

Upper Mississippi River National Wildlife and Fish Refuge
Established 1924
Compatibility Determination

Use: Continued Presence and Operation of Commercial Fishing Floats

Refuge Name: Upper Mississippi River National Wildlife and Fish Refuge (Refuge)

Establishing and Acquisition Authority(ies):

The Upper Mississippi River Wildlife and Fish Refuge was established by Public Law No. 268, 68th Congress on June 7, 1924. This act authorized acquisition of lands for Refuge purposes. Additional lands acquired in fee title by the U.S. Army Corps of Engineers are managed as part of the Refuge under a 1963 Cooperative Agreement between the Department of the Army and the Department of the Interior.

Refuge Purpose(s):

“The Refuge shall be established and maintained (a) as a refuge and breeding place for migratory birds included in the terms of the convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and (b) to such extent as the Secretary of the Interior by regulations, prescribe, as a refuge and breeding place for other wild birds, game animals, fur-bearing animals, and for the conservation of wild flowers and aquatic plants, and (c) to such extent as the Secretary of the Interior may, by regulations, prescribe a refuge and breeding place for fish and other aquatic animal life.”

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.”

Description of Use:

Four independently-owned/operated fishing floats are permitted to occupy U.S. Fish and Wildlife Service-acquired land below Lock and Dams 6, 7, 8, and 9. Fishing floats are private businesses which provide fishing opportunities to the public for a fee; the fee varies per fishing float. Floats vary in construction and configuration, but generally include a large, floating platform with railing from which visitors fish; a small, enclosed concessions area where food, beverages, and bait can be purchased; and portable rest rooms. The floats are attached to shore via a dock or walkway, and there is generally an equipment storage shed on shore.

Operators pick-up customers via boat and transport them to the facility. The fishing floats generally are used by anglers, who travel some distance to fish the main channel of the Mississippi River, but do not own or have access to boats. An estimated 15,000 anglers per year use the fishing floats with the largest operator servicing about 6,000 anglers per year, while the remaining operators average about 3,000 anglers each per year. Due to the location of floats below locks and dams, fishing can be excellent for walleye, sauger, and other species which tend to congregate in these areas. Operators are required to obtain an annual Special Use Permit from the Refuge for an administrative fee of \$100, a fee unchanged since at least 1971.

Availability of Resources:

These structures are privately-owned and operated. Depending on the location of the fishing float, boat landings and parking lots, which are used for customer parking or to support transporting customers to the facility, may be public or privately-owned.

Costs to the Service incur from personnel administering the annual Special Use Permit and to law enforcement staff charged with enforcing the conditions of the annual permit. The \$100 received per fishing float is not sufficient to recover Refuge costs to administer each of the four fishing floats. The Refuge's Comprehensive Conservation Plan addresses this need and proposes that new guidelines and permit fees be established soon after plan approval.

Anticipated Impacts of the Use:

Fishing activities associated with floats, particularly in spring, may cause temporary disturbance to bald eagles, migratory birds, and other wildlife using the area immediately below the lock and dams. General fishing in boats is also concentrated in these areas. This disturbance may displace individual animals to other sections of the main channel or surrounding backwaters. Disturbance is limited in scope and duration because the activity is concentrated in a relatively small area.

As a result of the fishing floats, more harvest of fish occurs. Season dates, daily bag limits, and any specific regulations are set by the states with the long-term health of populations in mind. Creel surveys, population assessments, and water quality monitoring are among the tools used to determine how well populations are being maintained. Consequently, the harvest from anglers on fishing floats should not be excessive for any species taken. The fishing float may also provide additional structure for a variety of fish species. Fishing floats are anchored by cabling off to large trees growing on the shoreline, or onshore pilings, along with poles driven into the river bottom. Damage to trees has been documented. This damage can be avoided by using onshore pilings. Finally, conflicts between anglers in boats and those fishing from fishing floats occur when boaters move in too close. Avoiding or minimizing these conflicts has been stressed by Refuge personnel; recommendations for handling potential conflicts have also been passed onto fishing float owners/operators.

Public Review and Comment:

A draft of this Compatibility Determination was included in the Draft Comprehensive Conservation Plan and Environmental Impact Statement (EIS) released May 1, 2005 for a 120-day comment period. It was also available during a subsequent 90-day review period on a supplement to the EIS released December 3, 2005. Public notification included notices in the Federal Register, media announcements, and 31 public meetings and workshops attended by more than 3,700 persons. Several comments on fish floats were received and are found in Chapter 7 of the EIS, with a Service response. However, no comments specific to this determination were received.

Determination:

Use is Not Compatible

Use is Compatible with Following Stipulations

Stipulations Necessary to Ensure Compatibility:

To ensure compatibility with Refuge purposes and the mission of the National Wildlife Refuge System, an individual fishing float would remain in operation on the Refuge if the following stipulations are met:

1. Operations and maintenance are conducted in accordance with local, state and federal regulations unless the Refuge places additional restrictions on the activities to ensure compliance with all applicable laws, regulations, and policies.
2. The fishing float meets the new standards being developed for facilities and operations. This includes implementing new concession fees. If a fishing float does not meet the new standards, a phase-out would occur.
3. Fishing float presence and operation will be subject to modification if on-site monitoring by Refuge personnel uncovers unanticipated negative impacts to natural communities, wildlife species, or their habitats.

Justification:

The National Wildlife Refuge System Improvement Act of 1997 specifies that there are six priority uses of the National Wildlife Refuge System. Fishing is one of these six priority uses. Historically, fishing floats filled an important void for those wishing to fish the main channel, but lacking the necessary equipment. With the increased availability and affordability of fishing boats and guiding services, the need for fishing floats has lessened. However, their services are still desired as documented by the use they receive annually and the public's interest in seeing them continue. As noted in the description of use and anticipated impact sections, the continued presence and operation of fishing floats on the Refuge will have minimal impact to fish and wildlife populations and

associated habitat. Stipulations above will ensure proper control of the means of use and provide management flexibility should detrimental impacts develop. New standards for facilities and operations, in addition to more realistic concession fees, should lessen Refuge administrative costs while providing a fair return to the government. Allowing this use also furthers the mission of the National Wildlife Refuge System by providing renewable resources and recreation for the benefit of the American public while conserving fish, wildlife, and plant resources.

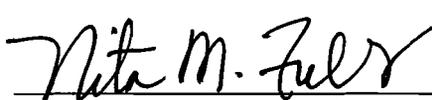
Signature:

Refuge Manager:

 8/17/06
(signature and date)

Concurrence:

Regional Chief:

 8/21/2006
(signature and date)

Mandatory 10- or 15 year Re-evaluations Date: 2016