Crowleys Ridge Conservation Area

Ten-Year Area Management Plan

FY 2018-2027



Wildlife Division Chief

18/18

Date

Crowleys Ridge Conservation Area Management Plan Approval Page

PLANNING TEAM

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SOUTHEAST REGION

RCT Chair

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Korky Hayes Signature

|2 - |1 Date

01/02/2018

Signatu

OVERVIEW

- Official Area Name: Crowleys Ridge Conservation Area, # 8107
- Year of Initial Acquisition: 1980
- Acreage: 1,878 acres
- County: Stoddard
- Division with Administrative Responsibility: Wildlife
- Division with Maintenance Responsibility: Wildlife
- Statements of Purpose:

A. Strategic Direction

Provide, develop, manage, and protect quality upland habitat and associated wildlife species while providing a variety of outdoor recreational opportunities for the public. Management emphasis is on maintaining vegetative diversity on grasslands and old fields, emphasizing the use of best management practices, and managing open lands to produce high quality habitat for bobwhite quail, grassland birds, and other upland wildlife.

B. Desired Future Condition

The desired future condition of Crowleys Ridge Conservation Area (CA) is a healthy woodland/riparian/grassland/open land complex that promotes upland wildlife with an emphasis on early successional species while providing a variety of public use opportunities.

C. Federal Aid Statement

This area, or a portion thereof, was acquired with Pittman-Robertson Wildlife Restoration funds to restore and manage wildlife, conserve, and restore suitable wildlife habitat and provide public access for hunting or other wildlife-oriented recreation.

GENERAL INFORMATION AND CONDITIONS

I. Special Considerations

- A. Priority Areas: Crowleys Ridge CA is a Missouri Department of Conservation (Department) Quail Emphasis Area. It also occurs in the Crowleys Ridge Quail Focus Area and is a Priority Forest Landscape.
- B. Natural Areas: None

II. Important Natural Features and Resources

- **A. Species of Conservation Concern:** Species of conservation concern are known from this area. Area managers should consult the Natural Heritage Database annually and review all management activities with the natural history biologist.
- B. Caves: None

- C. Springs: None
- **D.** Other: Occurs in the Crowleys Ridge subsection in the Crowley's Ridge Loess Woodland/Forest Hills Landtype Association. This landtype association consists of loess-covered hills having generally 100-150 feet of local relief rising to 250 feet on the eastern margin. Much of this landscape was historically oak and mixed-hardwood woodland and forest with inclusions of eastern mesophytic species (Nigh & Schroeder, 2002).

III. <u>Existing Infrastructure</u>

- Seven gravel parking lots
- One designated camping area
- One storage shed
- Six fishing ponds (0.6, 0.7, 0.8, 1, 3, and 5 acres)

IV. Area Restrictions or Limitations

A. Deed Restrictions or Ownership Considerations: None

- **B.** Federal Interest: Uses of land acquired with federal funds may not interfere with the purpose for which it was acquired. Federal funds may also be used in the management of this land. Fish and wildlife agencies may not allow recreational activities and related facilities that would interfere with the purpose for which the State is managing the land. Other uses may be acceptable and must be assessed in each specific situation.
- C. Easements: Yes, Southeast Missouri Electric Cooperative easement.
- **D. Cultural Resources Findings:** Yes, records kept with the Department environmental compliance specialist. Managers should follow best management practices for cultural resources found in the Department Resource Policy Manual.
- E. Endangered Species: None observed.
- F. Boundary Issues: None

MANAGEMENT CONSIDERATIONS

V. <u>Terrestrial Resources Management Considerations</u>

Challenges and Opportunities:

- 1) Maintain and promote the open lands on Crowleys Ridge CA in early successional stages.
- 2) Control invasive species.
- 3) Maintain forest and woodlands in a healthy sustainable condition.

Management Objective 1: Manage open lands in a manner that provides early successional habitat for wildlife.

Strategy 1: Prescribe burn warm-season grass and old fields with varying size and timing to provide a diversity of plant responses. (Wildlife)Strategy 2: Disc or spray a portion of the disturbed ground in the same year as the prescribed burn. (Wildlife)

Management Objective 2: Manage open land fields for annual crops.

Strategy 1: Use permittee farming to manage a mixture of crops, food plots, idled acres, and Department legume fields. (Wildlife)

Strategy 2: Plant a mixture of crops annually for dove management. (Wildlife)Strategy 3: Plant food plots in smaller fields on the area by planting a variety of grain and green browse crops to supplement native food sources for wildlife.(Wildlife)

Management Objective 3: Control invasive species in open land and forested habitats. Strategy 1: Monitor the area for sericea lespedeza, bush honeysuckle, Japanese honeysuckle, autumn olive, tall fescue, Johnson grass, and any other potential invasive species. (Wildlife)

Strategy 2: Use mechanical and chemical treatments, as needed, for management of selected invasive species. (Wildlife)

Management Objective 4: Create and enhance shrubby/edge cover to enhance wildlife habitat.

Strategy 1: Use mechanical (e.g., chain saw and tree shear) to disturb overgrown shrub groups, fence rows, and brushy draws. (Wildlife)

Strategy 2: Use foliar and basal treatments to disturb overgrown shrub groups. (Wildlife)

Strategy 3: Edge feather timbered habitats by use of chain saw and/or tree shear. (Wildlife)

Management Objective 5: Manage for sustainable and healthy forest and woodland communities with emphasis on wildlife habitat and improved timber quality for future harvests.

Strategy 1: Continue to implement the forest inventory schedule for the area.Inventory will be used to guide future management decisions. (Forestry)Strategy 2: Use uneven-aged, even-aged, forest thinning, and prescribed fire management practices to maintain and regenerate forest and woodland communities, where appropriate. (Forestry)

Strategy 3: Monitor forests and woodlands for invasive vegetation, diseases, and insects. Suppress any infestations that may develop by using mechanical and chemical control methods. (Forestry, Wildlife)

Strategy 4: After timber harvest, install best management practices to prevent soil erosion according to the *Missouri Watershed Protection Practices for Missouri Forests: 2014 Management Guidelines for Maintaining Forested Watershed to Protect Streams* (Missouri Department of Conservation, 2014). (Forestry)

Management Objective 6: Establish and/or maintain a riparian corridor of trees along all stream drainages.

Strategy 1: Plant bottomland tree species along streams, where needed, to widen the existing riparian corridor to a more functional and protective width. A minimum riparian corridor width of 50 feet will be established on first- and second-order streams. All other streams will have a minimum riparian corridor width of 100 feet. (Wildlife, Forestry)

VI. <u>Aquatic Resources Management Considerations</u>

Challenges and Opportunities:

- 1) Manage fish populations for quality angling.
- 2) Manage aquatic and/shoreline vegetation for quality fish habitat and angler access.
- 3) Maintain area wildlife watering holes as habitat for amphibians, reptiles and other wildlife.

Management Objective 1: Provide quality fish populations that provide diverse angling opportunities for the public.

Strategy 1: Conduct spring electrofishing surveys on a three-year rotation according to standardized protocols to assess largemouth bass and sunfish populations in all the ponds on the area. (Fisheries)

Strategy 2: Continue the annual supplemental stocking of channel catfish at Ponds 1, 2, and 3. The stocking rates may be adjusted periodically to maximize numbers for angler satisfaction. (Fisheries)

Strategy 3: Conduct standardized hoop-netting surveys at Ponds 1, 2 and 3 every four years to assess the channel catfish community. (Fisheries)

Management Objective 2: Maintain beneficial aquatic vegetation at a level not to exceed 30 percent coverage and no more than 10 percent of the shoreline coverage, where bank angling is accessible during the growth months.

Strategy 1: Use herbicides if all other vegetation control measures fail or are not applicable. Apply spot treatment of aquatic approved glyphosate herbicide, where plant densities dictate. (Fisheries)

Strategy 2: Establish desirable aquatic vegetation in ponds. (Fisheries)

Management Objective 3: Provide shoreline and deep-water woody cover to diversify fish habitat and improve angler success.

Strategy 1: Periodically fell large hardwood trees into the ponds. (Fisheries, Wildlife)

Strategy 2: Periodically construct and place brush piles. Small to moderate sized hardwoods and cedar trees may be used to make the brush piles. (Fisheries, Wildlife)

VII. <u>Public Use Management Considerations</u>

Challenges and Opportunities:

- 1) Provide hunting, fishing, and recreational opportunities.
- 2) Improve educational and interpretive opportunities.
- 3) Build relationships with neighboring landowners.

Management Objective 1: Promote and monitor public hunting and viewing opportunities.

Strategy 1: Conduct annual management activities that will provide habitat for a diversity of species. (Wildlife)

Strategy 2: Collect quail hunter numbers and harvest data through daily hunter cards. Collect cards in a timely manner and enter them into a database to estimate hunter and harvest trends of quail. (Wildlife)

Management Objective 2: Improve educational and interpretive opportunities on Crowleys Ridge CA.

Strategy 1: Communicate recreational opportunities to the public (e.g., using brochures, Atlas database). (Wildlife)

Strategy 2: Communicate the uniqueness of the area to teachers, students, scout groups, and youth groups to highlight area as a possible destination for ecology classes, school programs, and workshops. (Outreach and Education)

Management Objective 3: Facilitate a good working relationship with neighboring landowners.

Strategy 1: Work with neighbors to minimize any boundary, trespass, or any other issues affecting Crowleys Ridge CA or private property. (Wildlife)

Strategy 2: Promote habitat management on neighboring landowner properties. (Private Land Services, Wildlife)

Management Objective 4: Provide area users diverse recreational opportunities on the area that are consistent with defined management objectives and sensitive to the natural communities and features of the area.

Strategy 1: Maintain accurate area information and regulations through the Atlas database, area brochures, posted information, and staff contacts with area users. (Wildlife, Protection, Fisheries)

Strategy 2: Maintain parking lots/camping areas, bulletin boards, and service roads to promote a presentable appearance for area users. (Wildlife)

Strategy 3: Repost boundary lines every five years or as needed. (Wildlife) **Strategy 4:** Promote compatible safe uses of hunting, fishing, birding, hiking, camping, and nature photography. (Wildlife)

Strategy 5: Monitor and document multiple use conflicts or concerns. Identify potential timing/seasonal use conflicts and modify special use permit conditions and dates as needed to minimize concerns. (Protection, Wildlife)

VIII. Administrative Considerations

Challenges and Opportunities:

- 1) Maintain area infrastructure at current levels.
- 2) Deter illicit activities on the area such as littering, all-terrain vehicle trespass, horseback riding, vandalism, etc.
- 3) Consider land acquisition, when available.

Management Objective 1: Maintain area infrastructure at current levels.

Strategy 1: Maintain area infrastructure in accordance with the Department guidelines and at currently identified maintenance level. (Wildlife)

Management Objective 2: Deter illicit public use on the area.

Strategy 1: Use Stoddard County conservation agents to enforce area rules and regulations and deter any illicit activities on the area, e.g., littering, all-terrain vehicle trespass, horseback riding, vandalism, etc. as often as necessary. (Protection, Wildlife)

Lands Proposed for Acquisition:

When available, adjacent land may be considered for acquisition from willing sellers. Tracts that improve area access, provide public use opportunities, contain unique natural communities, and/or species of conservation concern, or meet

other Department priorities, as identified in the annual Department land acquisition priorities, may be considered.

MANAGEMENT TIMETABLE

Strategies are considered ongoing unless listed in the following table:

	FY18	FY19	FY20	FY21	FY22	FY23	FY24	FY25	FY26	FY27
Terrestrial Resources Management										
Objective 5										
Strategy 1		X								
Aquatic Resource Management										
Objective 1										
Strategy 1		X			X			X		
Strategy 3			Х				Х			
Public Use N	/Ianager	nent								
Objective 4										
Strategy 3					X					X

APPENDICES

Area Background:

Crowleys Ridge Conservation Area (CA) is located in north central Stoddard County, about 10 miles east of Puxico, Missouri. Crowleys Ridge CA was established in 1980 when the Department purchased 1,875 acres from the Howard Chrisman Family. An additional 3 acres were purchased with Department funds in 1983 from the Hall Family to bring the present size of the area to 1,878 acres.

Crowleys Ridge CA is located on a large land feature known by the same name that is a peninsula of rolling hills, rising 250 feet above the lowlands. This feature extends some 200 miles from Advance, Missouri to Helena, Arkansas. When the area was purchased by the Department it was typically open rolling land with scattered parcels of timber. Much of this open land was fescue and broom sedge pastures.

Crowleys Ridge CA was purchased by the Department in 1980 to develop an upland wildlife area in a portion of the state that, at the time, was lacking this type of an area. The majority of public use on the area has been hunting or fishing related, and area management has reflected this trend. The area was opened to the public in 1981.

Small game hunting for dove, rabbit, and quail has been popular on Crowleys Ridge CA since the property was acquired. Land management efforts have been in place to provide habitat for these species and hunting opportunities for small game hunters. In 2004, Crowleys Ridge CA was designated as a Quail Emphasis Area by the Department, as part of the Northern Bobwhite Recovery Plan. This designation places greater emphasis on quail and grassland bird habitat.

Land/Water Type	Acres	% of Area
Woodland	552	29
Grassland	463	25
Open land	286	15
Forest	274	15
Old Field	245	13
Savanna	21	1
Open Water	19	1
Infrastructure	14	<1
Wetlands	4	<1
Total	1,878	100

Current Land and Water Types:

Public Input Summary:

The draft Crowleys Ridge Conservation Area Management Plan was available for a public comment period March 1–31, 2017. The Missouri Department of Conservation received comments from six respondents (Appendix A). The Crowleys Ridge Conservation Area Planning Team carefully reviewed and considered these ideas as they finalized this document. A brief summary of public input themes, including how they were incorporated or why they were not, can be found below. Rather than respond to each individual comment, comments are grouped into general themes and are addressed collectively.

Department responses to themes and issues identified through the Crowleys Ridge Conservation Area Management Plan public comment period.

Concerned current area management practices are not producing the desired results of a quail focus area.

Quail decline is an issue nationally and several research projects are being implemented statewide to help identify possible solutions. The landscape around the area has changed from previous quail habitat to agricultural production, and fescue fields and quail numbers are declining as a result. Crowleys Ridge CA has been designated a Quail Emphasis Area with the goal of maintaining and expanding useable habitat for quail on the area. We try to balance habitat needs for the life cycle of quail with nesting, brood rearing, and shrubby escape cover habitats. Quail are early successional habitat species, which requires some type of disturbance everyone to three years on these habitats using a combination of techniques. Area staff has been mechanically removing woody encroachment, edge-feathering, planting food plots, controlling invasive species, and using prescribed burns and herbicides to setback succession to create a diversity of habitats on the area. As a result, quail numbers have been rising the past five years according to fall covey counts. We will continue to implement these management activities on the area.

Suggests adding more crop fields and food plots to support quail, rabbits, deer, and turkey. Food plots provide a source of high-energy food during the fall and winter months and provide a management tool for vegetative succession control. Staff at Crowleys Ridge CA currently plant and manage a mixture of crops in a rotation on 80 to 100 acres annually. These acres are spread out over the area in 1- to 15-acre fields and all of these acres are unharvested. Crowleys Ridge CA has been designated a Quail Emphasis Area with the goal of maintaining and expanding useable habitat for quail on the area. A large majority of the land surrounding the area is in agricultural production. We try to balance habitat needs for the life cycle of quail (as well as all wildlife) by keeping a diverse mix of nesting, brood rearing, and shrubby escape cover habitats on our area. There are no plans at this time to expand efforts for additional food plots.

Suggests leaving more crops unharvested as a winter food source for wildlife.

Food plots provide a good source of high-energy food during the fall and winter months and provide a management tool for vegetative succession control. Staff at Crowleys Ridge CA currently plant and manage a mixture of crops in a rotation on 80 to 100 acres annually. These acres are spread out over the area in 1- to 15-acre fields and all of these acres are unharvested. There are no plans at this time to expand efforts for additional food plots.

Suggests burning the area more frequently to enhance habitat for quail and rabbits.

Prescribed fire has and continues to be identified as a key management tool in grassland, old field, and forest habitats on Crowleys Ridge CA. It is our intent to conduct prescribed burns in a rotation that gets each unit burned within a two-to-four-year window since the previous burn. Depending on weather conditions and availability of staff in the region, we conduct prescribed burns on 200 to 550 acres annually on the area. We will continue to implement these management activities at this frequency on the area.

Suggests conducting more edge feathering for rabbit habitat.

Staff at Crowleys Ridge CA currently conducts edge feathering/enhancement of field edges and creating brush piles as one of their management techniques. This type of management involves cutting and using downed trees to provide escape cover for quail, rabbits, and other small game from predators. We will continue to implement these management activities as staff time and budgets allow.

Suggests burning smaller patches instead of large patches during controlled burns.

Prescribed fire has and continues to be identified as a key management tool in grassland, old field, and forest habitats on Crowleys Ridge CA. It is our intent to conduct prescribed burns on the open lands in a rotation that gets each unit burned within a two-to-four-year window since the previous burn. Depending on weather conditions and availability of staff in the region, we have a limited number of days annually to burn on this area and use roads and topography to be as efficient as possible. We conduct prescribed burns on 200 to 550 acres annually on the area with units ranging in size from 4 to 150 acres. This offers a diverse landscape with patches of small and large prescribed burns.

Suggests adding 10-12 miles of multi-use (hiking and horseback riding) trails to Crowleys Ridge CA.

The planning team recognizes the need to provide access to Crowleys Ridge CA. There are currently no plans to establish designated multi-use trails on this area; however, we do maintain over 10 miles of access trails that are open for hiking. The locations of the area access trails are located on our area maps found at each parking lot. Horseback riders can pursue this recreational opportunity nearby on Holly Ridge CA (11 miles away), Castor River CA (27 miles away), or Apple Creek CA (65 miles away).

Concerned area users are parking on the adjacent county road, creating dangerous driving conditions.

Crowleys Ridge CA currently provides seven parking lots for area users to access the area. Although we recommend the public park at one of these parking lots, we have limited control of parking on adjacent county roads. We will continue to work with area users when parking creates dangerous driving conditions.

References:

Missouri Department of Conservation. (2014). *Missouri watershed protection practice* recommended practices for Missouri forests: 2014 management guidelines for maintaining forested watersheds to protect streams. Jefferson City, MO: Conservation Commission of the State of Missouri.

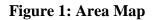
Nigh, T. A., & Schroeder, W. A. (2002). *Atlas of Missouri ecoregions*. Jefferson City, MO: Missouri Department of Conservation.

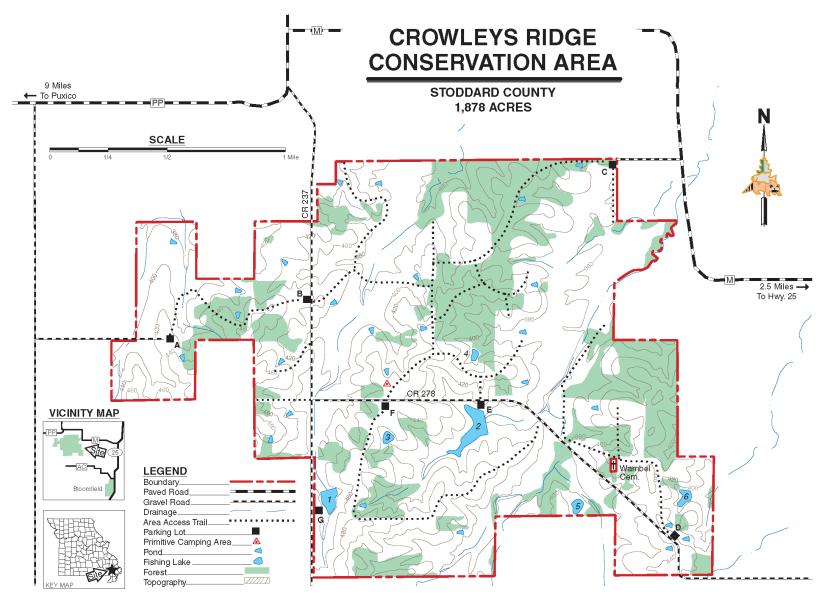
Maps:

Figure 1: Area Map Figure 2: Easement Map Figure 3: Topographic Map Figure 4: Current Vegetation Map

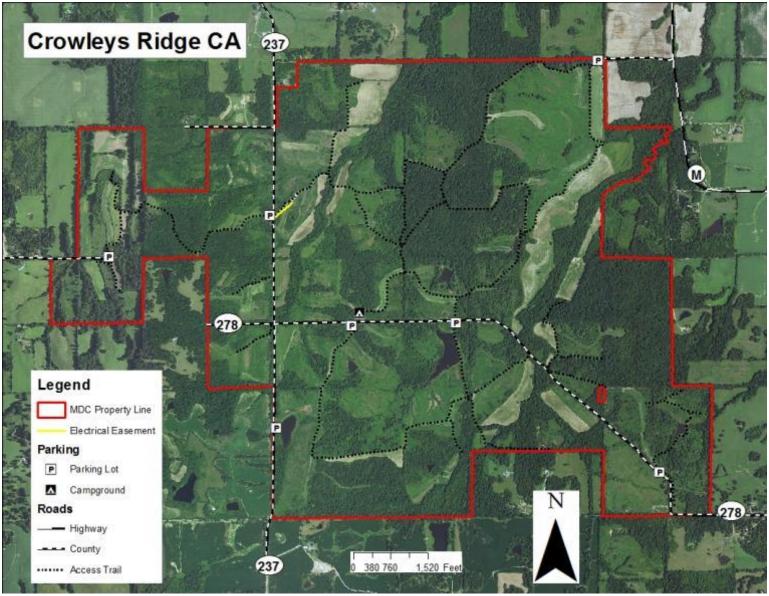
Additional Appendices:

Appendix A: Crowleys Ridge Conservation Area Management Plan Public Comments











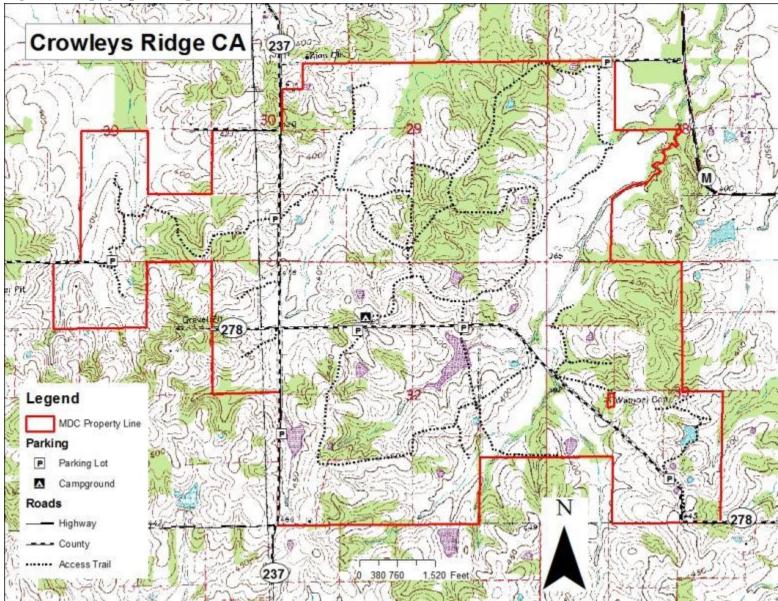
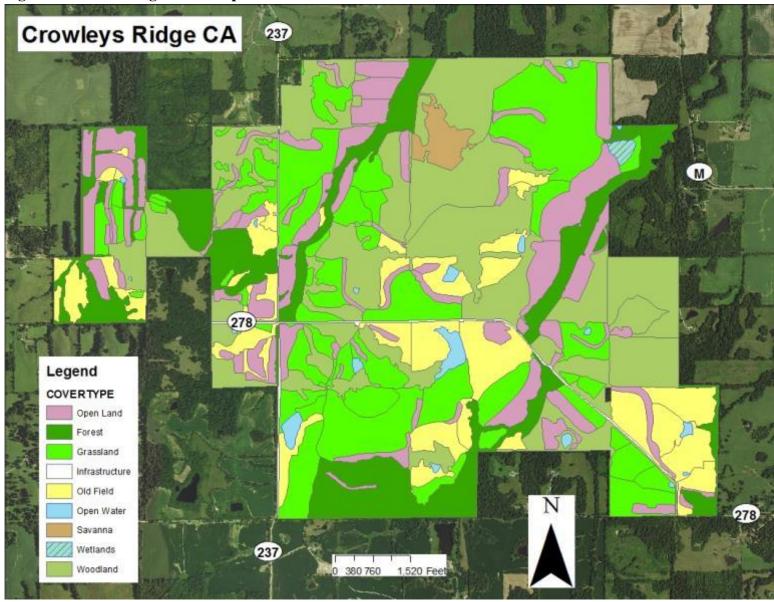


Figure 4: Current Vegetation Map



Appendix A: Crowleys Ridge Conservation Area Management Plan Public Comments

Received during public comment period (March 1–31, 2017):

Go back and compare how the area was in the 80's and how it is today. A big difference I see in then and now is less Agricultural Crops planted today, too much thick in-penetratable cover today. Not enough open ground under cover for young Quail to survive. Go back to working with are Farmers on a crop share program, leaving un-harvested crops standing around edges. Controled burns are done but not often enough which allows cover to become too heavy. Bush hogging is ok but is not the answer because after repeated times it allows too many small trees to develop and shade out desirable cover such as legumes like common lespedeza, beggar lice, crotons, common ragweed, and desirable weeds for small game to grow. Plowing on areas where erosion is not a problem and let it lie fallow might help. I am a quail hunter but I am not interested in killing Quail but training dogs. Even with old veteran dogs just finding enough coveys to work dogs on is a challenge. I can tell you that in the 80's and into the 90's there were more quail then than now on this Area. I do not intend for this to be too critical or Imply that not enough is being done. I do love the fact that there is 1800 acres of public land there to use and I drive 2 hours to use it. When I heard it was designated as a quail focus area I got excited but to be honest I just do not see results and I know that it would not happen overnight and that every nesting year is different. There are not many old bird hunters left but maybe you could put together an advisory group together to give input on what works and what does not because I promise you they have been there and done that and do care.

Continue all practices like last four or five years with more burning when possible, more open areas much less tall grasses more broom sages and shorter grass or weeds providing much more open ground under better for quail, rabbits, dogs, and hunters, and more small feed fields of peas and beans and milo on newly cleared areas! also might use a disc with buster harrow hanging on back to smooth down disc ridges and make it easier for older fellows like me to walk when it's wet 1 am 73!

Please consider the addition of hiking / equestrian trails in this area. Thank you.

I think the area is managed very well. I would like see more food plots and more land purchased to expand the area. I see good numbers of deer,turkey,rabbits and hear lots quail. I belive the management practice of burning and food plots are working. One of the challenges of hunting a place like Crowleys Ridge is access,the mowing of lanes is greatly appreciated. Every person that I have met that works for the department has been friendly. The only thing I can say bad is sometime people using the area will park on the county roads in some locations that makes driving around them dangerous. My family drive these roads everyday so I would like to see a solution to this problem if possibly. Overall you guys are doing a great job and hope it continues

Please do more feather edging for rabbit habitat, burn smaller patches instead of great big patches on the control burns. Plowing 2 or 3 furrows around edge cover which provides better nesting areas for rabbits. Leave a bigger percentage of crop for winter food source (corn & mil).

Thank you for the opportunity to comment on the Crowleys Ridge Conservation Area Draft Management Plan.

It is good that the Mission of the Missouri Department of Conservation, the Federal Aid Statement in the Crowleys Ridge CA Draft Management Plan, and item 1 under Public Use Management Considerations are in perfect agreement on an important point. The MDC Mission Statement reads, in part, "...to facilitate and provide opportunity for all citizens to use, enjoy, and learn about these (fish, forest and wildlife) resources;" the Federal Aid Statement reads, in part, "...and provide public access for hunting and other wildlife-oriented recreation," and Public Use Management Consideration item 1 reads, "Provide hunting, fishing and recreational opportunities."

Horseback riders are part of the public and some of the neighbors to Crowleys Ridge CA. Public lands, especially Conservation Areas, are popular places to ride because of their unique natural features, their variety of landscapes, and because the professional management provides outstanding opportunities to see wildlife and to learn about forest and wildlife habitat management and the ecology of natural communities. Horseback riders enjoy and appreciate these things as much as anyone. Horseback riding makes such recreational enjoyment possible to members of the public that would otherwise be unable to participate; examples include elderly folks and those with physical disabilities, both young and old. Horseback riding is also frequently enjoyed by families with young children—too big to carry and too small to walk very far; in a natural setting this gives parents the opportunity to teach and pass on a knowledge and appreciation of wildlife, forests, and everything nature offers.

Some may say that since horseback riding is permitted on nearby Holly Ridge Conservation Area riders should simply go there. In the Back Country Horsemen of Missouri's 2015 proposal "Expanding Public Land Multi-Use Trails in Missouri" we assert that no less than 10-12 miles of trails are required to provide a quality, attractive riding experience; we further assert that no less than 10-12 miles of trails are required to meet demand created by every 1,000 horses and mules. According to the 2012 Census of Agriculture there are 1,813 horses and mules in the six "Bootheel" counties. Holly Ridge is the only public land in these counties where horseback riding is permitted, and there are only eight miles of multi-use trails there—riding eight miles takes about an hour and a half on a good gaited horse.

Administrative Considerations, item 2 reads, "Deter illicit activities...;" the list includes horseback riding. It may be that the illicit activity is being carried on by bad people. It is more likely that the activity is testimony that an underserved public consisting of good people is desperate for a place to have a quality ride.

Administrative Considerations, Management Objective 2 reads, "Use ... conservation agents to

enforce rules and regulations and deter illicit activities, e.g.,..."—again, the list includes horseback riding. Public Use Management Considerations item 3 reads, "Build relationships with neighboring landowners." Management Objective 3 reads, "Facilitate a good working relationship with neighboring landowners." And finally Management Objective 4 reads, "Provide area users diverse recreational opportunities on the area consistent with defined management objectives and sensitive to the natural communities and features of the area." I respectfully request that you achieve the latter three and make it unnecessary to burden the conservation agents with the enforcement issue by partnering with those neighboring riders to implement a sustainable, resource- protecting multi-use trail network of 10-12 total miles.

Crowleys Ridge CA is well suited to such a development. The area (1,878 acres) is more than adequate; access is convenient only a short distance off MO Routes M and PP; the landscape position is upland; soils are predominantly well drained, and the land use and cover is quite diverse.

Back Country Horsemen of Missouri has experience and expertise in developing sustainable, resource-protecting trails and in developing partnerships between public land managers and groups of trail users. The organization offers, subject to the availability of volunteers, to advise and assist the Department and their partnering neighbors to install such a system on Crowleys Ridge CA.

Thank you again for the opportunity to comment and for your due consideration.