

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

Use: Guided sport fishing

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 fishing guide operations within the Refuge, and regulate such use through the implementation of a fishing guide management program, including issuance of Special Use Permits with conditions, beginning in 2008. This activity provides recreational opportunity for anglers who desire a successful, quality experience, but who may lack the necessary equipment, skills or knowledge to fish within the expansive river and backwater environment of the Refuge. Commercial guiding of anglers is an existing activity on the Refuge, but it has not been consistently administered.

Guiding operations will generally be allowed on the approximately 140,000 acres of surface water in the Refuge throughout the year in accordance with the respective state fishing seasons. Specific habitat types will depend on targeted fish species and seasonal changes associated with water depths, water temperatures, and flow. Habitat types include a mixture of large river associated wetlands, primary and secondary river channels, back water ponds and marshes, and relatively open, deeper water areas of the down river portion of each navigation pool.

Target fish species for guided anglers include most game fish found on the Refuge; such as largemouth and smallmouth bass, channel and flathead catfish, walleye, sauger, northern pike, crappie, yellow perch, and bluegill. Walleye and bass are the most frequently pursued species. However, given the nature of fishing methods often employed, the potential exists to catch any of the 119 fish species found on the Refuge.

Other species that may be affected by guided fishing 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. Other waterfowl species include Canada geese, mallard, ring-necked duck, and scaup. Additional species of interest include: American white pelicans, various raptors, great blue heron, great egret, white-tailed deer, river otter, and beaver.

Guided fishing operations typically involve transport of clients by power boats from public boat landings to various fishing locations on the Refuge. Depending on the target fish species guides/clients will then anchor, drift, troll, or fish areas with the aid of electric motors while seeking the intended fish species. Fishing gear varies greatly depending on species, but typically involves the use of artificial lures or bait. Depending on species, clients generally keep a portion of their catch (e.g. walleye and sauger) or may practice catch-and-release (e.g. largemouth bass). In addition to the fishing activity, guides and clients may use Refuge shoreline areas for breaks, lunch, or other activities during the outing.

The total number of fishing guides/clients on the Refuge is not known. Currently the states of Minnesota, Iowa, and Illinois do not issue permits for fishing guides within their state, and therefore do not maintain any records in respect to the number of fishing guides on the Mississippi River within the Refuge. Wisconsin does require fishing guides to obtain a Guiding License, but no information is available on specific locations of their guiding. An estimate based on known fishing guides residing in the six Wisconsin counties along the Refuge is that 37 guides may be operating on the Refuge. A first step in establishing a commercial fishing guiding program on the Refuge will be to identify existing guides through a review of public records and outreach through news releases and special meetings.

Based on apparent existing client demand for guide services, a significant number of the fishing public is willing to pay for the expertise and local knowledge provided by guides.

The Refuge provides one of the largest public fishing areas with good populations of catchable fish in the upper Midwest. Currently fishing activities account for over 1.3 million visits on the Refuge. It is expected that the number of fishing guides and the public's use of this service will continue to increase.

Administration of commercial fishing 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 fishing program including the number of permits to be issued, guide qualifications, permit cost, and selection methods.

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, may 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) 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 fish and wildlife populations or habitat. Some disturbance of 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 fishing.

The primary concern regarding commercial guided fishing activities is the potential for conflict between guided activities and other Refuge users, particularly unguided anglers. 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 fishing guides and clients have an advantage of equipment and technique and are taking fish that

would otherwise be caught by regular anglers. Guides, since they are running a business, may also be viewed as more aggressive compared to unguided anglers. Refuge oversight of fishing 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 fishing pressure and harvest levels related to guided fishing which can be shared with the public and help lessen some negative perceptions.

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 fishing 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 fish and 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 fishing guides will help ensure that anglers 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 fishing 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 sport fishing guides as stated in the Refuge commercial guide program stipulations will provide a safe, quality experience to individuals who fish on the Refuge. It will also increase opportunities for those who wish to fish on the Refuge, but may lack the required equipment, knowledge or expertise. By regulating commercial guides, the Refuge will also better manage fish resources and reduce conflict between Refuge visitors.

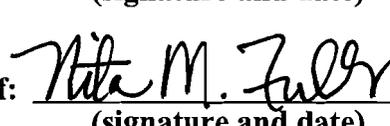
Signature:

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 Fishing Compatibility Determination
Draft Commercial Fishing Guide Program Stipulations on Upper Mississippi River
National Wildlife and Fish Refuge.**

The respective District Manager will designate “Commercial Fishing 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 water acres within the Refuge except those areas closed to fishing seasonally for the protection of migratory birds. The District Manager will also establish the maximum number of guides that will operate in each Use Area.

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 one year.

Administrative fee will be \$100, non refundable.

The permit fee, if selected, will be \$100/year for part time guides; \$300/year for full time guides. These fees will be established as the initial program fees until the number of participants and earned revenues can be determined.

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 any number of individuals. Assistants must be named/authorized on the permit issued and possess the applicable state and Coast Guard licenses for duties conducted.

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 fishing trips performed on the Refuge
- Number of individuals guided,
- Date of each guided trip
- Location of each trip, or general area of fishing activity

- Number of each species harvested
- Individual names and description of duties for all additional staff who assist with
- a fishing 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