

COMPATIBILITY DETERMINATION

Use: Guiding for bird watching, wildlife observation and photography.

Refuge Name: Cache River National Wildlife Refuge, Augusta Arkansas

Counties: Woodruff, Monroe, Prairie, Jackson.

Establishing and Acquisition Authority(s): Emergency Wetlands Act; Migratory Bird Conservation Act; Fish and Wildlife Act of 1956

Refuge Purpose(s):

"... for use as an inviolate sanctuary, or for any other management purpose, for migratory birds." 16 U.S.C. 715d (Migratory Bird Conservation Act)

"... the conservation of the wetlands of the Nation in order to maintain the public benefits they provide and help to fulfill international obligations contained in various migratory bird treaties and conventions ..." 16 U.S.C. 3901 (b) (Emergency Wetlands Resources Act of 1986)

"... for the development, advancement, management, conservation, and protection of fish and wildlife resources..." 16 U.S.C. 742f (a) (4)

"... for the benefit of the United States Fish and Wildlife Service, in performing its activities and services. Such acceptance may be subject to the terms of any restrictive or affirmative covenant, or condition of servitude ..." 16 U.S.C. 742(b) (1) (Fish and Wildlife Act of 1956)

National Wildlife Refuge System Mission:

"The mission of the National Wildlife Refuge System is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans" (National Wildlife Refuge System Administration Act of 1966, as amended) 16 U.S.C. 668dd-668ee.

Description of Use:

To allow commercial guiding for Wildlife Observation, bird watching, and photography in the Cache River National Wildlife Refuge. The objective is to provide the opportunity to experience these wildlife oriented activities to the segment of the public lacking the knowledge or equipment required to view fish, wildlife, plants, or their habitats and to comply with the legal mandates of the National Wildlife Refuge System Improvement Act of 1997 concerning compatibility and priority public use.

Guides will be allowed to operate through issuance of a Special Use Permit (SUP) which must be renewed annually. Special conditions are attached as part of the permit and are designed to meet the above objectives and provide liability protection to the government. The annual fee for the permit will be \$ 500.00 except for tour buses, which are \$100 per tour.

Guiding and equipment involve using vehicles, buses, motor boats, paddle boats, canoes and hiking. Guiding, if necessary to prevent conflicts, may only be allowed in designated areas during heavy use periods of the year or on all open refuge land during other periods of the year. Specific hours of operation may also be designated during hunting seasons to reduce conflicts.

Surrounding communities include: Augusta, Brinkley, Biscoe, DeValls Bluff, and Clarendon. Within these communities, grocery stores, sporting goods stores, restaurants, lodges and other businesses obtain a large proportion of their annual income from the influx of both guided and non-guided refuge visitors.

Increased requests for Special Use Permits to conduct wildlife observation guiding on the Cache River NWR are expected in the future. Special Use Permits will be issued on a first come first serve basis. Future increased request for commercial wildlife observation guiding SUP's will be reviewed by management and additional steps including limiting guides and designating observation areas may be necessary to maintain high quality wildlife observation opportunities for all refuge visitors. If guiding demand increases in future years, a drawing (lottery) system or a concessionaire contract may be established to prevent overcrowding and conflicts.

Refuge compatibility has always necessitated a review process for all public use activities on National Wildlife Refuges. This procedure was further emphasized in 1997, with the passage of the National Wildlife Refuge System Improvement Act of 1997 (NWRISA). This act established six priority public uses of refuges which would be allowed when compatible with the established purposes of the refuge and the System's mission. These six public uses are: hunting, fishing, wildlife observation, wildlife photography, environmental education and interpretation. Although wildlife observation is involved on guided trips, the commercial nature of activities associated with this use does not qualify as one of these six priority public uses (Federal Register/Vol.65, No.202/Wednesday, October 18, 2000/Rules and Regulations-Issue 13: Priority Uses, Pages 62471 and 62472). All commercial activities, including guiding of wildlife observers, are special type uses that may be authorized when they are compatible with the purpose of the refuge, the mission of the National Wildlife Refuge System and can be administered in a way that minimizes conflicts with priority uses. This commercial guiding program is being implemented with provisions to ensure compliance with the legal mandates of the NWRISA, including compatibility.

Availability of Resources: Adequate funding and staff exist to administer refuge regulations and permit special conditions at the current level of SUP request for this activity. An increase in SUP request and guiding activity may not be possible to administer with the current existing staff.

Anticipated Impacts of the Use:

Cache River NWR lies within the Mississippi Delta of Arkansas. Typical towns within this region are small rural communities with the majority of the residents depending on agriculture as the main economy. Other forms of income for local residents include commercial fishing, commercial musseling and part time guiding. Other income sources for the area include factory work, and public welfare programs. Commercial guiding on public lands involves a low level of regular employment and is generally supplied by off season agriculture workers. Wildlife dependent recreation is the primary public use on Cache River NWR. The majority of recreational use on the refuge is comprised of hunting (waterfowl, deer, squirrel, and raccoon) and fishing. All use is varied with a combination of participants from within and outside of the local area. Guides for wildlife observation, wildlife photography and bird watching will increase refuge visitation and provide the segment of the public without knowledge or equipment the means to experience the refuge and provide increased economic benefits to the surrounding communities.

Public Review and Comment:

This draft Compatibility Determination for Commercial Wildlife Observation Guide Services will be announced as available for review and comment through a statewide distributed newspaper public notice and be available on the refuge website. Interested members of the public can also obtain copies of this draft from the refuge office upon request.

Determination (check one below):

Use is Not Compatible

Use is Compatible With Following Stipulations

Stipulations Necessary to Ensure Compatibility:

See attached Special Conditions of SUP

NEPA Compliance for Refuge Use Decision

Categorical Exclusion without Environmental Action Statement (516 DM 2, Appendix 1, 1.4, B.(2)- is a routine recurring management activity which results in no changes in the use and has negligible environmental effects on-site or in the vicinity of the site)

 X Categorical Exclusion and Environmental Action Statement

 Environmental Assessment and Finding of No Significant Impact

 Environmental Impact Statement and Record of Decision.

Justification:

Commercial activities can be allowed on refuges when they do not conflict with the provisions of the National Wildlife Refuge System Improvement Act of 1997, resulting policies and regulations. This refuge commercial guiding program is designed to comply with this act and resulting policies and regulations and provide quality wildlife observation opportunities for all wildlife observers both guided and non-guided. Special Use Permit special conditions established provide adequate regulation of this specialized activity to ensure quality wildlife observation and photography opportunities for all refuge visitors will be preserved. Wildlife Observation is a public use that will allow the visiting public to enjoy, experience, and learn about native wildlife and habitats in this bottomland hardwood environment. All commercial activities, including guiding of wildlife observers, are special type uses that may be authorized when they are compatible with the purpose of the refuge, the mission of the National Wildlife Refuge System and can be administered in a way that minimizes conflicts with the priority uses. This commercial guided program for wildlife observation and photography is being implemented to comply with the legal mandates of the National Wildlife Refuge System Improvement Act, including compatibility.

