

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

Use: Guided hunting

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:

The Refuge will authorize commercial hunting guide operations within the Refuge, and regulate such use through the implementation of a hunting guide management program, including issuance of Special Use Permits with conditions, beginning in 2006. This activity provides recreational opportunity for hunters who desire a successful, quality experience, but who may lack the necessary equipment, skills or knowledge to hunt within the expansive river, backwater, marsh, and island environment of the Refuge. Commercial guiding of hunters is an existing activity on the Refuge, but it has not been consistently administered.

Guiding operations will generally be allowed on the approximately 190,000 acres of the Refuge open to hunting in accordance with the respective state hunting seasons. Waterfowl hunting seasons in the four states in which the Refuge is located (Minnesota, Wisconsin, Iowa, and Illinois) typically occur from mid-September through December each year. State deer hunting (gun) seasons typically occur during portions of October, November, and December. Specific habitat types will depend on targeted species and seasonal changes associated with water depths and other habitat conditions. Habitat types include a mixture of forest and grassland, islands, large river associated wetlands, secondary river channels, and back water ponds and marshes.

It is expected that hunting guides will serve mainly waterfowl hunters, though some guiding for white-tailed deer (gun season) hunters may occur on portions of the Refuge. Waterfowl hunting guides and their clients often focus on taking mallard and canvasback. Other waterfowl commonly sought by hunters include: Canada geese, wood duck, green- and blue-winged teal, wigeon, shoveler, ring-necked duck, and greater and lesser scaup.

Other species that may be affected by guided hunting activities include many of the species that use aquatic and flood plain habitat on the Refuge. Hundreds of bald eagles, listed as threatened under the Endangered Species Act (though recently proposed for delisting), nest, roost and feed throughout the Refuge. Large concentrations of canvasback ducks and tundra swans rest and feed on the Refuge each fall. Additional species of interest include: American white pelicans, various raptors, great blue heron, great egret, white-tailed deer, river otter, and beaver.

Guided operations typically involve transport of clients by small power boats from public boat landings to selected hunting sites. Often the guides/clients return to the same site or one of several sites selected by the guide. Some hunters may walk to hunting sites from parking lots or road sides. Waterfowl hunters typically hunt from blinds (either camouflaged boats or constructed from natural vegetation), or concealed by existing vegetation. Waterfowl hunting guides typically construct one or more blinds in their operating area(s) that they use throughout a hunting season.

The total number of hunting guides currently operating on Refuge is unknown. The Refuge currently issues Special Use Permits to two commercial hunting guides. Based on guide licenses issued by the respective states, observed advertisements, and information from hunters, it is certain that other individuals are conducting commercial hunting guide activities on the Refuge. A first step in establishing a commercial hunting guide program on the Refuge will be to identify existing guides through a review of public records and outreach through news releases and special meetings.

Information reported by permitted waterfowl hunting guides indicates that a full time guide could serve approximately 200 hunters per hunting season. The number of deer hunting guides and clients would be substantially fewer, with an estimated one or two clients per season day.

Based on apparent existing client demand for guide services, a significant number of the hunting public is willing to pay for the expertise and local knowledge provided by guides. The Refuge provides one of the largest public hunting areas with good populations of waterfowl and other game in the upper Midwest. Currently hunting activities account for over 280,000 visits on the Refuge. It is expected that the number of hunting guides and the public's use of this service will continue to increase.

Administration of commercial hunting guide activities will be conducted in accordance with commercial guide use stipulations (attached) developed to ensure consistency throughout the Refuge; provide a safe, quality experience; protect resources; and to ensure compliance with pertinent Refuge System regulations and policies. The guide use stipulations will address all aspects of the guided hunting program including the number of permits to be issued, guide qualifications, permit cost, and selection methods. Commercial Hunting Guide Use Areas will be established for each navigation pool within the Refuge to ensure distribution of guides and public opportunity, and address sensitive wildlife areas or other considerations.

These stipulations are considered draft and will be fine-tuned during coordination meetings with the states and Corps of Engineers. The goal is to dove-tail Refuge permit needs and requirements with those of the states and Corps of Engineers as noted in the Refuge Comprehensive Conservation Plan.

Availability of Resources:

This program will increase overall costs of Refuge operations, including but not limited to, development and review of policy and procedure, yearly administration of permits (inquiries, screening and selecting applicants, issuing permits), and enforcement of permit conditions. In the short-term, existing staff is adequate if shifts in priorities and assignments are made to accommodate a modest guiding program. However, the size and scope of the guiding program, and the number of permits that will be available, will have to be limited in balance with permit fees received. In the long-term, a comprehensive guiding program, when combined with other new initiatives requiring permits, will require additional administrative and/or other personnel as identified in the Comprehensive Conservation Plan. Existing facilities (launch ramps, parking, walk-in sites) and other infrastructure are currently sufficient to accommodate this use.

Anticipated Impacts of the Use:

Because of the oversight of this activity by the Refuge, the comprehensive state and federal regulations already in place, and combined law-enforcement efforts of state and Refuge personnel, existing and projected levels of guide services should have minimal impacts on wildlife populations or habitat. Some disturbance of non-targeted fish and wildlife will occur, but should not affect populations on the Refuge overall. It is anticipated that this disturbance would not be measurably greater than disturbance from general hunting.

The primary concern regarding commercial guided hunting activities is the potential for conflict between guided activities and other Refuge users, particularly unguided hunters. Based on experiences on this Refuge and on other national wildlife refuges, a continuation of unregulated or inadequately regulated commercial guiding operations can increase user conflicts. An important part of this issue is public perception that hunting guides and clients have an advantage of equipment and technique and are taking game that would otherwise be available to regular hunters. Guides, since they are running a business, may also be viewed as more aggressive compared to unguided hunters. Refuge oversight of hunting guides should actually help ease any tension between guides and other users since it will help ensure properly licensed and qualified guides and entail time and space restrictions as needed. Oversight will also provide more data on hunting pressure and harvest levels related to guided hunting which can be shared with the public and help lessen some negative perceptions.

Another concern is the impact of guide operations on other Refuge uses. Because of the trend toward earlier waterfowl hunting seasons (mid-September versus early October), hunters, including guided hunters, are increasingly likely to use areas also used by anglers, small boat operators (canoes/kayaks), campers or recreational beach users. Hunting guides and clients will compete with other hunters for the best available locations. Hunters and trappers typically utilize and compete for use of the same habitat types. However, this competition will be present with or without guides, and as above, managing the number of guides and areas of operations should lessen conflicts.

Guide operations may increase use of some Refuge facilities, such as boat launch ramps, but, if regulated, this increase would not be significant compared to overall use.

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 were received on guides and guiding and are included in Chapter 7 of the EIS, with a Service response. No comments specific to this determination were received.

Determination:

Use is Not Compatible

Use is Compatible with Following Stipulations

Stipulations Necessary to Ensure Compatibility:

See attached stipulations.

Justification:

Allowing guided hunting on the Refuge will not materially interfere with the purposes of the Refuge or the mission of the Refuge System because:

1. Existing federal and state agency oversight and regulation of affected species and habitat is sufficient to ensure healthy populations. Disturbance to non-game wildlife will be local, short-term, and not adversely impact overall populations.
2. There are adequate state and federal enforcement officials to enforce state and federal regulations.
3. Qualifying standards for hunting guides will help ensure that hunters are guided by competent individuals.
4. Restricting the number of guides and managing how guided activities are conducted will reduce adverse habitat effects, conflicts between competing guide services, and conflicts between guided operations and other Refuge users.
5. Designated areas of operation (Guide Use Areas), operating requirements, and other regulation of guided hunting will minimize conflicts with other Refuge users.
6. Administrative (application) and Special Use Permit fees will help off-set costs to administer and provide oversight to this use.
7. Regulating and limiting the number of hunting guides as stated in the Refuge commercial guide program stipulations will provide a safe, quality experience to individuals who hunt on the Refuge. It will also increase opportunities for those who wish to hunt on the Refuge, but may lack the required equipment, knowledge or expertise.

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

Attachment: Draft Stipulations

**Attachment to Guided Hunting Compatibility Determination
Commercial Hunting Guide Program Stipulations on Upper Mississippi River
National Wildlife and Fish Refuge.**

The respective District Manager will designate "Commercial Hunting Guide Use Areas" within each navigation pool on the Refuge, based on factors such as Refuge ownership, available suitable habitat, other Refuge resources and users, and other pertinent issues. In most cases this will include all land and water acres within the Refuge except those areas closed to hunting in Waterfowl Hunting Closed Areas or Administrative No Hunting Zones. The District Manager will also establish the maximum number of guides that will operate in each Use Area. In general, one guide will be selected per area or zone, though circumstances such as large, naturally divided zones may allow more than one.

Qualified individuals may apply for available Guide Areas. If the maximum number of guides exceeds the recommended allowance for that Use Area, guides will be selected by random drawing for a Special Use Permit valid for up to three years.

Administrative fee will be \$100, non-refundable.

The permit fee for selectees will be \$500/year for part time guides; \$900/year for full time guides. These fees are based on the 1993 Service standard of 3% of expected gross revenue, using revenue data from a currently permitted waterfowl hunting guide. For comparison, waterfowl hunting guides at White River National Wildlife Refuge in Arkansas pay \$1,540 per year.

Qualified is defined as:

1. Licensed as a commercial guide by the state in which they operate, as applicable.
2. Possess a current vessel operator license issued by the U.S. Coast Guard. Minimum license shall be Operator Uninspected Passenger Vessel (OUPV). The license shall be valid for the area of operations and type(s) of vessel operated.
3. Possess a current CPR and First Aid training certificate issued by a recognized national organization
4. Provide proof of insurance as established by the Refuge, including minimum coverage for general liability and comprehensive for all operations.
5. Otherwise required by state law.

Permittees may be assisted by up to 3 individuals. Assistants must be named/authorized on the permit issued and possess the applicable state and Coast Guard licenses for duties conducted.

Guided parties are limited to 4 hunters. The guide, assistants, and clients must remain within ¼ mile of each other when hunting. Guides shall construct no more than 5 temporary blinds in their assigned area, and as with all blinds, they may be used by the general public when vacant.

The permittee is responsible for accurate record keeping and shall provide the issuing District Office the following information by February 15 of each year:

- Fee schedule for the year (charge per angler)
- Number of guided hunts performed on the Refuge
- Number of individuals guided,
- Date of each guided trip
- Location of each trip, or general area of hunting activity
- Number of each species harvested
- Individual names and description of duties for all additional staff who assist with a hunting trip on the Refuge

All vessels and vehicles used in guide operations shall be marked with a guide identifier as required by the Refuge.

This Special Use Permit and the privileges granted herein may be revoked by the issuing District Manager at any time for failure to comply with the permit conditions or other federal or state law.

Permittee must comply with all other Conditions of the Special Use Permit