Appendix G: Compatibility Determinations

In this appendix:

Wildlife Observation and Photography
Environmental Education and Interpretation
Archery Deer Hunting
Sport Fishing
Installation of Bluebird Boxes, Other Nest Boxes, or Nesting Structures by Public or Groups
Hay Harvest
Short-Term Upland Disturbance or Other Public Interest Projects with No Right-of-Way Expansion and Full Restoration
Scientific Studies and Research Projects by Third Parties

Summary of Compatibility Policy on National Wildlife Refuges (603 FW 2)

Compatibility determinations are documents written, signed, and dated by the refuge manager and the regional chief of refuges that signify whether proposed or existing uses of national wildlife refuges are compatible with their establishing purposes and the mission of the National Wildlife Refuge System (NWRS, Refuge System). All recreational activities and economic or other uses of a refuge by the public or other non-U.S. Fish and Wildlife Service (FWS, Service) entity require compatibility determinations. Economic uses must also contribute to achieving refuge purposes and the mission of the Refuge System. Before undertaking a compatibility review, the refuge manager must first determine that the use is appropriate (see appendix F).

Compatibility determinations are not required for such refuge management activities as prescribed burning, managing water levels, controlling invasive species, routine scientific monitoring, studies, surveys, and censuses, conducting historic preservation or law enforcement activities, or maintaining refuge facilities.

Compatibility determinations for priority public uses—hunting, fishing, wildlife observation and photography, and environmental education and interpretation—are reevaluated at least every 15 years, and all other uses are reevaluated at least every 10 years (sooner if conditions change or significant new information about the use or its effects becomes available).

COMPATIBILITY DETERMINATION

Use: Wildlife Observation and Photography

Refuge Name: Whittlesey Creek National Wildlife Refuge

Establishing Authority and Acquisition Authority:
Whittlesey Creek National Wildlife Refuge (NWR, Refuge), located in Bayfield County, Wisconsin, as established on September 30, 1999.

Refuge Purposes:
The primary purpose of Whittlesey Creek National Wildlife Refuge is "…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…" 16U.S.C. 742f(b)(1) (Fish and Wildlife Act of 1956)

National Wildlife Refuge System Mission:
The mission of the National Wildlife Refuge System (Refuge System) is to "administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of 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 [668dd-668ee])

Description of Use:
The U.S. Fish and Wildlife Service (Service) encourages wildlife observation and photography as a means for the public to enjoy the Refuge resource. Access to the refuge would be limited to foot traffic only (including hiking, snowshoeing, and cross-country skiing). Access by bicycles, horses, and motorized vehicles would be limited to county and township roads. Boats are not allowed on the refuge.

Wildlife observation and photography are priority public uses on Refuge System lands as identified in the National Wildlife Refuge System Improvement Act of 1997. Entry on all or portions of individual areas may be suspended by posting upon occasions of unusual or critical conditions affecting land, water, vegetation, wildlife populations, or public safety.

Availability of Resources:

What resources are needed to properly and safely administer the use?
The needed staff for developing and administering the wildlife observation/photography program is available.

Are existing refuge resources adequate to properly and safely administer the use?
Because of the anticipated low impact of these uses, minimal staff time will be required. Most resources will be dedicated to the upkeep of associated facilities for these uses.

Anticipated Impacts of Use:
Both short- and long-term impacts include temporary disturbance to wildlife while visitors access the Refuge. However, by limiting the disturbance on the refuge to foot travel only, these disturbances will be minimized.

How does the use affect the refuge purposes, the Refuge System mission, and the refuge goals and objectives?
By providing wildlife observation and photography, the public will have an opportunity to observe/photograph wildlife on the Refuge. This appreciation of the Refuge and associated resources supports the Refuge goals and objectives.

Public Review and Comment:
This compatibility determination is available for public review as part of the Whittlesey Creek National Wildlife Refuge Draft Comprehensive Conservation Plan and Environmental Assessment. Comments received and agency responses are included in the final version of the Whittlesey Creek NWR Comprehensive Conservation Plan.

Determination:

_____Use is Not Compatible

__X__Use is Compatible with the Following Stipulations

Stipulations Necessary to Ensure Compatibility:

1. Access to the Refuge will be by foot traffic only (including hiking, snowshoeing, and cross-country skiing).
2. Motorized vehicles, bicycles, and horses are restricted to adjacent county and township roads. Boats are not allowed within the Refuge.

Justification:
This use has been determined compatible provided the above stipulations are implemented. This use is a priority public use on national wildlife refuges. By providing wildlife observation and photography, the public will have an opportunity to observe/photograph wildlife on the Refuge. This could lead to a further appreciation of the Refuge and associated resources.

Signature: Refuge Manager __/Thomas M. Kerr/ 5/12/2015__
(Signature and Date)

Concurrence: Regional Chief __/Charles W. Blair/ 5/20/2015__
(Signature and Date)

Mandatory 10- or 15- year Re-Evaluation Date: 2030

COMPATIBILITY DETERMINATION

Use: Environmental Education and Interpretation

Refuge Name: Whittlesey Creek National Wildlife Refuge

Establishing Authority and Acquisition Authority:
Whittlesey Creek National Wildlife Refuge (NWR, Refuge), located in Bayfield County, Wisconsin, as established on September 30, 1999.

Refuge Purposes:
The primary purpose of Whittlesey Creek National Wildlife Refuge is "…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…" 16U.S.C. 742f(b)(1) (Fish and Wildlife Act of 1956)

National Wildlife Refuge System Mission:
The mission of the National Wildlife Refuge System (Refuge System) is to "administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of 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 [668dd-668ee])

Description of Use:
Allow wildlife interpretation and environmental education programs to be conducted on Whittlesey Creek NWR. Formal programs include activities prepared, scheduled, and organized for school-aged children and organized groups by Service staff. In most cases, curriculums and program schedules are prepared in advance. These curriculums address a number of wildlife conservation issues including coaster brook trout restoration, riparian habitat restoration, wetland and grassland conservation, migratory bird management, and the conservation of endangered species. The visitation and use of the Refuge by local educators and their classes on their own for the purposes of furthering their understanding of natural resource management issues would also classified as an informal program.

In addition, this would include use of the shared facilities at the Northern Great Lakes Visitor Center (NGLVC) including exhibits, classrooms, multimedia room and auditorium, and the adjacent NGLVC trail system. This also includes the use of the Refuge's Coaster Classroom facility.

Availability of Resources:

What resources are needed to properly and safely administer the use?
The current staffing levels are sufficient to support environmental education and interpretation programs on Whittlesey Creek NWR. No increase in cost is expected above the Refuge's current Operations and Maintenance budget. The Refuge's partnership with the U.S. Forest Service at the NGLVC is a cost-effective method to share educational facilities used for the Refuge's educational and interpretive programs. Joint programming with the five partners (U.S. Forest Service, National Park Service, Wisconsin Historical Society, University of Wisconsin Extension and Friends of the Center Alliance) at the NGLVC also increases the efficiency of the program. Special educational events such as the

Birding and Nature Festival are large events with a distributed workload so the Refuge is able to participate at current staff levels.

Are existing refuge resources adequate to properly and safely administer the use?
Yes, existing Refuge resources are adequate to properly and safely administer the use.

Anticipated Impacts of Use:
The overall impacts to the Refuge and associated wildlife populations from this use will be minimal. There will be some disturbance to wildlife, but at levels that will not likely interfere with the wildlife and habitat goals of the Refuge. School buses and personal vehicles will utilize parking areas already constructed for use by other Refuge users. The limited number of nature trails planned for development will be done in a way to minimize disturbance to vegetation and wildlife use of these areas.

How does the use affect the refuge purposes, the Refuge System mission, and the refuge goals and objectives?
The use is supportive of a priority public use on national wildlife refuges.

Public Review and Comment:
This compatibility determination is available for public review as part of the Whittlesey Creek National Wildlife Refuge Draft Comprehensive Conservation Plan and Environmental Assessment. Comments received and agency responses are included in the final version of the Whittlesey Creek NWR Comprehensive Conservation Plan.

Determination:

_____Use is Not Compatible

__X__Use is Compatible with the Following Stipulations

Stipulations Necessary to Ensure Compatibility:

1. Access on the Refuge will be by foot traffic only (including hiking, snowshoeing, and cross-country skiing).
2. Motorized vehicles, bicycles, and horses are restricted to adjacent county and township roads. Boats are not allowed within the Refuge.
3. The Refuge Manager may allow staff or expert-led special events such as birding festivals, etc. on a case-by-case basis.

Justification:
This use has been determined compatible provided the above stipulations are implemented. This use is a priority public use on national wildlife refuges. By allowing environmental education and interpretation, the public will have an opportunity to learn about the Refuge, its habitats and wildlife. This could lead to a further appreciation of the conserving the Refuge and associated resources.

Signature: Refuge Manager /Thomas M. Kerr/ 5/20/2015
(Signature and Date)

Concurrence: Regional Chief /Charles W. Blair 5/20/2015
(Signature and Date)

Mandatory 10- or 15- year Re-Evaluation Date: 2030

COMPATIBILITY DETERMINATION

Use: Archery Deer Hunting

Refuge Name
Whittlesey Creek National Wildlife Refuge

Establishing Authority and Acquisition Authority
Fish and Wildlife Act of 1956, as amended by Public Law 93-271

Refuge Purposes
The Whittlesey Creek National Wildlife Refuge was established under the authority of the 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…" 16U.S.C. 742f(b)(1)

National Wildlife Refuge System Mission
The mission of the National Wildlife Refuge System (Refuge System) is to "administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of 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
a) The use is archery deer hunting. Hunting is a priority public use.

b) Where the use will be conducted: On tracts of refuge lands that are at least 20 contiguous acres. A buffer around the Refuge's Coaster Classroom site and near the Northern Great Lakes Visitor Center will be closed to hunting. The Refuge lands are currently 215 acres. As additional refuge lands are acquired, archery deer hunting will be allowed if they meet the 20 contiguous acre standard. Habitat utilized for archery deer hunting include coastal wetlands, uplands, forested wetlands, forested shrublands and riparian areas.

c) When the use will be conducted: During Wisconsin's regular archery deer hunting season. Wisconsin's 2005 deer hunting regulations opened archery hunting from September 17, 2005 through January 3, 2006, excluding the 10-day deer gun season.

d) How the use will be conducted: Refuge staff will notify the Wisconsin Department of Natural Resources yearly to inform them of lands available for archery deer hunting. Refuge staff will also notify the public via its web site and other mediums that archery deer hunting is allowed. The Service will request, but not require, that archery deer hunters obtain an information packet that includes a map showing lands that are open and a flyer describing Refuge-specific regulations. The packet will also request that harvest information be sent to the Refuge. Archery deer hunters typically find deer sign and either create a blind or use a portable blind/stand. Archery hunting is almost always conducted as a still hunt where the deer will walk upon the hunter who is hidden and quiet. This type of hunting will be allowed, but live vegetation cannot be removed, destroyed or altered by the hunter for any purpose. No baiting is allowed. Hunters will park at regular Refuge access points and walk to their hunting site. No additional facilities will be provided for archery deer hunting.

Why the use is being proposed: Hunting is a priority public use for National Wildlife Refuges. The Interim Comprehensive Conservation Plan (1998) that established the Whittlesey Creek National Wildlife Refuge stated: *"On most units of the Whittlesey Creek NWR, hunting and fishing will be permitted in accordance with state seasons. Units will be opened to these uses when they are of a sufficient size, when suitable public access can be provided, when there are no detrimental impacts to any threatened or endangered species, and where these activities can be conducted safely.*

The project manager may establish time and space zones to regulate these uses to insure they remain compatible with the wildlife and habitat preservation purposes of the NWR, and to reduce potential conflicts between users.

Certain small portions of the units may be closed to hunting, fishing or other public uses, when the manager determines that there are specific habitat or wildlife protection needs are best met by establishing sanctuary areas. "

The Whittlesey Creek National Wildlife Refuge Public Use Plan (1991) stated: *"Guidelines for hunting on refuge lands will be limited to waterfowl hunting for this plan version. The Service intends to provide hunting opportunities for upland birds, deer and other species on Refuge lands once additional properties are acquired and the Service understands public needs and evaluates safety issues.* "

We are beginning to meet these stated commitments by allowing deer archery hunting.

Availability of Resources
Current staff will inform the public about archery deer hunting annually through press releases. Information packets that include maps and regulations will be available at the Northern Great Lakes Visitor Center (Refuge headquarters). No additional facilities are needed.

The Refuge does not have any law enforcement personnel at the station; a zone law enforcement officer is stationed at Necedah National Wildlife Refuge in central Wisconsin. The Refuge currently utilizes this officer to meet Refuge law enforcement needs and will continue with this arrangement. Whittlesey Creek Refuge staff will be expected to watch for abuse by hunters who use live vegetation for blind construction, who impact vegetation with tree stands, and who don't remove their stands each day. Portable stands will be confiscated and turned over to state wardens or Service's law enforcement personnel. All tree stands and blinds that remain overnight will be removed. Staff will continue to work with our zone law enforcement officer and state wardens to ensure hunter compliance.

We will monitor hunter use by the number of packets that are provided to archery hunters. We will monitor harvest when hunters volunteer to provide harvest information.

Park Ranger's time to develop and distribute information, monitor use (3% of existing FTE) = $1,800
Zone Law Enforcement Officer's time and transportation to assist with enforcement (estimated at 2% of existing FTE) = $1,500.

Anticipated Impacts of Use:
The environment of the Refuge and potential impacts from public use are described in detail in the document: "Environmental Assessment for the Public Use Plan, Whittlesey Creek National Wildlife Refuge Bayfield County, Wisconsin" dated April 6, 2001. The document is on file at the

Whittlesey Creek NWR headquarters office in Ashland, Wisconsin. A summary of potential impacts specific to archery deer hunting follow.

Fish and Wildlife Populations
The Service's ability to reach its fish and wildlife population goals would not be negatively affected.

Archery deer hunting will have a minimal effect on the deer population in both the Refuge and within the DNR's deer management unit 3. We anticipate that at most, 10 deer will be harvested from Refuge lands. Concurrently, the deer population should not be negatively harmed by harvest of a few deer within the Refuge. However, we expect a minimal drop in impacts from deer browsing on trees and shrubs.

Fish and Wildlife Habitat
The proposed use would not affect the Service's ability to reach habitat goals established for the Refuge.

User Conflicts
Conflicts could occur between non-consumptive users and archery hunters, especially in September and early October when visitation remains high at the Northern Great Lakes Visitor Center and in the Coaster Classroom (Refuge environmental education site). The Service will manage public use to avoid conflicts as much as possible by prohibiting archery hunting within a buffer near the Visitor Center's boardwalk and around the Refuge's Coaster Classroom site.

Archery hunters are very inconspicuous and will shoot a deer only when it is within about 30 yards or less. Their mode of operation will in itself minimize impacts. However, other users could disrupt the experience for a hunter when they are not aware that the hunter is in her/her blind/stand. We are not proposing to control these situations; hunters will have to accept the potential for interference from other users.

Private landowners within and adjacent to the Refuge might experience additional trespass on their lands if a hunter wounds and tracks a deer onto their lands. It is considered trespass if a hunter does not have permission from the landowner to track a deer onto the landowner's land. The landowner would be responsible to report trespass violations on their property.

Threatened and Endangered Species
Archery deer hunting should not affect nesting piping plovers or bald eagles. Gray wolf travel through and possible hunt within the Refuge. Canada lynx are not known to use the Refuge. The Service will track all sightings of threatened and endangered species to monitor use and ensure that conflicts do not occur.

Public Review and Comment
A public notice was published two times each in two local papers (see attached copy of the notice). It was printed on December 8 and 15, 2005 in the Bayfield County Journal. It was printed on December 7 and 10, 2005 in the Ashland Daily Press.

The archery hunting plan, compatibility determination and supplemental environmental assessment were available for review on the Whittlesey Creek Refuge's web site or by contacting the Refuge office. No public comments were received.

Refuge staff also sent a letter to all private landowners within the Refuge boundary to inform them of the proposed plan and compatibility determination. No comments were received from them.

Determination

_____Use is Not Compatible

__X__Use is Compatible with the Following Stipulations

Stipulations Necessary to Ensure Compatibility

Hunting

General guidelines for hunting on refuge lands require that in general, the Service will follow all Federal regulations and most State of Wisconsin regulations. The following general guidelines are followed for hunting on Whittlesey Creek National Wildlife Refuge:

- Hunters will be required to follow all Federal and State laws and regulations. This includes no shooting within 100 yards of a residence without permission of the resident.
- The Service does not allow baiting on any refuge system lands, so baiting will not be allowed on the Refuge.
- A no-hunting buffer on Service-owned lands adjacent to the Center will be established for visitor safety needs.
- Ground blinds or any elevated stands may be used only if they do not damage live vegetation, including trees.
- Ground blinds may be constructed entirely of dead vegetation from on the property.
- Nontoxic shot is required for all shotgun use on the refuge.
- Check with Refuge staff annually for open hunting areas for archery deer hunting and waterfowl hunting.

Refuge-specific Hunting Regulations

- Archery deer hunting will be allowed to take place on Refuge lands owned by the Service that constitute tracts greater than 20 acres.
- No hunting will be allowed within a designated, signed area around the Coaster Classroom and Northern Great Lakes Visitor Center boardwalk.
- The construction or use of permanent blinds or platforms is not permitted.
- All stands and blinds must be removed from the refuge at the end of each day's hunt.
- Motorized vehicles are allowed only on public roads and parking areas.

National Wildlife Refuge System regulations that apply to all refuges also apply to Whittlesey Creek National Wildlife Refuge. System regulations are found in the *Code of Federal Regulations* under section "What are the requirements for hunting on areas of the National Wildlife System?" Where Federal law differs from State law, Federal law supersedes State law. For example, baiting is prohibited on all National Wildlife Refuges so it is prohibited on Whittlesey Creek National Wildlife Refuge. A hunter's duty is to know the rules and regulations of where they are hunting.

Archery hunters will be encouraged to check-in at Refuge headquarters, but no Refuge-specific permit will be required or issued. Tagging of harvested deer must follow state regulations, but the Service will request that hunters notify us of harvested deer.

Justification:
The National Wildlife Refuge System Improvement Act mandates that compatible, wildlife-dependent recreational uses involving hunting, fishing, wildlife observation, photography, environmental education and interpretation are priority public uses. This compatibility determination will allow archery deer hunting to take place at the Whittlesey Creek National Wildlife Refuge, in fulfillment of that mandate. These uses will help fulfill one of the goals of the Refuge's Interim Comprehensive Conservation Plan to: "Manage for compatible wildlife-dependent recreational uses, including environmental education, hunting, fishing, wildlife-viewing, and demonstrating restoration and management techniques."

Hunting of resident wildlife on the Refuge is not considered a means to manage regional population goals established by the WI DNR. Rather, hunting resident wildlife are considered for their compatibility with Refuge goals. This use is compatible with Refuge goals.

Archery deer hunting will have minimal impact on the resources of the Refuge. Public use of this Refuge will help build support for the Refuge and the Service's mission.

Signature: Refuge Manager /Pamela Dryer/ 12/30/2005
(Signature and Date)

Concurrence: Regional Chief /Nita M. Fuller/ 1/9/2006
(Signature and Date)

Mandatory 10- or 15- year Re-Evaluation Date: 2021

COMPATIBILITY DETERMINATION

Use: Sport Fishing

Refuge Name: Whittlesey Creek National Wildlife Refuge

Establishing Authority and Acquisition Authority:
Whittlesey Creek National Wildlife Refuge (NWR, Refuge), located in Bayfield County, Wisconsin, as established on September 30, 1999.

Refuge Purposes:
The primary purpose of Whittlesey Creek National Wildlife Refuge is "…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…" 16U.S.C. 742f(b)(1) (Fish and Wildlife Act of 1956)

National Wildlife Refuge System Mission:
The mission of the National Wildlife Refuge System (Refuge System) is to "administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of 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 [668dd-668ee])

Description of Use:
Sport fishing as an activity conducted by the general public under regulation authority of the National Wildlife Refuge System Improvement Act. The use would be allowed on Whittlesey Creek and Little Whittlesey Creek on the Refuge.

Availability of Resources:
What resources are needed to properly and safely administer the use? The cost of administering this program includes a startup cost for incorporating fishing regulations into Refuge signage and brochures. Additional costs are associated with enforcement of the regulations on Refuge property. Under state regulation the creeks are already open to fishing. If an individual can access a stream from a public location such as a road right-of-way and remain in the streambed then the stream is open for public access. At the current time, enforcement of fishing regulations is by Wisconsin Department of Natural Resources (DNR) wardens. Additional enforcement by Refuge officers would be minimal since enforcement coverage is provided by the zone law enforcement officer in Tomah, Wisconsin. Existing fishing pressure under state regulations is minimal and would probably not increase very much by this change, which aligns state and federal regulations.

Are existing refuge resources adequate to properly and safely administer the use?
Staff resources are deemed adequate to manage this use at anticipated levels. The Comprehensive Conservation Plan identifies the filling of the existing park ranger position, which will be responsible for updating signage and brochures. The enforcement of regulations will primarily fall within the jurisdiction of the state wardens who patrol the county. Additional special enforcement if deemed necessary would be coordinated by the zone law enforcement officer.

Anticipated Impacts of Use:
Possible impacts of use include introduction of invasive species, fishing line entanglement, and impacts from lead tackle. Fishing on the Refuge would likely occur with walk-in anglers who wear chest waders or hip boots to fish in the stream or bank fish. Most movement of aquatic invasive species between water bodies occurs on boats, live wells and trailers. The method of fishing in Whittlesey Creek would tend to eliminate the use of these transport vectors thereby significantly reducing the risk of invasive species.

Use of lead tackle is an impact but to what degree, is largely unknown. Education and mandatory use of non-toxic tackle may be phased in but any such work would have to be in partnership with the state of Wisconsin. Other concerns, such as litter and fishing line entanglement are addressed through education.

Whittlesey Creek is an experimental site for the restoration of Coaster Brook Trout. The 2003 Whittlesey Creek coaster brook trout restoration plan developed by the Service and the Wisconsin DNR instituted protective harvest regulations on the creek. At this time, we do not anticipate any impact on the restoration plan because Whittlesey is designated as a catch and release brook trout stream through state regulations. The Service is conducting an extensive population monitoring study as the restoration experiment proceeds. If we determine that fishing mortality is impacting the success of the restoration project we would re-evaluate the role of fishing on the Refuge.

How does the use affect the refuge purposes, the Refuge System mission, and the refuge goals and objectives?
Recreational fishing is a priority public use identified in the National Wildlife Refuge Improvement Act of 1997. The fishing program is administered to provide recreational opportunities to visitors while avoiding negative impacts to wildlife and their habitat. The activity will promote local tourism and economic trade and enhance Service initiatives in the surrounding local community.

The fishing program follows all applicable laws, regulations and policies, including Title 50 Code of Federal Regulations, National Wildlife Refuge System goals and objectives, and the Refuge goals and objectives. This activity is also compliant with the purpose of the Refuge and the National Wildlife Refuge System mission. Conducting this program does not alter the Refuge's ability to meet habitat goals, provide for public safety and support the primary objectives of the Refuge.

Public Review and Comment:
This compatibility determination is available for public review as part of the Whittlesey Creek National Wildlife Refuge Draft Comprehensive Conservation Plan and Environmental Assessment. Comments received and agency responses are included in the final version of the Whittlesey Creek NWR Comprehensive Conservation Plan.

Determination:

_____Use is Not Compatible

__X__Use is Compatible with the Following Stipulations

Stipulations Necessary to Ensure Compatibility:

1. State fishing requirements apply on the Refuge.

2. Whittlesey Creek is a catch and release stream for brook trout only.
3. Vehicles are permitted only on designated roads and parking lots.

Justification:
The 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 National Wildlife Refuge System by providing renewable resources for the benefit of the American public while conserving fish, wildlife and plant resources on these lands.

Signature: Refuge Manager /Thomas M. Kerr/ 5/12/2015
(Signature and Date)

Concurrence: Regional Chief /Charles W. Blair/ 5/20/2015
(Signature and Date)

Mandatory 10- or 15- year Re-Evaluation Date: 2030

COMPATIBILITY DETERMINATION

Use: Installation of Bluebird Boxes, Other Nest Boxes, or Nesting Structures by Public or Groups

Refuge Name: Whittlesey Creek National Wildlife Refuge

Establishing Authority and Acquisition Authority:
Whittlesey Creek National Wildlife Refuge (NWR, Refuge), located in Bayfield County, Wisconsin, as established on September 30, 1999.

Refuge Purposes:
The primary purpose of Whittlesey Creek National Wildlife Refuge is "…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…" 16U.S.C. 742f(b)(1) (Fish and Wildlife Act of 1956)

National Wildlife Refuge System Mission:
The mission of the National Wildlife Refuge System (Refuge System) is to "administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of 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 [668dd-668ee])

Description of Use:
Allow the installation of nest structures such as bluebird nest boxes and wood duck boxes by individuals or groups on the Refuge. Site-by-site authorization will be made by the Refuge Manager via a letter of authorization. Requests for installing nesting structures are occasionally made by individuals and sporting groups. The majority of requests are for bluebird and wood duck boxes to be placed along roads or in Refuge wetlands. Some requests could be for artificial mallard nesting sites or other artificial nest sites for migratory birds. The structures are usually placed in late winter or early spring. Structures are affixed either using floating rafts (less common) or poles or posts. Structures are occasionally mounted to existing trees although this is less desirable due to increased nest predation.

In all cases, the intention of the requestors is to enhance wildlife populations through providing safe nesting sites.

Availability of Resources:

What resources are needed to properly and safely administer the use?
The installation of artificial nesting structures on the Refuge by private individuals or groups requires minimal resources. Monitoring and maintenance of structures is required by the private individual or group as well as associated costs of installation.

Are existing refuge resources adequate to properly and safely administer the use?
The needed staff time for development and administration of this program is available. The additional time needed to coordinate issuance and oversight of the needed special use permit is relatively minor and within Refuge resources.

Anticipated Impacts of Use:
The installation of artificial nesting structures has a minimal impact on the purposes for which the Refuge was established. Waterfowl nesting structures will increase the production of waterfowl by providing sites for nests where predators are less likely to destroy the nests. Waterfowl nests in nesting structures are far likelier to be successful than nests in uplands. Other structures such as bluebird houses will provide nesting sites for other migratory birds. Artificial nesting boxes are widely credited with helping increase the population of eastern bluebirds in North America. There is some small, temporary wildlife disturbance caused during placement and maintenance of the structures. This disturbance is minor.

How does the use affect the refuge purposes, the Refuge System mission, and the refuge goals and objectives?
There are some aesthetic costs associated with placing artificial structures in natural settings. These costs are minimized by requiring placement of non-waterfowl structures along the edges of Refuge units in areas already appearing unnatural due to fences, signs, and adjacent roads. Wood duck boxes and other waterfowl nesting devices are typically placed in or near wetlands, although private parties typically prefer to place the structures adjacent to roads. No access by motorized vehicles or other special access will be provided for installing nest structures. The use will provide an increase in value for migratory birds.

Public Review and Comment:
This compatibility determination is available for public review as part of the Whittlesey Creek National Wildlife Refuge Draft Comprehensive Conservation Plan and Environmental Assessment. Comments received and agency responses are included in the final version of the Whittlesey Creek NWR Comprehensive Conservation Plan.

Determination:

_____Use is Not Compatible

__X__Use is Compatible with the Following Stipulations

Stipulations Necessary to Ensure Compatibility:

1. Approval from Refuge Manager via a letter of authorization is required prior to installation.
2. Annual maintenance is required.
3. Structures must be removed upon Refuge Managers' request. Some possible reasons include: lack of maintenance, poor placement, and variation from approved installation plan.
4. Ownership of any nest structure placed on the Refuge by private individuals or groups will be forfeited to the Service upon installation.

Justification:
Artificial nesting structures do not materially interfere with or detract from the purposes for which the Refuge was acquired. These structures likely contribute to the purposes of the Refuge by providing secure nesting sites for waterfowl and other migratory birds. Nest success for ducks using artificial nest structures is higher than for ducks nesting in grasslands or woodlands. Nesting boxes for cavity nesting birds like bluebirds and wood ducks can increase populations when natural cavities are scarce. At worst, nesting structures are neutral in their effect; it is likely

that there is a positive effect. The aesthetic costs of artificial nest structures are modest and can be minimized through appropriate siting.

Signature: Refuge Manager /Thomas M. Kerr/ 5/12/2015
(Signature and Date)

Concurrence: Regional Chief /Charles W. Blair/ 5/20/2015
(Signature and Date)

Mandatory 10- or 15- year Re-Evaluation Date: 2025

COMPATIBILITY DETERMINATION

Use: Hay Harvest

Refuge Name: Whittlesey Creek National Wildlife Refuge

Establishing Authority and Acquisition Authority:
Whittlesey Creek National Wildlife Refuge, located in Bayfield County, Wisconsin, as established on September 30, 1999.

Refuge Purposes:
The primary purpose of Whittlesey Creek National Wildlife Refuge is "…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…" 16U.S.C. 742f(b)(1) (Fish and Wildlife Act of 1956)

National Wildlife Refuge System Mission:
The mission of the National Wildlife Refuge System (Refuge System) is to "administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of 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 [668dd-668ee])

Description of Use:
The cutting and removal, by baling and transport to an off-refuge location, of grasses and forbs, either non-native cool season species such as brome, timothy and reed canary grass or native warm or cool season grasses. The use is typically completed by a cooperative farmer under authority of a special use permit.

Where would this use be conducted?
The use would be conducted on various fields on the Whittlesey Creek National Wildlife Refuge as part of the Refuge's long-term habitat management plan. Haying will be used as a management tool to maintain grassland habitat or more typically as a short-term action to maintain or prepare a field for tree planting. Field size varies from two acres to 40 acres in size.

When would this use be conducted?
Seasonally after July 15 of each year.

Availability of Resources:
What resources are needed to properly and safely administer the use?
Planning for this use would not require any additional resources and would be a normal part of Refuge habitat management. Staff time would be needed to complete the bid process, develop public notices and issue special use permits and bills for collection.

Are existing refuge resources adequate to properly and safely administer the use?
The needed staff time for development and administration of this program is available. The additional time needed to coordinate issuance and oversight of the needed special use permit is relatively minor and within Refuge resources.

Anticipated Impacts of Use:

How does the use affect the refuge purposes, the Refuge System mission, and the refuge goals and objectives?
Haying will result in short-term disturbances and long-term benefits to both resident and migratory wildlife that use the Refuge. Short-term impacts will include disturbance and displacement typical of any noisy heavy equipment operation. Long-term benefits will result since haying is an effective management tool for maintaining grassland or preparing sites for planting to trees, depending on the goal for the management unit. Without haying as a management tool, grassland areas would degrade through natural succession or dominance of non-native plants.

The typical use of haying on the Whittlesey Creek National Wildlife Refuge is as one of numerous steps in preparing a site for restoration to forested habitat. Haying prevents the incursion of invasive tree species and allows the site to be prepared for chemical treatment and eventually tree planting. Haying removes the buildup of vegetation and allows better chemical to plant contact, resulting in greater effectiveness of the chemical treatment. Haying will be used on individual sites until funds are available for forest restoration.

Public Review and Comment:
This compatibility determination is available for public review as part of the Whittlesey Creek National Wildlife Refuge Environmental Assessment and Draft Comprehensive Conservation Plan. Comments received and agency responses are included in the final version of the Whittlesey Creek NWR Comprehensive Conservation Plan.

Determination:

_____ Use is not Compatible

__X__Use is Compatible with Following Stipulations

Stipulations Necessary to Ensure Compatibility:

1. Haying will only be allowed after July 15 to minimize disturbance to migratory birds and other nesting wildlife. In normal years, most birds are off the nest by this date.
2. Bales must be removed from the Refuge within two weeks of baling.
3. Windrowed grass left lying to dry prior to baling must not be left on the ground more than six days prior to baling.

Justification:
Haying is a useful management tool for maintaining grasslands or preparing sites for tree planting for forest restoration. Haying to maintain grassland is an effective technique for maintaining and reinvigorating the growth of native grasses and forbs. This prevents the invasion of trees and simulates some of the effects of the natural process of fire.

At Whittlesey Creek NWR, haying is more commonly used as a restoration tool. It is the first step in the tree planting process, reducing the invasion of unwanted species in areas that we want to convert to forest. Haying also creates an ideal situation for chemical treatment, allowing better chemical treatment of the site by removal of standing vegetation and treatment of the regrowth. One of the most common invasive species on the refuge is reed canary grass. Haying

is a technique to create a situation with increased chemical contact on the plant for better effectiveness at removing or stressing the plants before tree planting.

Long-term benefits will result from the use of haying through maintenance of grassland habitats or by restoration of forest habitat. Strict time constraints placed on the use will reduce short-term impacts to nesting wildlife.

Signature: Refuge Manager __/Thomas M. Kerr/ 5/12/2015__
(Signature and Date)

Concurrence: Regional Chief __/Charles W. Blair/ 5/20/2015__
(Signature and Date)

Mandatory 10- or 15- year Re-Evaluation Date: 2025

COMPATIBILITY DETERMINATION

Use: Short-Term Upland Disturbance or Other Public Interest Projects with No Right-of-Way Expansion and Full Restoration

Refuge Name: Whittlesey Creek National Wildlife Refuge

Establishing Authority and Acquisition Authority:
Whittlesey Creek National Wildlife Refuge (NWR, Refuge), located in Bayfield County, Wisconsin, as established on September 30, 1999.

Refuge Purposes:
The primary purpose of Whittlesey Creek National Wildlife Refuge is "…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…" 16U.S.C. 742f(b)(1) (Fish and Wildlife Act of 1956)

National Wildlife Refuge System Mission:
The mission of the National Wildlife Refuge System (Refuge System) is to "administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of 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 [668dd-668ee])

Description of Use:
Allow short-term disturbance to uplands for highway or other public interest projects with no right-of-way expansion and full restoration. Occasionally, requests are made by state and local government agencies and utility companies to do repairs and improvements to existing roadways and utility facilities associated with existing right-of-ways on Refuge lands. Many of these requests require temporary work outside existing right-of-way boundaries, generally resulting in temporary disturbance to the associated vegetation. Frequently, the temporary work requested is required to reshape a slope immediately adjacent to a road right-of-way to improve transportation safety. Other times, the requested action can be merely for permission to turn around heavy equipment on land immediately adjacent to the right-of-way. Most often, the temporary work outside of the right-of-way is conducted during the summer and fall, when construction conditions are optimal. The work typically involves temporary disturbance to previously farmed uplands or disturbed areas that are then reseeded to native vegetation by the requesting organization. This determination will allow approved work and temporary habitat disturbance outside the right-of-way boundary when long-term impacts are either beneficial or not significantly harmful.

Availability of Resources:

What resources are needed to properly and safely administer the use?
Minimal expense is required of the Service for these projects. Authorization of the projects will require the requesting organization to cover habitat restoration costs. There is a modest administrative cost to issuing and monitoring this work.

Are existing refuge resources adequate to properly and safely administer the use?

Existing Refuge resources are sufficient to properly and safely administer this use. The additional time to issue letters of authorization or Special Use Permits is relatively minor and within exiting Refuge resources. The flexibility to solve right-of-way issues through this process is also more time efficient than requiring applications for expanding existing right-of-ways.

Anticipated Impacts of Use:
The impacts to the associated uplands with this use will be minimal and temporary. When the request includes unavoidable destruction of vegetation, approval will be limited to sites previously disturbed or dominated by invasive vegetation. No wetlands, springs, or stream habitat may be destroyed. Any areas with disturbed vegetation will be seeded by the requesting organization to a diverse mix of native species that will lead to better long-term habitat than the vegetation originally disturbed.

How does the use affect the refuge purposes, the Refuge System mission, and the refuge goals and objectives?
Most of this work occurs in summer and fall, after the nesting season for waterfowl and other migratory birds. The duration of any single project is usually one to eight weeks. Occasionally, work may occur during the nesting season, but the size of the disturbance zone will be minimal. The quality of the habitat in the disturbed zone may be diminished for up to three years following the project, but the disturbed zone will provide some migratory bird value by the year following the project. The long-term productivity of the disturbed zone will frequently increase due to the replacement of exotic, less-desirable cover with native vegetation.

Most of the impacts will be along existing roads in areas already subject to significant habitat and aesthetic deterioration due to existing transportation right-of-ways. Rarely, a utility right-of-way can split an otherwise contiguous block of quality habitat. In these settings, the disturbance will still be temporary, but the impact to waterfowl and other migratory birds is likely greater. The existing right-of-way already authorizes disturbance within the right-of-way, so the larger impact of creating a disturbance within quality habitat will likely occur anyway. The decision to authorize temporary disturbance outside the right-of-way will slightly increase the magnitude of the disturbance. Projects conducted adjacent to and in streams are regulated by the Wisconsin Department of Natural Resources. Waterway permits restrict activities from September 15 through May 15 on trout streams in order to minimize impacts on fish movement, spawning, and egg incubation. The permit and regulatory requirements adequately protect coldwater resources.

Public Review and Comment:
This compatibility determination is available for public review as part of the Whittlesey Creek National Wildlife Refuge Draft Comprehensive Conservation Plan and Environmental Assessment. Comments received and agency responses are included in the final version of the Whittlesey Creek NWR Comprehensive Conservation Plan.

Determination:

_____Use is Not Compatible

__X__Use is Compatible with the Following Stipulations

Stipulations Necessary to Ensure Compatibility:

1. All work done outside of existing right-of-ways must be approved by the Refuge Manager in the form of a letter of authorization.
2. Conditions stipulated in a letter of authorization such as seeding mixes, weed control, etc. must be followed to remain a compatible use.
3. No work that leads to permanent loss of wetlands, springs, or stream habitat will be allowed without a site-specific compatibility determination.

Justification:
This use will not materially interfere with or detract from the purposes for which the Refuge was established with the above stipulations in place. Many tracts on the Refuge are constrained by one or more right-of-ways that were in place before acquisition by the federal government. Temporary disturbances to land adjacent to these right-of-ways will have only small, temporary harmful effects on wildlife. Work within the right-of-ways is beyond the authority of the Fish and Wildlife Service to regulate other than influencing the timing and scope to minimize wildlife harm. Allowing temporary work outside the right-of-way does little or no long-term harm to wildlife resources and allows the holder of the right-of-way to provide essential human services to our rural communities.

Signature: Refuge Manager /Thomas M. Kerr/ 5/12/2015
(Signature and Date)

Concurrence: Regional Chief /Charles W. Blair/ 5/20/2015
(Signature and Date)

Mandatory 10- or 15- year Re-Evaluation Date: 2025

COMPATIBILITY DETERMINATION

Use: Scientific Studies and Research Projects by Third Parties

Refuge Name: Whittlesey Creek National Wildlife Refuge

Establishing Authority and Acquisition Authority:
Whittlesey Creek National Wildlife Refuge (NWR, Refuge), located in Bayfield County, Wisconsin, as established on September 30, 1999.

Refuge Purposes:
The primary purpose of Whittlesey Creek National Wildlife Refuge is "…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…" 16U.S.C. 742f(b)(1) (Fish and Wildlife Act of 1956)

National Wildlife Refuge System Mission:
The mission of the National Wildlife Refuge System (Refuge System) is to "administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of 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 [668dd-668ee])

Description of Use:
The Refuge allows research investigations on a variety of biological, physical, archeological, and social components to address Refuge management information needs or other issues not related to Refuge management. Studies are or may be conducted by federal, state, and private entities, including the U.S. Geological Survey, Minnesota Department of Natural Resources, state and private universities, non-governmental organizations, and independent researchers and contractors through the issuance of a Special Use Permit. Each research project will be approved by the Refuge Manager on a case-by-case basis.

Research investigations will follow a specific protocol. Sites and timing of the investigations will depend on each individual project. Locations, means of access, and frequency of visits will be stipulated by the Special Use Permit.

Availability of Resources:

What resources are needed to properly and safely administer the use?
Facilities and staff are currently available to issue and oversee Special Use Permits required for research projects. Many of these research projects will address Refuge questions and require a small amount of time for the Refuge staff to review the proposal and issue a permit. Refuge staff will require a written report that will be in a format useful for future Refuge use.

Are existing refuge resources adequate to properly and safely administer the use?
Staff resources are deemed adequate to manage this use at anticipated levels. Staff will prioritize requests so that staff time is dedicated to reviewing projects that have a Refuge benefit, limiting staff time spent on third party research projects. Follow-up monitoring of the

project will take some staff time but at the expected levels of research project requests for the Refuge, Refuge staff time is adequate to administer the program.

Anticipated Impacts of Use:
Short-term impacts include disturbance to wildlife and habitat. Efforts to capture animals can cause disturbance, injury, or death. Sampling activities can also disturb habitat by trampling of vegetation.

No long-term impacts are expected as the scientific studies and research projects by third parties are typically short duration investigations.

How does the use affect the refuge purposes, the Refuge System mission, and the refuge goals and objectives?
These studies provide valuable information regarding Refuge resources and management that will help make decisions in the future. All impacts can be controlled by the issuance of Special Use Permits.

Public Review and Comment:
This compatibility determination is available for public review as part of the Whittlesey Creek National Wildlife Refuge Draft Comprehensive Conservation Plan and Environmental Assessment. Comments received and agency responses are included in the final version of the Whittlesey Creek NWR Comprehensive Conservation Plan.

Determination:

_____Use is Not Compatible

__X__Use is Compatible with the Following Stipulations

Stipulations Necessary to Ensure Compatibility:

1. Prior to conducting investigations, researchers will obtain Special Use Permits.
2. Researchers must possess all applicable state and federal permits as required for their research.
3. Researchers must provide the Refuge with copies of all data and a final report.
4. Collection of specimens must be specifically authorized by the Refuge.

Justification:
Research is conducted to provide useful information on which to base Refuge management decisions in the future. In order to make scientifically-based decisions, research must be conducted to monitor and document management activities.

Signature: Refuge Manager /Thomas M. Kerr/ 5/12/2015
(Signature and Date)

Concurrence: Regional Chief /Charles W. Blair/ 5/20/2015
(Signature and Date)

Mandatory 10- or 15- year Re-Evaluation Date: 2025