

Appendix C: Compatibility Determinations

In this appendix:

Bicycling
Dog Walking on Leash
Farming
Firewood Cutting and Collection
Grazing
Haying
Hunting
Jogging
Mushroom and Berry Picking
Research and Monitoring
Wildlife Interpretation and Outreach, Environmental Education
Wildlife Observation and Photography

Compatibility Determination

Use: Bicycling

Refuge Name: Neal Smith National Wildlife Refuge

Establishing and Acquisition Authorities

Congress established the Refuge on May 25, 1990 by appropriating \$6 million for land acquisition through the Emergency Supplemental Appropriations Act (Public Law 101-302). The first major parcel of land (about 3600 acres) was purchased by the U.S. Fish and Wildlife Service from the Redlands Corporation, a subsidiary of Iowa Power in April 1991. Previously, this property had been targeted for a nuclear power generating station. A total of 8,655 acres of land south and west of Prairie City, Iowa, are included within the approved acquisition boundary. About 5,580 acres have been acquired so far.

Refuge Purposes

Public Law 101-302 did not describe specific purposes for the Refuge, so its legal purposes are derived from the following broad authorities:

" . . . 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. § 742f(b)(1) **(Fish and Wildlife Act of 1956)**

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

" . . . conservation, management, and . . . restoration of the fish, wildlife, and plant resources and their habitats . . . for the benefit of present and future generations of Americans . . ." 16 U.S.C. § 668dd(a)(2) **(National Wildlife Refuge Administration Act)**

The intent of Congressman Neal Smith in working to establish the Refuge was clear. He stated in the Congressional Record (H2727) that the proposed Refuge would offer "*an unusual opportunity for interpretive programs, wetlands, a habitat for some 300 species of indigenous and migratory birds, the regrowth of many acres of now scarce species of trees, buffalo and elk which were indigenous to the area, and the largest native prairie grass fields in Iowa*" and that "*tens of thousands of school children . . . could use the area as an outdoor study area.*"

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

What is the use? Bicycling

Where is the use conducted? Bicycling will be permitted on the entry road where bicycle trails will be constructed to flow with traffic, and in the parking lots associated with the entry road.

When is the use conducted? Bicycling will occur throughout the year from sunrise to sunset.

How is the use conducted? The public will be able to park their vehicle near the entry of the Refuge on the entry road and bicycle in and out of the Refuge. Citizens in the nearby community of Prairie City may bicycle their way to the Refuge from their homes. Future trail plans in Jasper County include connecting with the Refuge allowing long distance bicyclers to visit the Refuge.

Why is the use being proposed? Bicycling is a current activity on the county roads around the Refuge. To increase safety of bicyclers, a bicycle trail is being added to the existing entry road in 2013. Bicycling is a healthy way to enjoy the outdoors and view wildlife without the interference of vehicle noise or containment. Bicycling may provide additional opportunities to interpret and educate the public about the tallgrass prairie.

Availability of Resources

The entry road is currently undergoing a renovation. Funding from Federal Highways, Refuge Roads, and the Sarbanes Transportation Grant will finance the repaving of the entry road to include widening to accommodate a bicycle trail. While additional interpretive signage is going to be included in the renovation, it is not specific to bicyclers. Some regulatory signage will be added to the bicycle trail, which will be maintained with other signage. Resources needed to administer the bicycle trail will be negligible.

Anticipated Impacts of the Use

It is expected that some bicycling will replace the current traffic that comes to the Refuge from Prairie City. A small increase in bicycle traffic may occur initially, increasing over time as news spreads that the trail is available. No negative impacts are expected from allowing bicycling to occur along the entry road and parking areas of the refuge.

Wildlife Response to Bicycling

Rapid movement directly toward wildlife frightens them, while movement away from or at an oblique angle to the animal is less disturbing (Knight and Cole, 1995). Road noise has been shown to negatively affect birds (Bowles, 1995), although the response is often difficult to assess, because it may be confounded by responses to visual stimulus. Knight and Cole (1991) suggest that sound may elicit a much milder response from wildlife if animals are visually buffered from the disturbance.

Bicycles, motorcycles, and vehicles currently travel through the Refuge on the entry and county roads. The addition of a bicycle trail along the entry road will not increase wildlife disturbance or noise on the Refuge.

Public Review and Comment

This compatibility determination was part of the Draft Neal Smith National Wildlife Refuge Comprehensive Conservation Plan (CCP) and Environmental Assessment. Public notification and review includes a notice of availability published in the *Federal Register*, 30-day comment period, local media announcements, and a public meeting at the Refuge. Comments received and agency responses will be included in the final CCP.

Determination: Bicycling

Use is Not Compatible

Use is Compatible with Stipulations

Stipulations Necessary to Ensure Compatibility

Bicycles must be ridden at safe speeds and yield to pedestrians. Signs would be placed on the bicycle trail and parking areas to reflect that requirement. Use of the trail will be restricted to areas within the 3-foot symbolic fence located on both sides of the trail.

Justification

Bicycling is not one of the Priority Public Uses of the Refuge System under the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-668ee), as amended by the National Wildlife Refuge System Improvement Act of 1997 (Public Law 105-57). However, the refuge manager believes by allowing this use, more people will be exposed to the importance of habitat and wildlife to people, as well as the benefits the National Wildlife Refuge System has to wildlife in their communities. Further, bicycling allows access to the Refuge and reduces the carbon footprint of visitors to the Refuge. Bicycling may provide alternatives to motor vehicle transportation for enjoying the Refuge and are often necessary to allow the public to get away from the urban landscape. The educational possibilities provided by this opportunity would outweigh anticipated impacts associated with implementation.

Literature Cited

Bowles, A. 1995. Responses of wildlife to noise. Pp 109-156 in K.D. Frederick and R. A. Sedgo, eds, America's Renewable Resources: Historical and Current Challenges. *Resources for the Future*, Washington, D.C.

Knight, R. L. and D. N. Cole. 1995. Effects of recreational activity on wildlife in wildlands in Transactions of the North American Wildlife and Natural Resources Conference. 56:238-247.

Mandatory 10-year Re-evaluation Date: 2022

Refuge Manager: /Christy Smith/ 9/17/2012
(Signature and Date)

Regional Chief Concurrence: /Tom Worthington, Acting/ 10/31/2012
(Signature and Date)

Compatibility Determination

Use: Dog Walking on Leash

Refuge Name: Neal Smith National Wildlife Refuge

Establishing and Acquisition Authorities:

Congress established the Refuge on May 25, 1990 by appropriating \$6 million for land acquisition through the Emergency Supplemental Appropriations Act (Public Law 101-302). The first major parcel of land (about 3600 acres) was purchased by the U.S. Fish and Wildlife Service from the Redlands Corporation, a subsidiary of Iowa Power in April 1991. Previously, this property had been targeted for a nuclear power generating station. A total of 8,655 acres of land south and west of Prairie City, Iowa, are included within the approved acquisition boundary. About 5,580 acres have been acquired so far.

Refuge Purposes:

Public Law 101-302 did not describe specific purposes the refuge, so its legal purposes are derived from the following broad authorities:

Fish and Wildlife Act of 1956: "...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. § 742f(b)(1)

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

National Wildlife Refuge System Administration Act: "... conservation, management, and ... restoration of the fish, wildlife, and plant resources and their habitats ... for the benefit of present and future generations of Americans..." 16 U.S.C. § 668dd(a)(2)

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(s):

What is the use? This use will allow dog walking on a leash.

Where is the use conducted? The use is conducted on the trails, bicycle paths and county roads within the Refuge boundary.

When is the use conducted? The use is conducted year round.

How is the use conducted? The use will be allowed but dogs must be on a leash and be under the complete control of the owner at all times. At no time will threatening behavior to wildlife or other people be tolerated and the public must clean up all waste from their dogs.

Why is the use being proposed? The Refuge recognizes that a large segment of society enjoys outdoor recreation and leisure activity while accompanied by their dogs. A large segment of the public prefers to travel with their pets. The Refuge wants to welcome the public on their trails where human disturbance to wildlife is already tolerated.

Availability of Resources: Trails that can accommodate dog walking already exist. Dog care stations will be installed at the head of each trail for nominal costs. The Zone Law Enforcement officer and other staff can enforce the dog on leash change in policy.

Anticipated Impacts of the Uses: For the most part the anticipated impacts of this use will be the cost of providing care stations and materials. Some members of the public may fear the presence of dogs. Waste could be left on trails.

Public Review and Comment:

This compatibility determination was initiated due to comments made during the public review of the Draft Neal Smith National Wildlife Refuge Comprehensive Conservation Plan (CCP) and Environmental Assessment.

Determination:

Use is Not Compatible

Use is Compatible with Stipulations

Stipulations Necessary to Ensure Compatibility: The following stipulations must be followed to allow dog walking on the Refuge:

- All dogs must be on a leash.
- Owners must maintain full control of dogs at all times.
- Dogs will not be permitted to threaten wildlife or people.
- Owners must clean up waste left by their pets on trails.
- The Refuge reserves the right, at Refuge Manager's discretion, to close any trail where waste is not cleaned by dog owners.

Justification: More and more people travel with pets and consider them part of the family. This segment of the public is often denied access to refuge trails where wildlife and habitat disturbance from pedestrians is already tolerated. If dogs remain on a leash, do not threaten wildlife or people, and the public cleans up the waste, dog walking can be considered appropriate on trails within the Refuge. The Refuge will provide dog stations for bags and waste disposal.

Mandatory 10-year Re-evaluation Date: 2022

NEPA Compliance for Refuge Use Decision

Categorical Exclusion

Environmental Assessment and Finding of No Significant Impact

_____ Environmental Impact Statement and Record of Decision

Refuge Manager: /Christy Smith/ 10/9/2012
(Signature and Date)

Regional Chief Concurrence: /Tom Worthington, Acting/ 10/31/2012
(Signature and Date)

Compatibility Determination

Use: Farming (with Genetically Modified Crops)

Refuge Name: Neal Smith National Wildlife Refuge

Establishing and Acquisition Authorities

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The intent of Congressman Neal Smith in working to establish the Refuge was clear. He stated in the Congressional Record (H2727) that the proposed Refuge would offer "*an unusual opportunity for interpretive programs, wetlands, a habitat for some 300 species of indigenous and migratory birds, the regrowth of many acres of now scarce species of trees, buffalo and elk which were indigenous to the area, and the largest native prairie grass fields in Iowa*" and that "*tens of thousands of school children . . . could use the area as an outdoor study area.*"

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Description of Use

What is the use? Row crop farming using genetically modified crops, specifically glyphosate tolerant

soybean and corn.

Where is the use conducted? The use is conducted on agricultural lands purchased by the Service for the purpose of tallgrass prairie reconstruction.

When is the use conducted? In the long term, not to exceed five years, the use is conducted until such time the Refuge is able to begin tallgrass prairie reconstruction/restoration efforts on newly acquired lands, not to exceed five years from year of purchase. Seasonally, the use would be conducted between April and November with a one year Special Use Permit (SUP) beginning January 1st of each year and ending December 31st.

How is the use conducted? The land is rented through an SUP. The land would be farmed under typical farming practices for the area but would be restricted to no-till, Service-approved pesticides and their application, no fall fertilization, and maintenance of grassed waterways and buffer strips.

Why is the use being proposed? This is an existing economic use that is useful in managing land in a weed-free state until such time the Refuge can begin the reconstruction/restoration effort. The use of GMCs is necessary to reduce the quantity and use of pesticides on the Refuge, reduce weed infestations from crops to restored areas of the Refuge, and to maintain a farming program with local farmers. There are no native corn species on the Refuge and no endangered species utilize areas where farming occurs. Farming is not used as a food crop for wildlife but is simply a place holder until restoration activities can begin.

Availability of Resources

Resources involved in the administration and management of the use are approximately \$6,000 for staff time and overhead. No special equipment or facilities are needed to support this use.

Anticipated Impacts of the Use

Temporary continuation of the loss of ground cover, increased erosion, and use of pesticides will be some of the direct and indirect short term impacts. Pesticide use is expected to be minimal due to the use of GMCs. Glyphosate applications can be made early in the season when they are most effective. Loss of viable soil for restoration and gully erosion are potential impacts, but since all farm ground will be restored to tallgrass prairie the impacts will be short term. Cumulative impacts, if farming were to be maintained on each site, would include depleted soil microbes and soil fertility. Cumulative impacts under eventual reconstruction or restoration would be minimal.

Public Review and Comment

Public notification and review includes a notice of availability, 15-day comment period and local media announcements. Copies of this compatibility determination were made available at the Neal Smith NWR Visitor Center as well as the public library in Prairie City, Iowa. Comments received and agency responses will be included in the final Comprehensive Conservation Plan that is currently in progress.

Determination: Farming (with GMCs)

Use is Not Compatible

Use is Compatible with Stipulations

Compatibility Determination

Use: Firewood Cutting and Collection

Refuge Name: Neal Smith National Wildlife Refuge

Establishing and Acquisition Authorities

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Description of Use

What is the use? Non-commercial harvest of downed wood for use as fire fuel.

Where is the use conducted? These activities may occur throughout the Refuge. Approximately five to 15 people participate in this activity annually, and most access areas adjacent to existing roads and trails.

When is the use conducted? This activity is authorized year round in the Refuge areas outside the bison enclosure, when wood is available. Only downed trees are authorized for take.

How is the use conducted? This is an activity that is permitted along road ditches and in areas where the Refuge has cleared trees for prairie or savanna reconstruction or restoration. Trees that have already been cut down along road ditches and on prairie locations may be cut into smaller pieces and retrieved by individuals or groups who have acquired a Special Use Permit (SUP) from the Refuge. When Refuge staff clears trees from an area, wood is generally available on a first come, first served basis to persons who acquire an SUP from the Refuge. No individual will be permitted to cut down a standing tree; they will only be permitted to cut a downed tree to smaller sizes in order to transport.

Why is the use being proposed? Removal of trees from the Refuge for reconstruction and restoration is an on-going management activity. The cost of removing the wood from sites or the staff time needed to conduct and monitor burn piles can be prohibitive. Burning of wood piles is limited to winter when snow is on the ground. This use allows the Refuge to remove wood from reconstruction/restoration sites throughout the year and provide fuel wood to the general public.

Availability of Resources

There is little to no cost to administer this program.

Anticipated Impacts of the Use

Historically public participation in woodcutting activities has been low, and future participation is expected to remain low. Most activity occurs adjacent to existing roads and trails causing minimal disturbance to wildlife. No woodcutting will be permitted within the bison enclosure for the safety of the public.

Public Review and Comment

This compatibility determination was part of the Draft Neal Smith NWR Comprehensive Conservation Plan (CCP) and Environmental Assessment. Public notification and review includes a notice of availability published in the *Federal Register*, 30-day comment period, local media announcements, and a public meeting at the Refuge. Comments received and agency responses will be included in the final CCP.

Determination: Firewood Cutting and Collection

Use is Not Compatible

Use is Compatible with Stipulations

Stipulations Necessary to Ensure Compatibility

All users must comply with Refuge-specific regulations. Only trees that have already been cut down will be permitted to be taken from the Refuge.

Justification

This use has little negative impact to wildlife or habitat since it is linked to beneficial habitat enhancement and restoration management activities.

Mandatory 10-year Re-evaluation Date: 2022

Refuge Manager: /Christy Smith/ 9/17/2012
(Signature and Date)

Regional Chief Concurrence: /Tom Worthington, Acting/ 10/31/2012
(Signature and Date)

Compatibility Determination

Use: Grazing (other than bison and elk)

Refuge Name: Neal Smith National Wildlife Refuge

Establishing and Acquisition Authorities

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" . . . conservation, management, and . . . restoration of the fish, wildlife, and plant resources and their habitats . . . for the benefit of present and future generations of Americans . . ." 16 U.S.C. § 668dd(a)(2) **(National Wildlife Refuge Administration Act)**

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Description of Use

What is the use? The use is grazing by domestic livestock to include cows, goats, and sheep, or other

herbivores to manipulate or remove unwanted vegetation, create disturbance, or achieve a specific habitat management goal or objective.

Where is the use conducted? The use would be conducted throughout the Refuge where needed.

When is the use conducted? Grazing could occur within any season on the Refuge depending on the target species and desired outcome to achieve habitat management goals.

How is the use conducted? Agreements or contracts with livestock owners can be established on short- or long-term basis. The Refuge would lease land to or pay a contractor to graze a specified area of land for a specific time frame or series of time frames to meet a desired habitat goal or objective.

Why is the use being proposed? In order to manage the Refuge landscape successfully, methods should be available to the Refuge to allow flexibility so that when one method is not feasible another can be employed. In many instances grazing may achieve specific results that cannot be achieved through any other means due to the selective feeding preferences of different livestock.

Availability of Resources

Neal Smith NWR is located in an agricultural landscape where many land owners own various domestic livestock and may be interested in working with the Refuge. Some biological staff time and expertise will be required to permit and monitor the activity.

Anticipated Impacts of the Use

Grazing would be used as a habitat management tool to achieve specific goals and objectives. The anticipated impacts to the landscape should be positive or, if not, will be discontinued. Other impacts could be perceptions from visitors who perceive domestic livestock in a negative light. Environmental education and interpretation measures would be conducted to reduce negative visitor impacts.

Public Review and Comment

This compatibility determination was part of the Draft Neal Smith NWR Comprehensive Conservation Plan (CCP) and Environmental Assessment. Public notification and review includes a notice of availability published in the *Federal Register*, 30-day comment period, local media announcements, and a public meeting at the Refuge. Comments received and agency responses will be included in the final CCP.

Determination: Grazing (other than bison and elk)

Use is Not Compatible

Use is Compatible with Stipulations

Stipulations Necessary to Ensure Compatibility

Grazing (non-bison/elk) would be permitted on the Refuge as part of a habitat management plan to manipulate or control habitat to a desired outcome. Grazing would particularly be used where mowing or prescribed burning is not feasible. Consideration of animal species will be considered for each habitat type and desired outcome. Grazing will not be permitted in areas where it will directly conflict or compete with bison or elk.

Mandatory 10-year Re-evaluation Date: 2022

Refuge Manager: /Christy Smith/ 9/17/2012
(Signature and Date)

Regional Chief Concurrence: /Tom Worthington, Acting/ 10/31/2012
(Signature and Date)

Compatibility Determination

Use: Haying

Refuge Name: Neal Smith National Wildlife Refuge

Establishing and Acquisition Authorities:

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" . . . 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. § 742f(b)(1) (Fish and Wildlife Act of 1956)

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Description of Use

What is the use? Haying is the cutting, baling, and removal of vegetation for purposes of reinvigorating established grassland habitat on refuge lands as well as to establish and maintain firebreaks. Haying is primarily conducted to create and maintain firebreaks for prescribed fire operations or to remove vegetation from refuge units that cannot be burned for any reason. Haying is conducted through a Special Use Permit issued by the Refuge. Permits will be issued annually.

Where is the use conducted? Haying will occur on various grassland units throughout the refuge and along outer boundaries of the refuge. Units hayed each year vary in size from 20 to 80 acres and the

total area hayed each year will vary from 200 to 600 acres depending on management needs and prescribed fire planning.

When is the use conducted? Haying for the purpose of fire break establishment and maintenance may occur anytime from May through late September. When haying is utilized as a tool to enhance established grasslands within units, cutting will begin after August 15 into late September when most ground nests, particularly grassland bird species, have hatched or ceased nesting activity.

How is the use conducted? Haying is carried out by permittees using standard agricultural tractors and implements. Special Conditions will apply with the Permit (see Stipulations below).

Why is the use being proposed? Haying is an effective tool for grassland management and restoration. Construction of fire breaks, free of fuels in the form of duff, is essential to controlling prescribed fire operations. Haying is a viable alternative to rejuvenating and maintaining decadent grassland.

Haying is not a priority public use, as defined by the National Wildlife Refuge System Improvement Act of 1997, but rather serves as a management instrument for ensuring priority habitat objectives are being addressed.

Availability of Resources

No additional fiscal resources are needed to conduct this use. Needed management staff time is already committed and available. Most of the work needed to prepare for this use would be done during habitat management planning. The bid process would require some additional staff time to develop and oversee Special Use Permits but would be relatively minor and within existing resources. Costs would be off-set by the benefits of restoration and fire break maintenance without using staff time or equipment to conduct the activity.

Anticipated Impacts of the Use

In units where haying is used in place of prescribed fire, short-term impacts include disturbance and temporary displacement caused by noisy heavy equipment and temporary removal of cover as well as mortality to small mammals, insects, amphibians, reptiles, and potentially some birds. In these same areas, long term impacts will be beneficial by helping to restore and reinvigorate native prairie cover needed by these same species. Units selected for haying will rotate throughout the refuge each year so that it does not occur in the same unit consecutively year after year.

In firebreaks, the negative impacts listed above will be both short term and long term as these areas will be hayed several times throughout the year, every year, to protect habitats and neighboring landowners from wildfire. Impacts from creating firebreaks through mowing cannot be avoided as these management activities are a safety measure to protect property during prescribed burns or from wildfire. However, the addition of haying on firebreaks will increase the effectiveness of firebreaks by removing fire fuels.

Public Review and Comment

Public notification and review included a notice of availability through the local media and a 15-day comment period between August 1 through August 16, 2012. Copies of this Compatibility Determination were available at the Neal Smith National Wildlife Refuge Visitor Center front desk, City Hall of Prairie City, and at the Prairie City Public Library. No comments or suggestions were received

Compatibility Determination

Use: Hunting

Refuge Name: Neal Smith National Wildlife Refuge

Establishing and Acquisition Authorities

Congress established the Refuge on May 25, 1990 by appropriating \$6 million for land acquisition through the Emergency Supplemental Appropriations Act (Public Law 101-302). The first major parcel of land (about 3,600 acres) was purchased by the U.S. Fish and Wildlife Service from the Redlands Corporation, a subsidiary of Iowa Power in April 1991. Previously, this property had been targeted for a nuclear power generating station. A total of 8,655 acres of land south and west of Prairie City, Iowa, are included within the approved acquisition boundary. About 5,580 acres have been acquired so far.

Refuge Purposes

Public Law 101-302 did not describe specific purposes for the Refuge, so its legal purposes are derived from the following broad authorities:

" . . . 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. § 742f(b)(1) **(Fish and Wildlife Act of 1956)**

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

" . . . conservation, management, and . . . restoration of the fish, wildlife, and plant resources and their habitats ... for the benefit of present and future generations of Americans . . ." 16 U.S.C. § 668dd(a)(2) **(National Wildlife Refuge Administration Act)**

The intent of Congressman Neal Smith in working to establish the Refuge was clear. He stated in the Congressional Record (H2727) that the proposed Refuge would offer "*an unusual opportunity for interpretive programs, wetlands, a habitat for some 300 species of indigenous and migratory birds, the regrowth of many acres of now scarce species of trees, buffalo and elk which were indigenous to the area, and the largest native prairie grass fields in Iowa*" and that "*tens of thousands of school children . . . could use the area as an outdoor study area.*"

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

What is the use? Hunting of game as an activity conducted by the general public under regulation

authority of the National Wildlife Refuge System Improvement Act of 1997. Hunting is currently allowed for small game (squirrel and cottontail rabbit), upland game birds (bobwhite quail and rooster pheasant) and whitetail deer.

Where is the use conducted? The entire Refuge is open to all hunting with the exception of the bison enclosure and the area immediately adjacent to the Neal Smith NWR Visitor Center. Units of the Northern Tallgrass Prairie NWR that are administered by the Neal Smith NWR will be open to hunting and will be managed in a seamless manner, as if it were a part of the Neal Smith NWR, beginning in 2013.

When is the use conducted? Hunting of small game generally begins during the first week of September; upland game bird hunting begins at the end of October with Deer season opening late September or early October. All hunting on the Refuge ceases on January 31 of each year. This use is conducted during daylight hours only with the exception of deer hunting, which will begin one-half hour before sunrise and close one-half hour after sunset.

How is the use conducted?

Hunting is conducted according to the regulations of the Neal Smith NWR and consistent with regulations of the Iowa Department of Natural Resources. The Refuge requires that shot are of non-toxic materials. Please refer to the State of Iowa Hunting Regulations for clothing requirements, definition of approved weapons, bag limits, license requirements, and other important information. Hunters are required to acquire a special hunting brochure that serves as a hunting permit on the Refuge. These brochures are located at the Neal Smith NWR Prairie Visitor Center as well as at all hunt parking locations. All hunters must have this “permit” with them at all times while hunting.

Why is the use being proposed? Hunting is a priority public use identified in the National Wildlife Refuge System Improvement Act of 1997 (Public Law 105-57) and it has traditionally occurred at the Refuge without adverse impacts to the purpose for which the Refuge was established. The Refuge is surrounded by farm fields and, as such, provides some of the best habitat for many species to concentrate. A hunt program is needed to maintain game populations in balance with prairie and savanna reconstruction activities. The hunt program is administered in accordance with sound wildlife management principles and the utmost concern for public safety.

Availability of Resources

The Refuge is assisted by state law enforcement officers in patrolling during the hunting season. In addition the Refuge is the location for one of the Zone Law Enforcement offices in Region 3. An additional \$25,000 is required annually to support and administer this program including Refuge staff time to prepare parking sites, install signage, prepare brochures/permits, coordinate with local law enforcement, and provide information to interested public.

Anticipated Impacts of the Use

This activity is an existing use on the Refuge and has shown no assessable environmental impact to the Refuge, its habitats, or wildlife species; but the activity is monitored closely for any signs of change. Hunting does cause mortality and disturbance to those species hunted, but bag limits, season dates, and other regulations are set to protect the long-term health of populations.

Public Review and Comment

This compatibility determination was part of the Draft Neal Smith NWR Comprehensive Conservation

Plan (CCP) and Environmental Assessment. Public notification and review includes a notice of availability published in the *Federal Register*, 30-day comment period, local media announcements, and a public meeting at the Refuge. Comments received and agency responses will be included in the final CCP.

Determination: Hunting

Use is Not Compatible

Use is Compatible with Stipulations

Stipulations Necessary to Ensure Compatibility

1. This use must be conducted in accordance with state and federal regulations and special Refuge regulations published in the Code of Federal Regulations (CFR).
2. Dogs may only be used to hunt pheasant and quail.
3. Snowmobiles and ATVs are prohibited on Refuge lands.
4. Hunters must possess non-toxic shot for upland game and bird species.
5. Parking, blocking, or in any manner restricting access to roads and gates is prohibited.
6. All personal property must be removed from the Refuge at the end of each hunt day.
7. Annually evaluate hunting methods to ensure safety.
8. Annually review all hunting activities and operations to ensure compliance with all applicable laws, regulations, and policies.

Justification

This use has been determined compatible provided the above stipulations are implemented. This use is being permitted as it is a priority public use and will not diminish the primary purposes of the Refuge. This use will meet the mission of the Refuge System by providing renewable resources for the benefit of the American public while conserving wildlife and plant resources on these lands.

This activity is an existing use on the Refuge and has shown no assessable environmental impact to the Refuge, its habitats, or wildlife species. It is a valuable tool in controlling deer and small game species on the Refuge that have direct negative impacts to the process of habitat reconstruction and restoration.

Mandatory 15-year Re-evaluation Date: 2027

Refuge Manager: /Christy Smith/ 9/17/2012
(Signature and Date)

Regional Chief Concurrence: /Tom Worthington, Acting/ 10/31/2012
(Signature and Date)

Compatibility Determination

Use: Jogging

Refuge Name: Neal Smith National Wildlife Refuge

Establishing and Acquisition Authorities

Congress established the Refuge on May 25, 1990 by appropriating \$6 million for land acquisition through the Emergency Supplemental Appropriations Act (Public Law 101-302). The first major parcel of land (about 3,600 acres) was purchased by the U.S. Fish and Wildlife Service from the Redlands Corporation, a subsidiary of Iowa Power in April 1991. Previously, this property had been targeted for a nuclear power generating station. A total of 8,655 acres of land south and west of Prairie City, Iowa, are included within the approved acquisition boundary. About 5,580 acres have been acquired so far.

Refuge Purposes

Public Law 101-302 did not describe specific purposes for the Refuge, so its legal purposes are derived from the following broad authorities:

" . . . 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. § 742f(b)(1) (**Fish and Wildlife Act of 1956**)

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

" . . . conservation, management, and . . . restoration of the fish, wildlife, and plant resources and their habitats . . . for the benefit of present and future generations of Americans . . ." 16 U.S.C. § 668dd(a)(2) (**National Wildlife Refuge Administration Act**)

The intent of Congressman Neal Smith in working to establish the Refuge was clear. He stated in the Congressional Record (H2727) that the proposed Refuge would offer "*an unusual opportunity for interpretive programs, wetlands, a habitat for some 300 species of indigenous and migratory birds, the regrowth of many acres of now scarce species of trees, buffalo and elk which were indigenous to the area, and the largest native prairie grass fields in Iowa*" and that "*tens of thousands of school children . . . could use the area as an outdoor study area.*"

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

What is the use? Jogging

Where is the use conducted? Jogging will be permitted on entry road bicycle path, Tallgrass Trail, Overlook Trail, Savanna Trail, Basswood Trail, and all native trails (mowed trails). In addition, this activity will be permitted on the proposed trail that will connect the Savanna Trail and the Basswood Trail via a connector through the Rothinghouse property when it is acquired.

When is the use conducted? Jogging could occur throughout the year on any open trail.

How is the use conducted? No special conditions or efforts are required beyond normal maintenance of trails. Trails will not be maintained in winter.

Why is the use being proposed? Jogging is a preferred mode of travel for individuals who are interested in outdoor exercise in areas with good opportunities for wildlife observation and clean air.

Availability of Resources

The Neal Smith NWR has a variety of trails and locations available for this activity. No additional resources are needed to administer or regulate this use.

Anticipated Impacts of the Use

Rapid movement by joggers is more disturbing to wildlife than slower moving hikers (Bennett and Zuelke, 1999). However, joggers tend to spend less time in a particular area than pedestrians and are less likely to directly approach or otherwise disturb wildlife. The effects of human disturbance can be reduced by restricting human activity to an established trail. Animals show greater flight response to humans moving unpredictably than to humans following a distinct path (Gabrielsen and Smith, 1995). Neal Smith NWR has public use trails where walking is allowed. Disturbance by joggers on these trails to feeding or nesting passerines is not expected to increase.

Public Review and Comment

This compatibility determination was part of the Draft Neal Smith NWR Comprehensive Conservation Plan (CCP) and Environmental Assessment. Public notification and review includes a notice of availability published in the *Federal Register*, 30-day comment period, local media announcements, and a public meeting at the Refuge. Comments received and agency responses will be included in the final CCP.

Determination: Jogging

Use is Not Compatible

Use is Compatible with Stipulations

Stipulations Necessary to Ensure Compatibility

Joggers would be restricted to established, well-defined trails.

Mandatory 10-year Re-evaluation Date: 2022

Refuge Manager: /Christy Smith/ 9/17/2012
(Signature and Date)

Regional Chief Concurrence: /Tom Worthington, Acting/ 10/31/2012
(Signature and Date)

Compatibility Determination

Uses: Mushroom and Berry Picking

Refuge Name: Neal Smith National Wildlife Refuge

Establishing and Acquisition Authorities

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Refuge Purposes

Public Law 101-302 did not describe specific purposes for the Refuge, so its legal purposes are derived from the following broad authorities:

" . . . 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. § 742f(b)(1) **(Fish and Wildlife Act of 1956)**

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Description of Use

What is the use? Non-commercial harvest of mushrooms and berries (chokecherries, raspberries,

blackberries) for human consumption.

Where is the use conducted? These activities may occur throughout the Refuge in wooded areas. Approximately ten to fifty people participate in this activity annually, and most people tend to access areas adjacent to existing roads and trails.

When is the use conducted? Mushroom and berry picking are authorized year round in the Refuge areas outside the bison enclosure. However, most of the activity is conducted during the few weeks when the fruits ripen.

How is the use conducted? This is an activity that is often done in conjunction with other activities that are wildlife-dependent, such as wildlife observation and photography. Access to harvest sites is accomplished by walking from a designated parking area, public roadway, or trail. All harvesting is done by hand.

Why is the use being proposed? Mushroom and berry picking are traditional outdoor activities that bring families to the Refuge. It allows them to collect wholesome, healthy foods while enjoying the natural environment.

Availability of Resources

There is little to no cost to administer this program. It occurs in conjunction with other public uses, and participation is low.

Anticipated Impacts of the Use

Historically public participation in mushroom and berry picking has been low, and future participation is expected to remain low. Most activity occurs adjacent to existing roads and trails causing minimal disturbance to wildlife or habitat. No mushroom or berry picking will be permitted within the bison enclosure for the safety of the public. The relatively few mushrooms and berries harvested will not significantly reduce the food source for wildlife.

Public Review and Comment

This compatibility determination was part of the Draft Neal Smith NWR Comprehensive Conservation Plan (CCP) and Environmental Assessment. Public notification and review includes a notice of availability published in the *Federal Register*, 30-day comment period, local media announcements, and a public meeting at the Refuge. Comments received and agency responses will be included in the final CCP.

Determination: Mushroom and Berry Picking

Use is Not Compatible

Use is Compatible with Stipulations

Stipulations Necessary to Ensure Compatibility

All users must comply with Refuge-specific regulations.

Justification

This use has little negative impact to wildlife or habitat since few people participate, no machinery is

allowed, and most activity occurs along designated foot trails.

Mandatory 10-year Re-evaluation Date: 2022

Refuge Manager: /Christy Smith/ 9/17/2012
(Signature and Date)

Regional Chief Concurrence: /Tom Worthington, Acting/ 10/31/2012
(Signature and Date)

Compatibility Determination

Uses: Research and Monitoring

Refuge Name: Neal Smith National Wildlife Refuge

Establishing and Acquisition Authorities:

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Refuge Purposes:

Public Law 101-302 did not describe specific purposes for the Refuge, so its legal purposes are derived from the following broad authorities:

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Description of Use

What is the use? Research and monitoring of vegetation, hydrology, geology, wildlife, and public uses

will be conducted to provide information that will form the basis for management decisions. Priority would be given to research and monitoring that contributes to the enhancement, reconstruction, protection, preservation, and management of prairie, savanna, and related habitats as well as migratory birds, bison, elk, bats, and other wildlife on the Refuge.

Research proposals would be assessed based on criteria including, but not limited to, research that will contribute to specific Refuge or regional management challenges, Comprehensive Conservation Plan (CCP) goals, or purposes for which the Refuge was established; and research designed to minimize disturbance to the wildlife and habitat on the Refuge as well as the surrounding human environment. Research projects should incorporate the principles of adaptive management.

Where is the use conducted? Research will be conducted throughout the Refuge within the variety of habitats found there depending on the purpose and need.

When is the use conducted? Research can be conducted throughout the year, day or night and depending on the purpose and need.

How is the use conducted? Research proposals would be reviewed by Refuge staff and conservation partners, as appropriate. If the proposal is approved, a Special Use Permit would be issued by the Refuge Manager. Research that will conflict with other ongoing research, monitoring, or management programs will not be granted. Research that can be accomplished off-Refuge is less likely to be approved. Research that causes exceptional disturbance to wildlife or undue habitat degradation will not be granted. If staffing or logistics make it impossible for the Refuge staff to monitor research activity in sensitive areas, the proposal will not be granted; and the length of proposed research will not be allowed to be conducted with an open-ended time frame. Research and monitoring SUPs will be reviewed annually before renewal.

Why is the use being proposed? Research and monitoring are integral parts of national wildlife refuge management. Two provisions of the National Wildlife Refuge System Improvement Act of 1997 are to “maintain biological integrity, diversity and environmental health” and to conduct “inventory and monitoring.” Plans and actions based on research and monitoring provide an informed approach, which analyzes the management effects on Refuge wildlife.

Availability of Resources

Some staff time would be required to review research requests and manage research activities. However, Refuge staff would not be expected to commit weekly staff time to managing this use. Approving proposals will also be based upon available staff to monitor the research. Currently, limited staffing exists to monitor projects and compliance of research projects. Other than staff time, no special equipment, facilities, or improvements are necessary to support this proposed use.

Anticipated Impacts of the Use

Expected short-term benefits to conducting research activities at the Refuge would include improvement of habitat and wildlife populations. Monitoring of wildlife and habitat on the Refuge would provide feedback on the effectiveness of activities taking place. The possibility exists of disturbing wildlife. In addition, if research is expected to take place, rare plants and newly planted native seedlings may be trampled. Non-native plants may also be introduced through researchers' clothing and footwear.

Compatibility Determination

Uses: Wildlife Interpretation and Outreach, Environmental Education

Refuge Name: Neal Smith National Wildlife Refuge

Establishing and Acquisition Authorities

Congress established the Refuge on May 25, 1990 by appropriating \$6 million for land acquisition through the Emergency Supplemental Appropriations Act (Public Law 101-302). The first major parcel of land (about 3,600 acres) was purchased by the U.S. Fish and Wildlife Service from the Redlands Corporation, a subsidiary of Iowa Power in April 1991. Previously, this property had been targeted for a nuclear power generating station. A total of 8,655 acres of land south and west of Prairie City, Iowa, are included within the approved acquisition boundary. About 5,580 acres have been acquired so far.

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" . . . conservation, management, and . . . restoration of the fish, wildlife, and plant resources and their habitats . . . for the benefit of present and future generations of Americans . . ." 16 U.S.C. § 668dd(a)(2) **(National Wildlife Refuge Administration Act)**

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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 Uses

What is the use? Environmental education is a process designed to develop a citizenry that has the

awareness, concern, knowledge, attitudes, skills, motivations, and commitment to work toward solutions of current environmental problems and the prevention of new problems. Environmental education that is conducted within the Refuge System incorporates onsite, offsite, and distance learning activities and programs that address the audience's course of study, the mission of the Refuge System, and the management purposes of the specific field station. Environmental education integrates the field station messages with the audience's program such as school curriculums. Environmental education tends to be longer in duration than interpretation and often involves pre- and post-visit discussions and multiple field station visits.

Interpretation is a communication process that forges emotional and intellectual connections between the interests of the audience and the inherent meanings in the resource (i.e., more than information). Interpretation occurs in less formal activities with Refuge staff and volunteers or through exhibits, signs, brochures, elements of special events, and tours.

Outreach is a two-way communication between the Service and the public to establish understanding and promote involvement or influence attitudes and actions, with the goal of improving joint stewardship of our natural resources. Examples of outreach include news releases, newsletters, websites, offsite displays, and participation in community partnerships.

The 20,000 square foot Neal Smith NWR Visitor Center was built specifically to accommodate environmental education, interpretation, and outreach.

Where is the use conducted? These activities may occur on or off the Refuge but most are likely to occur within the Visitor Center, wildlife auto tour, trails, and roads. The Refuge also maintains a website that provides interpretive information. Environmental education and interpretive programs are given upon request to schools and other groups visiting the Refuge. The Refuge also has a Partner School program, which actively engages teachers and specific schools with more specialized environmental education activities. Additional recreational and outreach programs will include winter wildlife observation tours, theatre programs, and some night time activities.

When is the use conducted? The Visitor Center is open seven days a week except Thanksgiving Day, Christmas Day, and New Year's Day. The Refuge hosts approximately 140,000 people per year. Interpretation occurs throughout the year whenever a visitor reads a sign, brochure, or the Refuge website or talks to Visitor Services staff and volunteers. Environmental education activities typically occur when school is in session, concentrated in the spring and fall months. Most activities occur during daylight hours with some scheduled evening or night events.

How is the use conducted? All environmental education and interpretation activities are conducted under the guiding principles of the Refuge's primary mission, goals, objectives, and habitat management requirements. These activities allow the Refuge to accomplish its management goals and provide for the safety of visitors. All programs include a description of the Service and the Refuge System. All of the interpretive programs address at least one of a number of wildlife conservation issues relating to management, habitat, watershed, wildlife endangered species, invasive species, etc.

Why is the use being proposed? These activities are consistent with the National Wildlife Refuge System Improvement Act of 1997 that promotes environmental education and interpretation as two of six primary uses considered appropriate for national wildlife refuges. These activities accomplish Refuge goals and promote understanding, appreciation, and support for national wildlife refuges.

Availability of Resources

Approximately \$320,000 is required to administer this program at current staffing levels, which include a half-time Visitor Services Manager and two full-time, permanent Visitor Services Specialists. In addition, staff time is required for periodic maintenance and improvement of interpretive signs, trails, observation platforms, and exhibits. Shortfalls in permanent Visitor Services staffing are sometimes remedied through hiring Student Temporary Employment Program (STEP) students on a seasonal basis and recruiting volunteers. The Regional Office periodically uses this Refuge as a training detail for Student Career Experience Program (SCEP) students in the Visitor Services program. Volunteers are an integral and vital part of the Refuge's environmental education and interpretation program, staffing the Visitor Center and bookstore, hosting special events, leading or co-leading programs, and assisting Refuge staff with a variety of other needs.

Every effort is made to meet each request for environmental education and interpretive programs. However, staff and funding shortages have curtailed programs and the number of requests often exceeds our resources. Based on a review of the current Refuge budget, there is enough funding to administer this program at its current reduced level to ensure compatibility with the purposes for which the Refuge was established. Strategies to improve the environmental education and interpretive program have been identified in the Comprehensive Conservation Plan (CCP). These strategies include hiring another park ranger and maintenance person. Facility improvements in the form of digital equipment and products, as well as replacement and redesign of displays are needed. Construction of a bunkhouse for the Refuge would assist the Visitor Services program by providing housing for volunteers and interns.

Anticipated Impacts of the Uses

Environmental education and interpretation are not expected to have measurable environmental impacts on the Refuge, its habitats, or wildlife. Activities are designed to have no impact while providing interpretation and education about the work that is done on the Refuge. These activities follow all applicable laws, regulations, and policies including: Migratory Bird Conservation Act, Title 5 Code of Federal Regulations, Service Manual; Refuge System mission, goals, and objectives; and the Refuge goals and objectives.

Public Review and Comment

This compatibility determination was part of the Draft Neal Smith NWR CCP and Environmental Assessment. Public notification and review includes a notice of availability published in the *Federal Register*, 30-day comment period, local media announcements, and a public meeting at the Refuge. Comments received and agency responses will be included in the final CCP.

Determination: Wildlife Interpretation and Outreach, Environmental Education

Use is Not Compatible

Use is Compatible with Stipulations

Stipulations Necessary to Ensure Compatibility

All users must comply with Refuge-specific regulations.

Justification

Environmental education and interpretation are priority public uses for the Refuge System as outlined in the National Wildlife Refuge System Improvement Act of 1997 (Public Law 105-57). By facilitating these uses on the Refuge, we will increase visitor's knowledge and appreciation of fish and wildlife, which will lead to increased public stewardship of fish and wildlife resources and fulfillment of the mission of the Refuge System.

Mandatory 15-year Re-evaluation Date: 2027

Refuge Manager: /Christy Smith/ 9/17/2012
(Signature and Date)

Regional Chief Concurrence: /Tom Worthington, Acting/ 10/31/2012
(Signature and Date)

Compatibility Determination

Uses: Wildlife Observation and Photography (including means of access)

Refuge Name: Neal Smith National Wildlife Refuge

Establishing and Acquisition Authorities

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Refuge Purposes

Public Law 101-302 did not describe specific purposes for the Refuge, so its legal purposes are derived from the following broad authorities:

" . . . 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. § 742f(b)(1) **(Fish and Wildlife Act of 1956)**

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

" . . . conservation, management, and . . . restoration of the fish, wildlife, and plant resources and their habitats . . . for the benefit of present and future generations of Americans . . ." 16 U.S.C. § 668dd(a)(2) **(National Wildlife Refuge Administration Act)**

The intent of Congressman Neal Smith in working to establish the Refuge was clear. He stated in the Congressional Record (H2727) that the proposed Refuge would offer "*an unusual opportunity for interpretive programs, wetlands, a habitat for some 300 species of indigenous and migratory birds, the regrowth of many acres of now scarce species of trees, buffalo and elk which were indigenous to the area, and the largest native prairie grass fields in Iowa*" and that "*tens of thousands of school children . . . could use the area as an outdoor study area.*"

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 Uses

What is the use? General public access to observe and/or photograph wildlife and Refuge habitats

including the means of access such as automobile, hiking, bicycling, snowshoeing, cross-country skiing, and jogging. Under the National Wildlife Improvement Act, of 1997, wildlife observation and photography are priority public uses.

Where is the use conducted? These activities may occur anywhere on the Refuge but most often occur in the vicinity of roads and visitor use facilities. The Refuge has an auto tour route, paved and gravel walking trails, and grass mowed (native) trails that total more than 50 miles of access. A bicycle trail is being planned as part of an improvement to the five mile entry road and bicycling will be limited on the Refuge to that trail when it is completed. For their safety, the public is not permitted to enter the bison enclosure by any other means than an automobile. The native trail system totals over forty miles around the perimeter of the Refuge. The distances and lengths of these trails provide an excellent opportunity for visitors to get away from the main Visitor Center area and truly enjoy the wide expanses of prairie and open space. These native trails are very amenable to optional access modes including snow shoeing, cross-country skiing, and jogging. These additional modes of access will allow a diverse public more opportunity to enjoy the outdoors without creating adverse impacts to habitat or wildlife. These modes of access will increase opportunities for wildlife viewing and photography on the Refuge.

When is the use conducted? The Visitor Center is open seven days a week except Thanksgiving Day, Christmas Day, and New Year's Day. The Refuge hosts approximately 140,000 people per year. Wildlife observation and photography occurs throughout the year, from dawn to dusk.

How is the use conducted? The use is conducted whenever a visitor drives the roads of the Refuge or accesses the trails. Many of the roads that cross through the Refuge are county roads affording wildlife observation and photography twenty four hours per day. Trails within the Refuge are open from dawn to dusk.

Why is the use being proposed? These activities are consistent with the National Wildlife Refuge System Improvement Act of 1997 that promotes wildlife observation and photography as one of six primary uses considered appropriate for national wildlife refuges. These activities accomplish Refuge goals and promote understanding, appreciation, and support for national wildlife refuges.

Availability of Resources

Approximately \$74,000 is required annually to maintain Refuge roads, trails, and facilities used by the public engaged in wildlife observation and photography. The current Refuge budget allows for this level of maintenance.

Anticipated Impacts of the Uses

Wildlife observation and photography are not expected to have measurable environmental impacts on the Refuge, its habitats, or wildlife. These activities follow all applicable laws, regulations, and policies including: Migratory Bird Conservation Act, Title 5 Code of Federal Regulations, Service Manual; Refuge System mission, goals, and objectives; and the Refuge goals and objectives.

Public Review and Comment

This compatibility determination was part of the Draft Neal Smith NWR Comprehensive Conservation Plan (CCP) and Environmental Assessment. Public notification and review includes a notice of availability published in the *Federal Register*, 30-day comment period, local media announcements, and a public meeting at the Refuge. Comments received and agency responses will be included in the final CCP.

Determination: Wildlife Observation and Photography (including means of access)

Use is Not Compatible

Use is Compatible with Stipulations

Stipulations Necessary to Ensure Compatibility

All users must comply with Refuge-specific regulations.

Justification

Wildlife observation and photography are priority public uses for the Refuge System as outlined in the National Wildlife Refuge System Improvement Act of 1997 (Public Law 105-57). By facilitating these uses on the Refuge, we will increase visitor's knowledge and appreciation of fish and wildlife, which will lead to increased public stewardship of fish and wildlife resources and fulfillment of the mission of the Refuge System.

Mandatory 15-year Re-evaluation Date: 2027

Refuge Manager: /Christy Smith/ 9/17/2012
(Signature and Date)

Regional Chief Concurrence: /Tom Worthington, Acting/ 10/31/2012
(Signature and Date)