Muddy River MOA. More details on the MOA are included in the Management Considerations section of the Land Protection Plan.
- Response 38-24:** The Final CCP/EIS Section 4.4.1 has been revised to accurately describe the Service's water rights for Moapa Valley NWR.

approximately 1.4 cfs of well water. Water from the springs is also adjudicated to downstream landowners.

Draft CCP/EIS at 4-78. The first water right is an instream flow right with no consumptive use. Quantifying this right in acre-feet could be misleading, as flow rights are usually listed in cubic-feet/second (cfs). The Service's instream flow right is for 3.5 cfs and is subject to the agreed upon terms in the Muddy River MOA. 38-24

G. Pahrnagat NWR Biological Resources

The draft CCP/EIS's discussion of the occurrence of amphibians, fish, and small mammals on the Pahrnagat NWR contains inaccuracies. Draft CCP/EIS at 4-104 to 4-107, and Appendix H, Table 3. Relict leopard frog (*Rana onca*), plains leopard frog (*Rana blairi*), Desert Valley kangaroo mouse (*Microdipodops megacephalus albiventer*), and pygmy rabbit (*Brachylagus idahoensis*) do not occur on the Pahrnagat NWR or Pahrnagat Valley.³ Furthermore, the CCP/EIS should clarify that Pahrnagat roundtail chub (*Gila jordani*), White River springfish (*Crenichthys baileyi baileyi*), and Hiko White River springfish (*Crenichthys baileyi grandis*) occur in Pahrnagat Valley, but do not occur on the Pahrnagat NWR.⁴ 38-25

IV. Environmental Consequences

A. Cumulative Impacts

Regarding potential cumulative impacts, the draft CCP/EIS makes the following statement:

Groundwater in the vicinity of each refuge would also be adversely affected by expanded urban developments that use groundwater wells for water supply. The groundwater aquifer within each Refuge connects to other aquifers in southern Nevada; therefore, impacts at Coyote Springs, for example, could have adverse impacts at Ash Meadows NWR. Cumulative impacts on the groundwater aquifer would be significant because groundwater impacts could affect the entire region. 38-26

Draft CCP/EIS at 5-77.

³ See Raymond Hall, *Mammals of Nevada* at 387, 615 (1995); Conservation Agreement and Rangeland Conservation Assessment and Strategy for the Relict Leopard Frog (*Rana Onca*), Relict Leopard Frog Conservation Team at 21, 22 (2005); T. Kuhrt, 2000. "Rana blairi" (Online), Animal Diversity Web. Accessed August 29, 2008 at http://animaldiversity.ummz.umich.edu/site/accounts/information/Rana_blairi.html.

⁴ See Recovery Plan for the Aquatic and Riparian Species of Pahrnagat Valley, U.S. Fish and Wildlife Service at 3 (1998).

Response 38-25: Comment noted. The referenced statements have been changed to reflect that the species mentioned do not occur on the Refuge.

Response 38-26: Comment noted. The referenced paragraph has been revised to more accurately reflect potential cumulative impacts of groundwater development.

As previously discussed, blanket statements such as these oversimplify the hydrologic system of the regional carbonate aquifer. Moreover, the language quoted above is inconsistent with other statements in the draft CCP/EIS, such as “pumping is not expected to adversely affect private groundwater wells in the nearby communities because they are located upgradient and far enough away that impacts are unlikely.” *Id.* at 5-59. Consistent with this latter statement, pumping activities within Coyote Spring Valley would have no hydrologic influence on the Ash Meadows NWR because the Ash Meadows NWR is located in the Ash Meadows Regional Flow System, while Coyote Spring Valley is located in the southern end of the White River Regional Flow System. 38-26

B. Effects on Water Resources at Pahranaagat NWR

With respect to the effects on water resources at the Pahranaagat NWR, the draft CCP/EIS makes the following statements:

More open water habitat may be created, and hydrology of some springs would be returned to historic conditions. To supplement existing flows from Upper Pahranaagat Lake, groundwater wells on the Refuge would be pumped to increase flows to Middle Marsh. . . .

During this time, pumping could cause the groundwater table to lower. . . .

New visitor use facilities under Alternatives B, C, and D would increase the water demand from the domestic well on the refuge. Changes in the groundwater table, however, with additional demand, could be significant.

Draft CCP/EIS at 5-59.

The Delamar, Dry Lake, and Cave Valleys stipulated agreement for hydrologic monitoring includes an evaluation of data collected from Cottonwood and Maynard springs located within the Pahranaagat NWR. It is important for the CCP/EIS to acknowledge that spring discharge and pumping activities within the Refuge will be monitored and analyzed to evaluate influences, if any, on the spring discharges relative to pumping activities outside of and within the Pahranaagat Wildlife Refuge. 38-27

V. Warm Springs Natural Area near Moapa Valley NWR

A. General Comments on the Warm Springs Natural Area

SNWA acquired 1,218 acres of privately held property adjacent to the Moapa Valley NWR in September 2007. This property was previously known as the Warm Springs Ranch and has now been renamed the Warm Springs Natural Area. The draft CCP/EIS references to the Warm Springs Ranch should be revised to reflect the area’s current name of Warm Springs Natural Area. 38-28

Response 38-27: Comment noted. Text within the referenced section was revised to clarify that we will monitor spring discharge on the Refuge to determine if pumping activities within and outside the Refuge may be affecting it. In addition, we also included a summary of the Delamar, Dry Lake, and Cave Valleys stipulated agreement in 3.1.1.

Response 38-28: The CCP/EIS and Land Protection Plan have been revised to reflect the current name for the property.

In the Preferred Alternative, the draft CCP/EIS identifies about 987 acres of the Warm Springs Natural Area as part of the Service's plans for future boundary expansion of the Refuge. The document does not include the following information regarding the important steps that SNWA has already taken in the conservation of the threatened, endangered, and sensitive species and their habitat in the region through private property acquisition and management to protect and achieve the goals identified for the Refuge as important for management.

Since the Warm Springs Natural Area was purchased with Southern Nevada Public Lands Management Act (SNPLMA) funds under the category of "Parks, Trails, and Natural Areas," SNWA committed to manage all 1,218 acres as a "natural area." Three spring complexes that originate on the Moapa Valley NWR and flow onto the Warm Springs Natural Area provide crucial habitat for the endangered Moapa dace (*Moapa coriacea*).

The *Clark County Multiple Species Habitat Conservation Plan* and the *Integrated Science Assessment for the Upper Muddy River* focus extensively on the species and habitat values present in the Warm Springs Natural Area, and discuss potential threats to the resource and recommendations for management action. Acquisition of privately held land along the Muddy River is identified as a high priority conservation action in both planning documents. The acquisition of private lands along the Muddy River is considered among the most important steps necessary to ensure the long-term viability of the endangered Moapa dace and other important plant and animal species. The Warm Springs Natural Area includes habitat for southwestern willow flycatcher, yellow-billed cuckoo, and Nevada's largest breeding population of vermilion flycatcher. SNWA's acquisition of the Warm Springs Natural Area affords protection to numerous species.

As a commitment of the SNPLMA Financial Agreement between the U.S. Bureau of Land Management (BLM) and SNWA, SNWA agreed to work cooperatively with adjacent land owners – the Service and The Nature Conservancy (TNC) – to develop a long-term management plan to cooperatively manage the Warm Springs Natural Area in concert with Moapa Valley NWR and the TNC's Muddy River property.

Types of potential management actions under discussion include:

- Development of educational and recreational areas/trails emphasizing the natural resources for public use consistent with the Moapa National Wildlife Refuge and other adjacent lands;
- Management of invasive plant species;
- Management of invasive fish and invertebrate species;
- Bank and channel stabilization activities;
- Construction and/or enhancement of wetlands;
- Restoration and/or enhancement of riparian and upland habitat; and
- Spring pool restoration/enhancement.

SNWA is also responsible for the operation, maintenance, and management of the property over the long-term as a natural area under the “parks, trails, and natural areas” category. However, SNWA plans to work cooperatively with other stakeholders with a vested interest in the long-term health of the Muddy River. Management of the property will be conducted cooperatively with the signatories to the Muddy River MOA, including the Service, Clark County, and TNC, with the SNWA serving as lead agency in coordinating activities.

Although this property holds significant ecological value at present, there are a number of challenges in managing and improving the health of these resources. Historically, the Warm Springs Ranch was intensively farmed and ranched, and many of the associated adverse impacts of these activities still persist. More recently, the fields have been left to go fallow, resulting in the invasion of non-native terrestrial plants such as saltcedar and Russian knapweed. Introduction of non-native fish, such as blue tilapia, need management to alleviate the threat to the existing population of Moapa dace and White River springfish. SNWA is currently working to control invasive species and manage the resource.

Long-term management of the Warm Springs Natural Area will undoubtedly generate numerous partnerships, allowing stakeholders to leverage significant funding in efforts to protect and restore this important resource. During the past several years, numerous entities, including Clark County, TNC, and the SNWA have invested significant funding in a variety of research, monitoring, and restoration activities in the area in an effort to protect the resources present. SNWA’s acquisition of the Warm Springs Natural Area has increased the opportunities to acquire funding and engage in collaborative joint management of the property. The CCP/EIS should include an informed discussion of the current protections and management actions in progress since SNWA took possession of the property in September of 2007, as well as an evaluation of whether the Refuge’s goals could likewise be achieved under SNWA ownership.

38-29

B. Proposed Moapa Valley National Wildlife Refuge Boundary Expansion

The CCP/EIS’s Preferred Alternative evaluates the proposal to expand the Moapa Valley NWR by 1,503 acres, which would include a little over 987 acres of the Warm Springs Natural Area. A total of 1,218 acres make up the Warm Springs Natural Area, leaving a difference of 231 acres excluded without explanation from the proposed boundary expansion. For planning and NEPA purposes, SNWA recommends the Service include the entire 1,218 acres in the planning boundary.

38-30

In concept, SNWA does not oppose the proposal to expand the Moapa Valley NWR planning boundary. However, active consideration of any future acquisition of the property by the Service is premature until certain commitments are agreed to by the Service and SNWA. These commitments include: (1) the development of a Long-term Management Plan for the Warm Springs Natural Area in coordination with stakeholders,

38-31

- Response 38-29:** The Management Considerations section in the Land Protection Plan describes the conservation measures that SNWA and other signatories have committed to in the Memorandum of Understanding. Both the Land Protection Plan and the EIS have been updated to show cooperative agreement, memorandum of understanding, and/or transfer as the preferred protection method for the Warm Springs Natural Area.
- Response 38-30:** The Land Protection Plan and CCP/EIS have been revised to include the entire Warm Springs Natural Area within the proposed expansion area.
- Response 38-31:** Comment acknowledged.

such as TNC, and signatories to the April 2006 MOA, which include the Service, the Moapa Band of Paiutes, CSI, and Moapa Valley Water District; (2) SNWA's management of the property as a Natural Area as part of SNWA's commitment in the SNPLMA Financial Assistance agreement; and (3) commitments by the Service necessary for attaining reasonable certainty regarding the development and continued use of regional municipal water supplies. 38-31

Although the CCP/EIS evaluates the expansion of the Moapa Valley NWR as the Preferred Alternative, it should also include an alternative evaluating whether the Refuge's goals could be achieved under cooperative agreements with SNWA's ownership of the Warm Springs Natural Area. Also helpful would be an informed discussion of the current protections and management actions in progress since SNWA took possession of the property in September of 2007. These are outlined in detail below. 38-32

SNWA has committed significant financial and personnel resources to care for and manage the property. SNWA management also has included (1) the hiring of two fulltime employees – the Warm Springs Natural Area Manager to reside on site, and a property caretaker; (2) routine maintenance of the property; (3) arranging for security on the property; (4) completing a baseline resource inventory of the property as the basis for developing the management plan; and (5) development of key purposes for management of the Warm Springs Natural Area, including protection of the Moapa dace and its habitat. Under SNPLMA's "Parks, Trails and Natural Areas" category that governs the property, a limited public access component needs to be developed that includes an interpretive/visitor component. SNWA has also committed time and staffing to foster stakeholder and community relations important to management of the property. Continuation of these commitments is important to continuing the current level of management of this key Muddy River property.

C. Identification of SNWA as a Partner

Several times throughout the draft CCP/EIS, the Service identifies entities with which it has a partnership. SNWA should be included in these lists of partners. SNWA partners at many levels with the Service both by virtue of the SNPLMA-funded acquisition of the Warm Springs Natural Area, as well as the Muddy River MOA and Recovery Implementation Program. SNWA is signatory to the MOA and committed to cooperate extensively with the Service to work toward recovery of the Moapa dace. SNWA is currently developing goals in a Long-term Management Plan for the Warm Springs Natural Area consistent with Service goals. 38-33

D. Fee-title Acquisition of Warm Springs Natural Area

The Service identifies three mechanisms in the Preferred Alternative to increase its property boundaries: purchase, transfer, and/or agreement. Draft CCP/EIS at 3-48. The boundary expansion would increase the Moapa Valley NWR to 1,503 acres, within which habitat would be protected by working with partners. The Land Protection Plan (Appendix L) lays out the framework of accomplishing the preferred alternative.

Response 38-32: See response to comment 39-30.

Response 38-33: The Final CCP/EIS Section 1.7.3 Refuge Partnerships has been revised to include SNWA as a Refuge partner.

Though the Service acknowledges that its acquisition options include fee-title acquisition, conservation and agricultural easements, cooperative agreements, or memorandum of understanding, *id.*, App. L at 7, the Land Protection Plan “proposes fee-title acquisition as the primary level of protection needed to meet habitat and wildlife management goals for the project area.” *Id.*, App. L at 1; *see also id.*, App. L at 7 (“the Service believes fee title acquisition represent [*sic*] the minimum possible interest or rights in land and waters which would need to be acquired to meet the habitat protection objectives for the Warm Springs Ranch”). The Conceptual Management Plan also recognizes fee-title acquisition as the primary level of protection needed to meet habitat and wildlife management goals for the project area. *Id.*, App. L-2 at 1.

Due to SNWA’s use of SNPLMA funds to purchase the Warm Springs Natural Area, the majority of the property identified in the boundary expansion is currently under a conservation commitment to manage of the property as a natural area. *See* SNWA’s Sept. 13, 2007 SNPLMA funding application. The fact that SNWA has acquired and is managing as a natural area 987 acres out of the 1503 acres proposed for the refuge boundary expansion strengthens the argument for a cooperative agreement and lessens the need for fee-title acquisition of this area by the Service. In fact, the existing SNPLMA agreement already requires a coordinated management effort with the Service. Thus, the CCP/EIS should recognize that SNWA’s management of the Warm Springs Natural Area under SNPLMA offers an alternative to fee-title acquisition that will be equally protective of wildlife and its habitat.

38-34

The draft CCP/EIS includes a number of situations in which outright purchase (fee-title acquisition) is justified, none of which is applicable to the Warm Springs Natural Area. The first situation is when “the land’s fish and wildlife resources require permanent protection that is not otherwise available”. Draft CCP/EIS, App. L at 8. This justification does not support fee-title acquisition of the Warm Springs Natural Area because such area is already guaranteed permanent protection under SNWA’s SNPLMA purchase. Second, outright purchase is appropriate when “the land is needed for development associated with public use”. *Id.* Again, this does not apply to the Warm Springs Natural Area because SNWA’s management plans entail cooperative development of the area for public use.

The third situation is when “a pending land use could otherwise harm fish and wildlife resources”. *Id.* With respect to the Warm Springs Natural Area, the pending land use is designed to enhance fish and wildlife resources. Finally, the Service asserts that fee-title acquisition is appropriate when “purchase is the most practical and economical way to assemble small tracts into a manageable unit.” *Id.* This does not apply to the Warm Springs Natural Area because the current property is not subdivided into small tracts; it is a single contiguous property that is already protected with commitments to cooperatively manage restoration activities and public use with the Service.

In sum, fee-title acquisition of the Warm Springs Natural Area is neither necessary nor appropriate, particularly while other high-value properties exist which could be better utilized to support dace conservation. Thus, the Land Protection Plan

38-35

Response 38-34: Both the Land Protection Plan and the EIS have been updated to show cooperative agreement, memorandum of understanding, and/or transfer as the preferred protection method for the Warm Springs Natural Area.

Response 38-35: See Response 39-35.

should not identify such area states as a first priority for fee-title acquisition. *Id.*, App. L at 12. Instead, the CCP/EIS should use the following approach described in the Land Protection Plan: “[o]n lands owned and managed by public agencies, cooperative agreements and coordinated planning/management efforts, including shared resources, could be used to conserve natural resources within the proposed refuge boundary.” *Id.*, App. L at 7. This would also have the benefit of utilizing a consistent approach to the Warm Springs Natural Area and the TNC property that includes Muddy River, which is not currently proposed for fee-title acquisition.

38-35

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Review Comments: Desert Natural Wildlife Refuge Complex, Draft Comprehensive Conservation Plan and EIS

Reviewer: Nellis AFB

9/9/2008

#	Page/ Line	Comment	
1.	Vol 1, General Comment	Throughout the documents, there is general discussion on access and uses of the lands. An important point is the withdrawn lands are closed to public access. This should be up front. As you read the sections such as 3.3, it discusses volunteers, and research. I drew the conclusion that volunteers and researchers were accessing all portions of the DNWR. Recommend a general discussion that clarifies access.	39-1
2.	Vol. 1, General	Document does not reference USAF INRMP. Recommend including short paragraph discussing the Nellis INRMP.	39-2
3.	Vol. 1, General	When fire is discussed, this document states to "consider resource values". Recommend expanding this discussion to include AF assets in fire planning.	39-3
4.	Vol 1, Summary, Fig. 1, p. 1-3, Fig. 1.1-1 and throughout document	Map does not accurately depict the NTRR or designate Nellis AFB Small Arms Range. Recommend showing the withdrawn DoD lands that overlap the DNWR. This map does not show those lands. Leads the reader to think there are no DoD lands within the DNWR, only the NTRR overlays. The NTRR is a complex that includes withdrawn lands for DoD use and the accompanying airspace. It would be more accurate to change the "DOD" lands and "NTRR" to a single graphical depiction of lands withdrawn for DoD use.	39-4
5.	Summary, p. S-1, line 4	"DNWR is located 10 miles north" this does not match Pg 1-26, section 1.7.2, 1 st para, line 1.	39-5
6.	Summary, p. S-27, Fig. 7	Locations of springs on this figure does not match locations shown on Figure 3.3-2 or Figure 4.3.-3.	39-6
7.	Summary, p. S-27, Fig. 7	See comment 1. The hatched line (NTRR) is incorrect.	39-7
8.	Summary, Fig. 3	See comment 1. Also recommend consistency in colors used on maps. Figure 7 shows NTRR as black cross hatched and figure 3 shows as a pink cross hatch.	39-8
9.	Summary, Fig. 3	Footnote discusses "secondary jurisdiction". This document incorrectly states the USFWS has primary jurisdiction of the co-withdrawn lands. Some of the DNWR lands were assigned to DoD subsequent to the initial EO establishing the Game Range and PL 106-65, which specifically assigns secondary jurisdiction of "conservation matters in the impact areas" to USFWS. DoD has primary jurisdiction for all activities except conservation. Please provide the EO or PLO or PL that confirms the assumption that USFWS has primary jurisdiction. Recommend including the document that assigns primary and secondary jurisdiction in this CCP.	39-9
10.	Vol 1, p. 1-7, ¶4; Vol 2, Appendix G	Paragraph 4 states that a compatibility determination is not required where other Federal Agencies have primary jurisdiction. Appendix G does not discuss DoD mission/use in the compatibility determination. USFWS determined that no compatibility determination is required, therefore DOD has primary jurisdiction except for the impact areas mentioned in PL 106-65. Recommend the Service clarify this issue by providing the EO, PLO, or PL that confirms the assumption that USFWS has primary jurisdiction.	39-10
11.	Vol 1, p. 1-29, ¶2	This paragraph states that the Executive Order that established the Bombing Range took precedence over the EO that established the Game Range, however, the USFWS maintained primary jurisdiction. If the order took precedence, how did USFWS maintain primary jurisdiction when it is not discussed in the EO? Since the EO establishing the Bombing Range took precedence over the EO for the Game Range, what documents give primary jurisdiction back to USFWS? Please provide the EO or PLO or PL that confirms the assumption that USFWS has primary jurisdiction over the co-managed lands. Recommend including the document that assigns primary and secondary jurisdiction in this CCP.	39-11

M.39 Nellis Air Force Base (Sheryl K. Parker), September 10, 2008

- Response 39-1:** Sections 1.7.2, 3.3.1, and Table 3.6-2 have been revised to clarify access restrictions that apply to the DOD-withdrawn lands.
- Response 39-2:** The U.S. Air Force Integrated Natural Resources Management Plan (INRMP) is described in Section 1.5, Relationship to Regional Goals.
- Response 39-3:** Sections 3.3.1 and Table 3.6-2 have been revised to include consideration of Fish and Wildlife Service and Air Force assets in wildfire management.
- Response 39-4:** The Final EIS Figures 1.1-1, 1.7-2, 3.3-1, 3.3-2, 3.3-3, 3.3-4, and 4.3-5, and Summary Figures 1, 3, and 7, have been revised to clarify DOD-withdrawn lands.
- Response 39-5:** Both sections referenced were revised to reflect Desert NWR is located immediately north of the cities of Las Vegas and North Las Vegas.
- Response 39-6:** The referenced figures have been revised to show the correct locations of springs.
- Response 39-7:** See Response 39-4. Figure 3 (Summary) and 1.7-2 (FEIS) have been revised to use the same symbol to designate DOD-withdrawn lands as other maps.
- Response 39-8:** This figure and others showing DOD's withdrawn lands have been corrected in the final CCP/EIS.
- Response 39-9:** The footnote on Figure 3 in the Summary has been deleted to avoid confusion.
- Response 39-10:** The compatibility policy discussion in Section 1.4 Legal and Policy Guidance correctly states that compatibility determinations are not required when other federal agencies have primary jurisdiction and the activity is in accordance with a Memorandum of Understanding (MOU) governing use of the land. Our compatibility policy (603 FW 2, Section 2.10[B][1]) further states that "where reserved rights or legal mandates provide that we must allow certain activities, we should not prepare a compatibility determination." Based on our interpretation of the most recent Nellis Air Force Range withdrawal (Public Law [PL] 106-65), Air Force activities on Desert NWR that are in accordance with the existing Air Force/Fish and Wildlife Service MOU are considered legal mandates and are not subject to compatibility determinations. Conversely, activities not covered in the existing MOU are subject to the compatibility policy and regulations.
- Response 39-11:** Section 1.7.2 History of Establishment and Acquisition has been revised to clarify that we have administrative jurisdiction over the Desert Refuge pursuant to PL 106-65. We also included further clarification that PL 106-65 transferred primary jurisdiction of 112,000 acres of bombing impact areas on Desert Refuge from the Service to DOD, and that we retained secondary jurisdiction over these lands.

12.	Vol 1, p. 1-33	<p>DNWR Vision states "... The vast, rugged wild spaces provide wildlife and people a refuge and a place for harmonious recreational opportunities."</p> <p>The statement is misleading in that recreational opportunities are severely limited due to military restrictions and operations. Access to roughly 50% of the DNWR is restricted by the military, thus no recreational opportunities exist except for the few people fortunate enough to obtain a sheep tag. The remaining 50% is overflowed by aircraft as low as 100 feet above the ground. Individuals might argue this impacts the "harmonious recreational opportunities" of this area. These points are ignored in the discussion and vision statement.</p> <p>Recommend a discussion of this impact so readers understand that the recreation opportunities exist on only 50% of the DNWR except for a once a year Big Horn Sheep hunt on the military portion of the DNWR.</p>	39-12
13.	Vol 1, p. 3-22, ¶12; Appendix I	This mentions 1974 wilderness stipulations. They are not included in Appendix I. Please include them in the CCP document.	39-13
14.	Vol 1, p. 3-29, ¶13	Recommend including DOD in the Outreach program.	39-14
15.	Vol 1, chapter 4 or 5	Why no discussion in chapters 4 or 5 on wilderness, yet it's included in table 5.3-1 Summary of Consequences? Recommend adding discussion.	39-15
16.	Appendix F, ¶13.1.2	Remove word "Environmental" and "regular".	39-16
17.	Appendix F, ¶13.3	Request verbiage be added to this section to state that any wilderness revisions/updates on the co-withdrawn lands will be in full coordination with the USAF.	39-17
18.	Appendix I	Please include the wilderness proposal to Congress rather than the summary brochure.	39-18
19.	Appendix I	Wilderness Review: This section addressed Wilderness designations for Ash Meadows, Moapa Valley, and Pahrangat and concluded the lands within Ash Meadows or Moapa Valley did not meet the criteria for wilderness designation. The Service is recommending continuing protecting the 1.37 million acre DNWR wilderness study area until such time as Congress acts upon their wilderness proposal.	39-19
20.	Appendix J	<p>Recommendation One: The Service withdraw the proposal or re-evaluate designating portions of the 845,787 acres of co-withdrawn lands within the DNWR as wilderness. Designating the DOD lands as wilderness appears to usurp the intent of Executive Order 8578, and subsequent legislation, granting the Department of the Air Force exclusive use of these lands. If enacted, wilderness designation would permanently restrict military use of over 730,000 acres of land, directly impacting our ability to meet current and future National Defense objectives.</p> <p>Recommendation Two: The Service does suggest submitting technical corrections to the wilderness proposal to correct overlap with bombing ranges and to relocate hazardous sections of roads. The Service should identify and discuss the military and DOE impacts within these co-managed lands and the affect these impacts have to any potential wilderness designation. As with the de-designation language in Alternative C for the Papoose Lake RNA due to the military overlay, that portion of the DNWR designated as a WSA affected by the military overlay should also be identified as not meeting wilderness criteria. Request the wilderness designation for that portion of the DNWR affected by the military overlay also be considered as not suitable for wilderness designation.</p> <p>Why no sheep data since 2003 included? Recommend including current data.</p>	39-20

- Response 39-12:** We disagree that the sentence regarding recreational opportunities in the vision statement is misleading. Vision statements are broad characterizations of what we hope a refuge will be based on Desert NWR purposes and the Refuge System mission. Not all elements of the vision statement need apply to every unit of a refuge. Many refuges have units that are seasonally or completely closed to the public and address recreational opportunities in their vision statements. Nevertheless, we have added additional text to the CCP/EIS to clarify that the western half of Desert NWR is closed to the general public (see section 1.7.2 and Figure 4.3-5).
- Response 39-13:** Wilderness stipulations are located on pages 25 and 26 of the 1974 wilderness proposal, which is found in Appendix I-2 of the CCP/EIS.
- Response 39-14:** Comment noted. We would be happy to include DOD in the outreach program for Desert Refuge.
- Response 39-15:** The proposed wilderness was not discussed in Chapters 4 or 5 because it is treated the same in all the alternatives. In other words, the treatment of wilderness in the action alternatives is the same as the no-action alternative. Nevertheless, we have revised section 1.7.2, Special Designations, to include more information about the proposed wilderness.
- Response 39-16:** Desert NWR Strategy 3.1.2 has been revised as suggested.
- Response 39-17:** Desert NWR Objective 3.3 has been revised to reflect that we will prepare a revised wilderness proposal in coordination with the DOD.
- Response 39-18:** To the best of our knowledge, the document contained within Appendix I is the proposal that was submitted to Congress. In the Final CCP/EIS, we have included a separate document that accompanied the proposal to Congress: “Changes as a result of the public hearing.”
- Response 39-19:** Comment acknowledged. See response to comment 39-17. We plan to coordinate with the DOD when preparing the revised wilderness proposal for Desert NWR. The issues raised by the commenter can be addressed at that time.
- Response 39-20:** Appendix J was prepared in 2003 by Bruce Zeller, the former Refuge wildlife biologist. The purpose of this document was to explain the basis for bighorn sheep population objectives on Desert NWR. Section 4.3.2 Wildlife has more recent sheep population data, based on NDOW surveys.

August 18, 2008

1) We have lived in Pahrnagat Valley pretty much our entire lives. The P.V. Wildlife Refuge/Lake is one of the most beautiful places in the valley enjoyed by many. We have seen the lake drained for one reason or another through the years, but never to the point that the trees around the edge appeared to be dying like they are now. We hope that the problem there now can be resolved, and that it can be restored to its original beauty so it can continue to be a place of enjoyment for all of us as well as the wildlife.

40-1

2) **HELP**

Within the last 3-4 years it seems the Buzzards have changed the area in which they roost. **We have been invaded by Buzzards** sometimes 50-100 birds flock to roost in the big cottonwood tree behind our house here in Alamo. **They are a real gross nuisance and concern for us.** They cough up hair balls and poop all over our garden area making it impossible to grow vegetables and the place smells like dead cows or animals. We are also concerned for the safety of our little grandchildren who play in our back yard. This doesn't seem like a very healthy environment-possible disease, etc. ?? We have tried to scare them off, but nothing seems to work. We told Merri Maxwell from the Wildlife Refuge about our problem and asked if there was something we could do about it. Merri said she would check into it and later told us that the Buzzard waste was sterile and they shouldn't be a threat to the children. That was all we heard from her. We understand that Buzzards serve their purpose (but not in our backyard). There must be some reason why they have come into town to roost. There are a couple of other people that have also complained that the Buzzards roost in their trees here in town. Why?? There has got to be a reason why they have changed their pattern.

40-2

This can't possibly be a healthy environment - pooping in our garden! We are really tired of them! We would really appreciate any help in solving this problem.

Thank-You

Gary and Darla Davis

M.40 Gary and Darla Davis, received September 11, 2008

Response 40-1: The reservoir was drained to address safety issues regarding the outlet structure of the dam. We plan to repair the outlet structure this summer. In addition, we are exploring options for future management of the Upper Pahranaagat Lake/North Marsh in the ongoing restoration planning process.

Response 40-2: We suggest you contact the Nevada Department of Wildlife (702-486-5127) to address this concern. Alternatively, the U.S. Department of Agriculture Wildlife Services office in Reno may be able to assist you. Their phone number is (775) 851-4848.

M.41 Comments from Public Meetings

Letter 41

Desert National Wildlife Refuge Complex Draft CCP/EIS Comments from Public Meetings

This file provides a list of the comments received during the public meetings conducted the week of August 4, 2008 for the Draft CCP/EIS. Meetings were held at the following places/dates/times:

- **Desert Complex Office** at 4701 N. Torrey Pines Dr., Las Vegas; Monday, August 4, 6-8 pm
- **Amargosa Valley Multipurpose Building** at 821 E. Farm Rd., Amargosa Valley; Tuesday, August 5, 1130 am-130 pm
- **Bob Raud Community Center**, B Room at 150 N. Highway 160, Pahrump; Tuesday, August 5, 6-8 pm
- **Clark County Government Center**, Training Room 1 at 500 S. Grand Central Pkwy, Las Vegas; Wednesday, August 6, 130-330 pm
- **Overton Community Center** at 320 N. Moapa Valley Blvd., Overton; Wednesday, August 6, 6-8 pm
- **Alamo Annex Building** at 100 South 1st West, Alamo; Thursday, August 7, 6-8 pm

M-41 Comments from Public Meetings

Letter 41

Desert NWR Meeting in Las Vegas

Desert Complex Office

August 4, 2008, 6-8 pm

Desert NWR Comments:

- Where will kiosk/signs be located off the 93? | 41-1
- Road improvements will help visitors. | 41-2
- What type of fencing will be used on southern border? Concern with metal fencing and power lines in the utility corridor that follows the southern border. | 41-3

Moapa Valley NWR Comments:

- Why was The Nature Conservancy property not included in the proposed Refuge expansion under Alternative C? | 41-4
- Have SNWA lands been considered in the Refuge expansion? | 41-5

M.41 Comments from Public Meetings

- Response 41-1:** See Section 3.3. A new entrance sign and information kiosk will be located at the Mormon Well Road entrance under Alternative B, C, and D.
- Response 41-2:** Comment appreciated.
- Response 41-3:** We are currently planning to use post and cable fencing along the southern boundary.
- Response 41-4:** See Response 19-1.
- Response 41-5:** Yes. See Response 38-30.

**Ash Meadows NWR Meeting in Amargosa Valley
Amargosa Valley Multipurpose Building**

August 5, 2008, 1130-130 pm

Ash Meadows NWR Comments:

- What part of Refuge is open to hunting and what is allowed to be hunted? | 41-6
- Do bighorn sheep use the Refuge? | 41-7
- Do mountain lions use the Refuge? | 41-8

M.41 Comments from Public Meetings

- Response 41-6:** See Sections 3.2 and 4.2.2. Until a hunt plan is completed, hunting for waterfowl and upland game would continue to be allowed on most of the Refuge, consistent with Service and State of Nevada policies and regulations. In general, the current hunt area includes the entire Refuge except for the area around the current Refuge headquarters.
- Response 41-7:** See Section 4.2.2. Bighorn sheep are occasionally observed at Point of Rocks and the steep terrain on the northeast portion of the Refuge.
- Response 41-8:** Mountain lions have been sighted infrequently on the Refuge.

**Ash Meadows NWR Meeting in Pahrump
Bob Ruud Community Center**

August 5, 2008, 6-8 pm

Ash Meadows NWR Comments:

- What is the Service's knowledge of the historic system based on and what features is the Service attempting to restore to historic conditions? | 41-9
- Who manages Devils Hole pupfish and is it considered a Service-managed species? | 41-10
- What fish does the Service manage the Refuge for? | 41-11
- Do burros occur on the Refuge? | 41-12
- What are current visitor numbers and how are they estimated? | 41-13
- What are the current Refuge budget and the project budget for the restoration activities under Alternative C? | 41-14
- What is the purpose of restoration activities- will they expand or increase endemic species populations? | 41-15
- What do the shaded areas mean on the alternative maps? | 41-16
- Information is available dating back to 1958 on water quality and plants at the Refuge and in the local area, from people who used to work at the Nevada Test Site or for DOE. | 41-17
- Does Pahrump buckwheat occur at the Refuge? | 41-18
- Are ash trees present? | 41-19
- How will noxious or invasive species be managed? Concern with species such as Russian knapweed. | 41-20

M.41 Comments from Public Meetings

- Response 41-9:** See Section 4.2.1. The Service is currently engaged in restoration activities in attempt to restore the area to its natural historic condition. The overall goal of the Refuge is to re-direct spring outflows back into former natural channels, restore native riparian and upland vegetation, and remove unnecessary structures such as roads, fences, dams, levees, and power lines.
- Response 41-10:** See Section 4.2.2. Devils hole is a 40-acre inholding within Ash Meadows NWR, which is managed by Death Valley National Park. The Service has a responsibility to jointly manage threatened and endangered species, including Devils Hole pupfish.
- Response 41-11:** See Section 4.2.2. We manage Ash Meadows Refuge for Ash Meadows Amargosa pupfish, Warm Springs pupfish, Devils Hole pupfish, Ash Meadows speckled dace, and a wide variety of other wildlife and plants.
- Response 41-12:** See Section 4.3.2. Burros do not currently occur on the Refuge because the boundary is completely fenced.
- Response 41-13:** See Section 4.2.4. The number of visitors annually to the Refuge is estimated by traffic counters that count the number of cars entering the Refuge. Based on recent estimates, Ash Meadows NWR receives approximately 65,000 visitors annually.
- Response 41-14:** Information about the existing and proposed budgets for Ash Meadows NWR and the other refuges is contained in Appendix K.
- Response 41-15:** See Sections 3.2.1 and 1.5.4. Restoration activities on the Refuge attempt to restore species to the their historic ranges, establish self-sustaining populations, remove threats from their habitats, restore historic water flows in historic channels, and restore plant and aquatic communities to historic structure and composition. By restoring natural habitat, endemic species are expected to expand their range and increase in population.
- Response 41-16:** The shading represents various vegetation control and/or restoration alternatives as described in the Alternative Highlights legends.
- Response 41-17:** Comment appreciated.
- Response 41-18:** Pahrump buckwheat has not been observed on Ash Meadows NWR.
- Response 41-19:** Leather-leaf ash trees are present throughout the Ash Meadows Refuge.
- Response 41-20:** See Section 5.2.2. The Service prepared an Integrated Pest Management (IPM) Plan in 2006 and is beginning to implement strategies to manage invasive species. A more active invasive species removal program would be implemented under Alternatives B and C to control non-native and invasive plants throughout the Refuge. Specifically, the Service would remove 50 to 75 percent of salt cedar and Russian knapweed populations under Alternative B and 75 to 95 percent of their populations under Alternative C.

**Desert NWR Complex Meeting in Las Vegas
Clark County Government Building**

August 6, 2008, 130-330 pm

General Comments/Questions:

- Define purpose and need for CCP. | 41-21
- Make the connection between planning/expansion of services and staffing levels. | 41-22

Ash Meadows NWR Comments:

- Coordinate with NPS to ensure joint planning with NPS for Devils Hole. | 41-23

Desert NWR Comments:

- Where will prescribed fire be used? This should be identified in a step-down plan. | 41-24

Moapa Valley NWR Comments:

- What factors determined the proposed boundary expansion? | 41-25
 - Actual boundary lines?
 - Why does it not include other private properties?
- Why is SNWA not “called out” as a partner regarding Refuge involvement? | 41-26

Pahrnagat NWR Comments:

- Capture planning for cultural resources and include management of “Black Canyon” in the preferred alternative. | 41-27
- Recommend interpreting cultural resources on the Refuge to benefit the public. | 41-28

M.41 Comments from Public Meetings

- Response 41-21:** Section 1.3 describes the purpose and need for a CCP. A CCP provides long-range guidance on refuge management through its vision, goals, objectives, and strategies. The CCP also provides a basis for a long-term adaptive management process that will include monitoring the progress of management actions, evaluating and adjusting management actions based on new information or techniques, and revising management and monitoring plans accordingly.
- Response 41-22:** Appendix K contains a list of projects proposed in the CCP and their cost. This appendix also describes the existing and proposed staffing levels needed to implement these projects. CCPs provide long-term guidance for management decisions and set forth goals, objectives, and strategies needed to accomplish refuge purposes and identify the Service's best estimate of future needs. These plans detail program planning levels that are sometimes substantially above current budget allocations and, as such, are primarily for Service strategic planning and program prioritization purposes. The plans do not constitute a commitment for staffing increases, operational and maintenance increases, or funding for future land acquisition.
- Response 41-23:** Comment acknowledged.
- Response 41-24:** See Section 5.3.1. Prescribed fire will be used to restore vegetation characteristics representative of a natural fire regime under Alternatives C and D.
- Response 41-25:** See Section 3.4.4, and response 6-2. The primary management objective of the Moapa NWR is to protect and restore habitat for the Moapa dace and contribute to its recovery. This was the primary factor in determining what properties to include in the proposed expansion area.
- Response 41-26:** See Response 38-33
- Response 41-27:** Comment acknowledged. The preferred alternative does include management of cultural resources, including Black Canyon.
- Response 41-28:** Comment acknowledged. The preferred alternative does include cultural resource interpretation, in coordination with culturally affiliated tribes.

**Moapa Valley NWR Meeting in Overton
Moapa Valley Community Center**

August 6, 2008, 6-8 pm

Moapa Valley NWR Comments Overview:

■ Status of Moapa dace population	41-29
■ Tilapia removal and description	41-30
■ Restoration of Apear springs/streams	
○ Removal of shade for fish	41-31
○ Flooding concerns	
■ Use of soil/gravel for restoration	
○ Concern with bringing in nonnative soil	41-32
■ Fire impacts on dace population on Refuge	
○ Reintroduce dace after fire	41-33
■ Differences between dace species	41-34
■ Joint management of dace population with SNWA	41-35
■ Management of expansion area	
○ Water rights and use	41-36
○ Palm tree removal	
■ Fencing constraints for wildlife access to springs	
○ Bighorn sheep	41-37
○ Location/extent of fencing	
■ Spring location	41-38
■ Dace survival	
○ Length of time during restoration that dace are at risk	41-39
■ Odors during restoration of Plummer	
○ What is source?	41-40
■ How can people volunteer?	41-41
■ How will the Service open expansion area to public?	
○ What access will be open?	41-42
○ Need to clean up certain areas	
○ Allowed uses	
■ Status of soft-shell (aka snapping) turtles	41-43
■ Effects of raccoons on fish (particularly dace)	41-44

M.41 Comments from Public Meetings

- Response 41-29:** Though the Moapa dace population went through a period of decline until 2007, it has stabilized in the last two years.
- Response 41-30:** See Section 4.2.2. Blue tilapia were illegally introduced into the upper Muddy River and tributaries. The Service, NDOW, and other collaborators have been conducting a program to eradicate blue tilapia from the Muddy River system and control other non-native populations in order to facilitate recovery of Moapa dace and restore Moapa White River springfish to historic population levels.
- Response 41-31:** Comment acknowledged. Moapa dace were not present on the property prior to restoration. The Service is working with partners to address potential flooding concerns of downstream property owners.
- Response 41-32:** Soil and gravel used in all restoration projects come from local sources.
- Response 41-33:** The 1994 fire devastated the Moapa dace population on the Pederson unit of the Refuge and required reintroduction efforts.
- Response 41-34:** See Appendix H, Biological Resources.
- Response 41-35:** Per the requirements of the SNPLMA funds used to purchase the Warm Springs Ranch, SNWA is required to coordinate with the Service in management of the property.
- Response 41-36:** Appendix L contains a conceptual management plan for the proposed expansion area. More detailed planning for the area will be completed if and when the Service acquires the lands (through agreement, transfer, or purchase).
- Response 41-37:** The southwest side of Moapa Refuge is not fenced and allows wildlife access to springs. Bighorn sheep have recently been sighted on the Pederson Unit of the Refuge.
- Response 41-38:** During the restoration efforts, the modified spring sources are excavated to reveal the original spring heads.
- Response 41-39:** During previous restoration projects, dace have been observed moving into newly restored habitat almost immediately after construction if access is available.
- Response 41-40:** We suspect that the odors are from the breakdown of organic materials.
- Response 41-41:** See Section 4.4.4. The Service works with the other public land agencies in southern Nevada to coordinate volunteer work through the Southern Nevada Interagency Volunteer Program–Get Outdoors Nevada. For more information, please contact the Desert NWR Complex headquarters at (702) 515-5450 or www.getoutdoorsnevada.org.
- Response 41-42:** See Appendix L for more information on how the Service proposes to manage properties that are acquired or transferred.
- Response 41-43:** The soft-shell turtle is known to occur in Moapa Valley NWR; however, the species is not considered a species of special concern.
- Response 41-44:** Raccoons are known to occur at Moapa Valley NWR and within the proposed expansion area. The effects of raccoons on dace are not currently known.

**Pahrnagat NWR Meeting in Alamo
Alamo Annex Building**

August 7, 2008, 6-8 pm

Pahrnagat NWR Comments Overview:

■ Goals/purpose of Refuge	41-45
■ Use water from outside state	41-46
■ Why convert campground to day use?	
○ Campground benefits local community/visitors	
○ Used by Boy Scouts and locals	
○ Removing/restricting camping forces people to go elsewhere (e.g., Eagle Lake)	41-47
○ Locals willing to volunteer	
○ Campground has been working fine	
■ Will fishing remain?	
○ Need fish for waterfowl/wildlife	41-48
○ Secondary use should be for fishing	
■ Clean water for swimming to be safe	41-49
■ Who stocks fish?	41-50
■ Where will the visitor center be located?	41-51
■ Need new trails that are accessible	41-52
■ Status of sandhill crane	41-53
○ Historic use/mitigation route	
■ Why restore drainage through Black Canyon?	
○ Consider alternative routes	41-54
○ Construction concerns	
○ Concern with petroglyphs and public	
■ Can drainage restoration at Black Canyon be done without impacts to cultural resources?	41-55
■ Visitor center design and appearance	
○ Who will be able to use (e.g., school groups)?	41-56
○ Could it be expanded in the future?	
○ Would trees be affected or new trees planted?	
○ Restoration plans, especially for old trees	41-57
■ Status of Ducks Unlimited project	41-58
■ Could gift shop be included at visitor center?	41-59
■ Consider visitor center location at Upper Lake	41-60
■ Does visitor center funding include restoration, trails, etc?	41-61

M.41 Comments from Public Meetings

- Response 41-45:** See Section 1.7.4.
- Response 41-46:** Comment acknowledged.
- Response 41-47:** Comment acknowledged. Our primary reason for proposing to convert the campground to a day use area is that it requires significant staff and funding to operate, which detracts from other refuge management activities.
- Response 41-48:** See Section 3.5.1. Under the preferred alternative, Pahrnagat NWR would continue to be open to fishing. However, until safety issues regarding the dam that impounds Upper Pahrnagat Lake are resolved, opportunities will likely be limited.
- Response 41-49:** The Refuge policy to prohibit swimming would be enforced and regulatory signs at the open water areas maintained. Swimming poses a public health and safety concern and can adversely affect fish, wildlife, and their habitats.
- Response 41-50:** NDOW has stocked fish on the Refuge in the past but not in recent history.
- Response 41-51:** Comment acknowledged. The Service is currently proposing to locate the new visitor contact station at the current headquarters site.
- Response 41-52:** The preferred alternative for Pahrnagat NWR includes construction of new interpretive trails on the Refuge. New trails will be wheelchair accessible where feasible.
- Response 41-53:** See Section 3.5.1. Pahrnagat Refuge is an important stopover location for migrating sandhill cranes. The cranes that use the Refuge are part of the lower Colorado River population of greater sandhill cranes, which is a species of high concern in the Intermountain West Waterbird Conservation Plan.
- Response 41-54:** We propose to restore the historic drainage through the Black Canyon to diversify habitat on the Refuge, in particular riparian areas.
- Response 41-55:** Potential impacts to cultural will be analyzed further in project-specific NEPA documents to be prepared for Refuge actions. To prevent adverse impacts on cultural resources during restoration and construction activities, professional archaeologists would survey the Refuge for cultural resources and record the information and locations prior to project implementation. This project will be fully coordinated with culturally affiliated tribes.
- Response 41-56:** See response 41-52. A step-down plan and NEPA analysis will address the purpose (use), impacts, and mitigations associated with the proposed visitor contact station development. The design of the visitor contact station has not been initiated but we hope to include space for appropriate uses such as school groups.
- Response 41-57:** The health of the riparian habitat is being addressed in the restoration planning effort which is in progress.
- Response 41-58:** The Ducks Unlimited project has been completed.
- Response 41-59:** We will consider including a gift shop at the visitor contact station.
- Response 41-60:** See Responses 41-52 and 41-56. We are not currently proposing to locate the visitor contact station near Upper Lake due to the sensitivity of the habitat and lack of utilities. However, we may consider alternative locations when we prepare the NEPA document for the project.
- Response 41-61:** Funding for the visitor contact station does not include restoration or construction of other visitor facilities such as trails.

- When did BLM take over management of Maynard Lake? |41-62
- What is timetable for outlet structure repair? |41-63
- Campground use/staffing issues need to be addressed |41-64

- Response 41-62:** Jurisdiction of the Maynard Lake area was transferred to BLM by Public Law 108-424, which became law on November 30, 2004.
- Response 41-63:** We plan to complete the repairs of the outlet structure after the lake is drawn down again in the summer of 2009. The lake will refill again as we begin to receive our water allocation in November.
- Response 41-64:** Comment acknowledged.