ENVIRONMENTAL ASSESSMENT

MARAIS DES CYGNES NWR FISHING PLAN

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Prepared by:
U.S. Department of the Interior
Fish and Wildlife Service
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I have determined that the implementation of a fishing program on Marais des Cygnes National Wildlife Refuge will not have a significant effect on the human environment within the meaning of Section 102 (2) of the National Environmental Policy Act of 1969. Accordingly, an environmental impact statement will not be prepared. This determination is based on the following reasons:

1. This proposal is compatible with general Service policy regarding the establishment of fishing on National Wildlife Refuges.
2. This proposal is compatible with the purpose for which Marais des Cygnes NWR was established.
3. This proposal is not controversial.
4. There are no conflicts with local, Regional, State, or Federal plans or policies.

Supporting References:
1. Environmental Assessment
2. Section 7 Endangered Species Evaluation
3. Refuge Fishing Plan
4. Refuge Compatibility Statement

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Associate Manager - Kansas/Nebraska              Date
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I. PURPOSE AND NEED FOR ACTION

The proposed action is to implement a fishing program on Marais des Cygnes National Wildlife Refuge (MDC Refuge) to manage fish populations at optimum levels and to provide recreational opportunities. The proposed fishing program will be in accordance with the current fishing plan. Implementation of the proposed action will be consistent and compatible with the Refuge Recreation Act, Refuge Administration Act, the Environmental Assessment for the Proposed Establishment of Marais des Cygnes NWR (EA), and the Marais des Cygnes NWR Comprehensive Management Plan (CMP).

Fishing is a popular recreational activity in Kansas and nearby Missouri. Public land available for this activity is limited in Kansas.

II. ALTERNATIVES

1) Proposed Action - Fishing as indicated in the current MDC Refuge Sport Fishing Plan
2) Unrestricted Fishing
3) No Action

Criteria for evaluation of alternatives includes:

1) Compatibility with: establishing legislation, EA, and the CMP
2) Adequate funds to administer a fishing program
3) Maximum availability of recreational fishing opportunities

A. Proposed Action (preferred alternative)

The proposed action will allow the public to fish on approximately two thirds of the refuge and all of the Marais des Cygnes River within the refuge.

Two wildlife Sanctuaries will be established, encompassing approximately one third of current refuge acreage. One Sanctuary, 80 acres, was chosen due to its proximity to a likely office site. This area will provide a safe area for public visitation as well as an undisturbed setting for a nature trail.

The other Sanctuary, 2,100 acres, was chosen on the basis of potential for water management capabilities, habitat for species most likely to be impacted by disturbance and hunting, well defined boundaries, and ability to control human disturbance. The Sanctuary will be closed to all public entry except on established trails or for occasional restricted deer hunts. Intensive management on behalf of waterfowl and threatened and endangered species will occur primarily in the Sanctuary. The Sanctuary, or portions of it, will be made available for environmental education and research projects during times of the year when a hunting program would cause unacceptable levels of disturbance.
The remaining portions of the refuge, including the Marais des Cygnes River, are open to fishing in accordance with statewide regulations established by the Kansas Department of Wildlife and Parks. Other regulations specific to MDC Refuge are noted below:

- Identification of Sanctuaries which are closed to fishing and all public entry except on established trails
- No motorized conveyances off of established roads with the exception of mobility impaired hunters possessing a valid state permit who may use an ATV as a hunting blind for deer hunting
- No commercial harvesting of plants and animals without a federal Special Use Permit
- No harvesting of mussels

Specific objectives for the refuge are identified in both the EA and the CMP. These objectives are summarized as follows:

- Preserve and Restore the Bottomland Hardwood Forest Community and Preserve Cultural Resources
- Provide Environmental and Cultural Education/Interpretation Opportunities
- Provide Consumptive and Non-consumptive Wildlife-dependant Recreation Opportunities

B. Unrestricted Fishing

No Sanctuaries or regulations specific to MDC Refuge would be established. This alternative would allow all of the refuge to be open to fishing in accordance with statewide regulations.

C. No Action

MDC Refuge would remain closed to all public use including fishing.

III. DESCRIPTION OF THE AFFECTED ENVIRONMENT

Marais des Cygnes National Wildlife Refuge (MDC Refuge) was established in 1992 with the initial purchase of 5,887 acres from the Pittsburg and Midway Mining Company. The refuge is located approximately 50 miles south of Kansas City along the Marais des Cygnes River (See Figure 1). Immediately west and adjacent to the refuge is the 7,235 acre Marais des Cygnes Wildlife Area (MDC State Area) which is administered by the Kansas Department of Wildlife and Parks.
The refuge acquisition boundary encompasses 9,300 acres, of which approximately 75% are in public ownership (See Figure 2). There are primarily two types of aquatic communities: 1) the Marais des Cygnes River and adjoining streams and wetlands and 2) mine and stock ponds. Approximately 10 miles of the Marais des Cygnes river, 40 mining pits and 12 other ponds occur within or adjacent to the refuge. Less than 8% of refuge acreage is open water.

A Comprehensive Management Plan (CMP) was completed for the Refuge in 1997. This plan identifies current habitat types and recommends a future landscape goal.

The primary purpose for establishment of the refuge is to protect the bottomland hardwood forest community along the Marais des Cygnes River. In addition, the Refuge will serve as an area for wildlife-dependent environmental education, interpretation, and compatible recreation.

MDC Refuge is currently managed by staff from Flint Hills NWR, which is located 95 miles west of the refuge.

The vegetation immediately adjacent to the Marais des Cygnes River channel is primarily bottomland hardwoods. Uplands surrounding the drainage systems within the proposal area were historically prairie grasslands with very little woody vegetation.

Stands of hardwood include pecan, oak, mulberry, osage orange, hickory and maple. The hardwood bottoms are seasonally flooded by the Marais des Cygnes River and by rainfall. When flooded, the bottoms provide an important habitat type for waterfowl, especially for mallards and wood ducks. When the bottomlands are not totally flooded, they provide habitat for deer, quail, squirrel, turkey and many other species of wildlife.

Wetlands in the area are, for the most part, the flooded timbered areas along the river. The original wetland sites were predominantly covered by hardwoods with a few open marsh sites along old oxbows where water depths prohibited woody growth. Most former seasonal wetland areas have been eliminated by conversion of bottomland hardwood wetlands to agriculture. These former wetlands can be re-created by using the existing levees for water retention and also by building other dikes to control water levels.

The Marais des Cygnes River and tributaries provides habitat for species of fish that include minnows (Family Cyprinidae), catfish (Family Ictaluridae), and sunfish (Family Centrarchidae). These species make up the biggest part of the fish population found in the river. The Flat Floater Mussel, Anodontia suborbiculata, formerly called the Heel-splitter Mussel, is a State-listed threatened mollusk located within and adjacent to MDC Refuge.

MDC Refuge provides habitat for a diversity of reptiles and amphibians. A total of 58 herpetological species have been recorded from either Linn or Miami counties. Even though detailed site inventories have not been completed, all of these species probably inhabit the refuge or the land adjacent to it. At least seven species of amphibians and reptiles currently on the Kansas Endangered or Threatened Species list are found at or very near MDC Refuge. These

The adjacent MDC State Area typically sees 60,000 ducks and 20,000 geese a year and the extreme seasonal population has been approximately 130,000 ducks and 40,000 geese. Enhanced management within MDC Refuge would likely see waterfowl use at a level at least equal to that now experienced on the MDC State Area.

Bird species occurring within the area include many passerine species and neotropical migrants. Many of the birds are seasonal migrants that use the area as a resting stop. Over 300 species of birds use the area at various times of the year with at least 113 species reported as nesting.

Several federally-listed threatened and endangered bird species have been observed on or near MDC Refuge. The bald eagle is the most numerous with peak numbers on the MDC State Area between 10 and 30. Peregrine falcons, piping plovers, and least terns are also occasional visitors.

The majority of recreational uses of the area are oriented toward river recreation or waterfowl and upland game hunting. Prior to acquisition by Pittsburg and Midway, several duck clubs were present in the area. Some clubs continue to lease land from other private owners for hunting. Several tracts are owned by individuals solely for hunting recreation and are managed as such. Interspersed with the coal company lands along the river are seasonal and year-round residences used as a base for boating, fishing, and other river-related activities.

A variety of clubs whose theme is outdoor-oriented recreation visit the nearby MDC State Area each year for opportunities to observe waterfowl, general birding, hiking in the natural areas, or viewing wildflowers and other plant species. These clubs travel from throughout the State of Kansas and the Midwest region to enjoy the naturalness and diversity of the area.

**IV. ENVIRONMENTAL CONSEQUENCES**

**A. Proposed Action (preferred alternative)**

**Adverse Impacts**

- Incidental disturbance of wildlife and damage to refuge property through routine use, as with roads, or through vandalism.
- Increased disturbance of adjacent private landowners.
- Additional funding required for fishing program.
Incidental disturbance of wildlife is not expected to be a significant factor. The planned fishing program (See Fishing Plan) and associated Sanctuary are designed to minimize disturbance to bottomland hardwood forest wildlife and wintering waterfowl.

Disturbance to private landowners will be minimal as most landowners do not live adjacent to the Marais des Cygnes River, which is where most fishing activity will occur.

The refuge is currently closed to all public entry. Law enforcement is therefore already necessary to prevent entry within the refuge. Additional law enforcement necessary to maintain a fishing program will not require significant increases in staff time and funding. The area was served by state law enforcement officers in the past when the area was open to fishing and will likely be served in the future as well.

Funding to develop a brochure describing the fishing program may be necessary but would be minimal, especially if a general refuge brochure is designed which incorporates pertinent aspects of the hunting/fishing program.

**Beneficial Impacts**

- Both fishing and non-fishing persons allowed to enjoy and participate in the refuge environment

This alternative allows much of the refuge to be used and enjoyed by the public but also provides habitat for disturbance sensitive species. It is compatible with establishing legislation, the EA, and the CMP. There is also adequate funding to administer a fishing program as proposed.

**B. Unrestricted Fishing**

**Adverse Impacts**

- Incidental disturbance and of wildlife and damage to refuge property through routine use, as with roads, or through vandalism.

- Increased disturbance of adjacent private landowners.

- Additional funding required for fishing program.

- No portion of the refuge would be available for disturbance sensitive species, or for wildlife watching, environmental education, and research without the potential for disruption.

This alternative has similar negative impacts as with the Preferred Alternative except that no Sanctuaries or regulations specific to MDC Refuge would be established.
The absence of Sanctuaries would result in no undisturbed roosting areas for wintering bald eagles and migrating/wintering waterfowl or undisturbed feeding areas for nesting wading birds. It would also eliminate an area where wildlife viewing, environmental education and research projects could occur without possible disturbance by fishermen.

The absence of Refuge Specific regulations would allow commercial harvesting of wildlife and the use of off-road vehicles. Absence of these regulations would increase disturbance in the area and allow harvesting of wildlife at levels which may have detrimental impacts on federal and state threatened species which are unique to the area.

While this alternative allows for a maximization of fishing opportunities it also compromises other objectives for which the refuge was established and is therefore not compatible with the EA or the CMP.

**Beneficial Impacts**

- Both fishing and non-fishing persons allowed to enjoy and participate in the refuge environment

**C. No Action**

**Adverse Impacts**

- Neither fishing or non-fishing persons allowed to enjoy and participate in the refuge environment

**Beneficial Impacts**

- No additional funding required for fishing program
- No incidental disturbance of wildlife and damage to refuge property through routine use, as with roads, or through vandalism.

MDC Refuge would remain closed to all public use including fishing. The public would not be allowed to enjoy and interact with the environment and the wildlife which are a part of it.

This alternative would compromise the objective of providing consumptive wildlife-dependant recreation and is not compatible with the EA or the CMP.

**IV. CONSULTATION AND COORDINATION WITH OTHERS**

News releases and public meetings were conducted throughout the area in 1991 regarding establishment of MDC Refuge. More recently, an open house public meeting was conducted on
April 29, 1997. During these meetings many affected landowners and other interested citizens expressed their interests and concerns regarding fishing on MDC Refuge. The manager of the adjacent MDC State Area was also consulted, and provided important information regarding the formation of a fishing program on MDC Refuge. A letter from Kansas Department of Wildlife and Parks supporting the proposed hunting program is enclosed with this document.

LITERATURE CITED
