

Draft Appropriate Use and Compatibility Determination for Recreational Fishing on Lacreek National Wildlife Refuge

The legal provision (16 U.S. Code 668dd-668ee) states that lands within the Refuge System are closed to public use unless specifically and legally opened. No refuge use may be allowed unless it is determined to be compatible. A compatible use is one that, in the sound professional judgment of the refuge manager, will not materially interfere with or detract from the fulfillment of the mission of the Refuge System or the purposes of the refuge. All programs and uses must be evaluated based on the mandates set forth in the National Wildlife Refuge System Improvement Act of 1997 (Improvement Act) as follows:

- contribute to ecosystem goals, as well as refuge purposes and goals
- conserve, manage, and restore fish, wildlife, and plant resources and their habitats
- monitor the trends of fish, wildlife, and plants
- manage and ensure appropriate visitor uses as those uses benefit the conservation of fish and wildlife resources and contribute to the enjoyment of the public
- ensure that visitor activities are compatible with refuge purposes

The Improvement Act further identifies six priority wildlife-dependent recreational uses. These uses are hunting, fishing, wildlife observation, wildlife photography, and environmental education and interpretation. As priority public uses on the Refuge System, they receive priority consideration over other public uses in planning and management.

The public use program will be reviewed annually to ensure that it contributes to refuge objectives in managing quality recreational opportunities and protecting habitats, and is subject to modification if on-site monitoring by refuge personnel or other authorized personnel results in unanticipated negative impacts on natural communities, wildlife species, or their habitats. Refuge law enforcement officer(s) will promote compliance with refuge regulations, monitor public use patterns and public safety, and document visitor interactions. Refuge law enforcement personnel will monitor all areas and enforce all applicable state and federal regulations.

Refuge Name: Lacreek National Wildlife Refuge (NWR), hereafter referred to as the refuge, is located in Bennett County, South Dakota.

Establishing and Acquisition Authorities:

- Executive Order 7160
- Migratory Bird Conservation Act 45 Stat 1222
- Refuge Recreation Act 1962 76 Stat 653

Refuge Purpose(s):

- “. . . as a refuge and breeding grounds for migratory birds and other wildlife . . .” (Executive Order 7160, dated August 26,1935)
- “. . . for us as an inviolate sanctuary, or for any other management purpose, for migratory birds” (16 U.S. Code 715 [d], Migratory Bird Conservation Act)
- “. . . the Secretary is authorized to cooperate with public and private agencies, organizations, and individuals, and he may accept and use, without further authorization, donations of funds and real and personal property. Such acceptance may be accomplished under the terms and conditions of restrictive covenants imposed by donors when such covenants are deemed by the Secretary to be compatible with the purposes of the wildlife refuges . . .” (16 U.S. Code 460k-2, Refuge Recreation Act [16 U.S. Code 460k-460-k, as amended])

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 the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.

Use: Recreational Fishing

Description of Use:

What is the use?

Recreational fishing for pleasure, leisure, or for subsistence

Where would the use be conducted?

The refuge is approximately 16,570 acres of native sandhills, sub-irrigated meadows, impounded fresh water marshes, and tall and mixed-grass prairie uplands. As of 2020, approximately 1,200 acres are open to fishing. This proposal is to increase the acres of fishing to all waters within Lacreek NWR, bringing the total to approximately 2,600 acres.

When would this use be conducted?

Recreational fishing will be in accordance with the seasons and regulations established by the State of South Dakota, Game, Fish and Parks (SD GFP). The refuge may further restrict fishing areas due to nesting trumpeter swans by signs and/or brochures.

How would this use be conducted?

Recreational fishing is permitted in accordance with SD GFP rules and regulations, refuge specific regulations, and those published in Title 50, Code of Federal Regulations. The use of boats on all areas of the refuge is allowed according to the comprehensive conservation plan of

2006 (<https://www.fws.gov/mountain-prairie/refuges/lck.php>). The use of manual powered boats supports fishing at Lacreek NWR. Fishing is a priority public use as listed in the Improvement Act. By specifying potential closures due to trumpeter swan or American white pelican nesting and specifying manual powered boats only, the use of boats for fishing access is determined to be compatible.

Why is this use being proposed?

This compatibility determination considers fishing, which is one of the six priority wildlife-dependent recreation activities. Fishing was a traditional activity that occurred on refuge lands prior to and since refuge establishment. Expanding fishing opportunities and aligning regulations with state agencies implement Secretarial Order 3347, Conservation Stewardship and Outdoor Recreation, and Secretarial Order 3356, Hunting, Fishing, Recreational Shooting, and Wildlife Conservation Opportunities and Coordination with States, Tribes, and Territories. The primary objectives of fishing at Lacreek NWR are to:

- provide a high-quality recreational and educational experience for a diverse audience through a fishing program;
- provide an opportunity for the youth to engage in fishing, instill a basic understanding of conservation measures, and the role of the Service in the conservation picture (for example, easy access for youth fishing, trout stocking in Trout Ponds designed for youth fishing);
- foster support and knowledge of refuge goals and objectives by working in close association with the general public, SD GFP through its assistance with fish stockings and management of fish species on the refuge while providing safe, educational, and instructive opportunities;
- provide special use permits for physically challenged anglers; and
- simplify regulations and allowable fishing areas on the refuge.

Availability of Resources:

Resources involved in the administration and management of the use include personnel time associated with administration and law enforcement.

No special equipment or facilities are necessary to support the uses. Maintenance costs are not directly attributable to the incidental uses on the refuge. Minimal costs are associated with the uses to monitor the consequences of the public's having access to the refuge, such as the degree of littering and vandalism. Plants and wildlife will be monitored to determine any impacts that are a result of public use.

Anticipated Impacts of the Use:

The SD GFP will continue to manage the fishery at the Trout Ponds and LWRRA and allow the harvest of fish through recreational fishing. The fishery on all managed wetland pools has been

virtually eliminated due to management techniques (drawdowns) for migratory birds. It is anticipated that increased fishing will be minimal even with an expansion of acres and boat access for fishing.

The refuge is open to other priority public uses such as hunting, wildlife observation, wildlife photography, and environmental education and interpretation. To safely provide both hunting and non-hunting recreational uses, the refuge enforces a series of refuge-specific hunting regulations. Hunting is not allowed on certain units or is restricted by location, date, or methods of take.

Refuge management activities can be accomplished without conflict with fishing activities through the use of administratively closed areas or temporary closures due to nesting trumpeter swans and American white pelican nesting colonies.

Determination (check one below):

- Use is not compatible.
- Use is compatible with the following stipulations.

Stipulations Necessary to Ensure Compatibility:

The refuge will manage the six priority public uses (hunting, fishing, wildlife observation, photography, environmental education, and interpretation) with federal and state regulations and review it annually to ensure that wildlife and habitat goals are achieved and that these programs are providing safe, high-quality experiences for participants. Stipulations for this activity are located in Title 50 Code of Federal Regulations and Lacreek National Wildlife Refuge Hunting and Fishing Regulations (annual).

Public Review and Comment:

This compatibility determination for Lacreek NWR was made available for public review and comment for 30 days. Announcements were made in the newspapers and posted on the refuge's website and Facebook pages.

NEPA Compliance for Refuge Use Description: *Place an X in appropriate space.*

- Categorical Exclusion without Environmental Action Statement
- Categorical Exclusion and Environmental Action Statement
- Environmental Assessment and Finding of No Significant Impact
- Environmental Impact Statement and Record of Decision

These compatibility determinations can be categorically excluded from further NEPA analysis under 40 CFR 1508.4, 516 DM 8.5(A)(1), 516 DM 8.5(B)(7), 516 DM 8.5(B)(9), and 516 DM 8.5(C)(5). Further, these actions do not trigger an extraordinary circumstance as outlined under

43 CFR §46.215. These uses are consistent with the 2006 Comprehensive Conservation Plan and associated Environmental Assessment and Finding of No Significant Impact for Lacreek NWR. Environmental conditions have not changed substantially since that analysis. This compatibility determination updates and replaces previous compatibility determinations.

Justification:

The viability of the game species populations proposed to be fished will not be negatively affected by hunting according to state season guidelines, bag limits, and regulations. This use is being permitted because it is a priority public use. It will not diminish the primary purposes for which the refuge was established. This use is supported in the refuge's comprehensive conservation plan (2006). It also meets the mission of the Refuge System by providing renewable resources for the benefit of the American public while conserving viable populations of fish, wildlife, and plant resources on these lands.

Fishing is a priority public use on over 2,600 acres of the refuge. By allowing this use, we are providing opportunities and facilitating refuge programs in a manner and location that offer high quality, wildlife-dependent recreation and maintain the level of current wildlife values. Any new lands purchased as part of Lacreek NWR can be open to fishing depending on the manager's discretion using professional judgment, as long as there is no significant negative impact on natural resources or visitor services.

This activity will not materially interfere with, or detract from, the mission of the Refuge System or the purpose for which the refuge was established.

Signatures:

_____	_____
Project Leader	Date

Review:

_____	_____
Refuge Supervisor	Date

Approval:

_____	_____
Refuge Chief	Date

Mandatory 15-Year Re-evaluation Date: 2036