

Fishing (Non-Commercial)

Draft Compatibility Determination

Title

Draft Compatibility Determination for Fishing (Non-Commercial) on Tensas River National Wildlife Refuge

Refuge Use Category

Fishing

Refuge Use Type

Fishing (non-commercial)

Refuge

Tensas River National Wildlife Refuge (NWR, refuge)

Refuge Purposes and Establishing and Acquisition Authorities

In an effort to conserve the largest privately owned tract of bottomland hardwoods remaining in the Mississippi Delta, Congress authorized the Secretary of the Interior to establish the Tensas River NWR by Public Law 96-285 on June 28, 1980. Tensas River NWR was established for various purposes:

“For the preservation and development of the environmental resources ... to conserve the diversity of fish and wildlife and their habitat ... for the conservation and development of wildlife and natural resources, the development of outdoor recreation opportunities, and interpretative education,” and “to give special consideration to management of the timber on the refuge to insure [ensure] continued commercial production and harvest compatible with the purposes for which the refuge is established and the needs of fish and wildlife which depend upon the dynamic and diversified hardwood forest” (94 Stat. 595, dated June 28, 1980);

“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” [16 U.S.C. 742f(b)(1) (Fish and Wildlife Act of 1956)];

“For conservation purposes” [7 U.S.C. 2002 (Consolidated Farm and Rural Development Act)]; and

“To conserve (A) fish or wildlife which are listed as endangered species or threatened species or (B) plants” [16 U.S.C. 1534 (Endangered Species Act of 1973)].

National Wildlife Refuge System Mission

The mission of the National Wildlife Refuge System, otherwise known as 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 (Pub. L. 105-57; 111 Stat. 1252).

Description of Use

Is this an existing use?

Yes. This Compatibility Determination (CD) reviews and replaces the 2009 CD for non-commercial fishing.

What is the use?

Tensas River NWR proposes to continue the harvest of fish for recreational purposes and/or personal consumption (includes collection of bait for personal use). Fishing is identified in the Refuge System Improvement Act of 1997 as a priority public use provided it is compatible with the purpose for which the refuge was established. Fishing was a traditional recreational use of the area that is now Tensas River NWR prior to the refuge’s inclusion in the National Wildlife Refuge System and continues to be a recreational pursuit with the public. Quality fishing opportunities exist for bream (*Abramis brama*), crappie (*Pomoxis nigromaculatus*), catfish (*Ictalurus punctatus*) and bass (*Micropterus salmoides*); although fishing participation is light primarily due to access issues. Fish populations currently support a sustainable harvest under a regulated fishing program. Fishing is subject to regulations established by the Louisiana Department of Wildlife and Fisheries. Fishing is further restricted on the refuge by regulations that prohibit commercial fishing.

Is the use a priority public use?

Yes

Where would the use be conducted?

The Tensas River and many sloughs, creeks, and oxbow lakes provide numerous aquatic habitats for fishing opportunities on the refuge. Popular fishing areas include Rainey, Africa, Buck and Little Bear Lakes, the Tensas River and Whitney Lake. Rainey Lake has a fishing pier and mechanical and chemical treatments have been used to improve boat access and fishing opportunities in this area. Africa Lake is a popular fishing area with a concrete boat ramp. This ramp and the ramp at the Ben Lilley Bridge on the Tensas River are the only improved boat ramps on the refuge. Approximately 30 miles of the Tensas River flows through the refuge providing additional fishing opportunities especially towards the southern end of the refuge. Little Bear Lake provides quality fishing opportunities but access is difficult. Occasional fishing events for senior citizens, youth groups and individuals with disabilities are conducted in Whitney Lake. Fee title acres within the acquisition boundary have increased from 74,622 acres when the Comprehensive Conservation Plan (CCP, U.S. Fish and Wildlife Service [USFWS] 2009a) was approved in 2009 to 77,868 acres today. The additional acres will not substantially increase fishing opportunities.

When would the use be conducted?

Sport fishing is open year-round on the refuge except during all modern and primitive weapon firearm hunts when the refuge is closed to all uses other than hunting. The heaviest fishing use occurs from February until April with an average of 250 angler visits per year. The refuge is open to fishing one hour before legal sunrise until one hour after legal sunset.

How would the use be conducted?

Refuge water bodies are accessible almost every day from numerous roads throughout the refuge. Limited opportunities exist for bank fishing, but the use of a boat increases options. Boat launch locations are available at the Ben Lilly Boat Ramp N32.180827 W91.35625, Africa Lake Boat Launch N32.349808 W91.388753 and Rainey Lake Fishing Dock/Boat Launch N32.322091 W91.368123. Entry on all or portions of the refuge may be temporarily closed due to high water levels for public safety issues. The Annual Public Use Permit (USFWS 2021a) and Self-Clearing Daily Visitor Registration Permit are required to fish on the refuge. Users can obtain Self-Clearing Daily Visitor Registration Permits at refuge entry points and at the Visitors Center. Maps showing boat ramps and water bodies on the refuge are included in the Public Use Regulations Brochure (USFWS 2021b).

Fishing is allowed according to state regulations and creel limits. Current legal methods of take include: hook and line, bow and arrow, yo-yos or trigger devices, recreational slat traps, recreational hoop nets and recreational wire nets. Trotlines must be attached with a length of cotton line that extends into the water, must be

tended at least once every 24 hours and reset when exposed by receding waters. Trotlines must be removed when not in use.

Why is this use being proposed or reevaluated?

Non-commercial fishing is being reevaluated pursuant to the National Wildlife Refuge System Improvement Act of 1997(603 FW 2.11 H, USFWS 2000). Providing the public with wildlife-dependent recreation is a priority use of the refuge and supports CCP Objective D.4 – Fishing Opportunities: “Conduct a quality fishing program in a safe and cost-effective manner that is carried out in accordance with state regulations” (USFWS 2009a). Fishing is considered a priority wildlife-dependent activity and popular form of outdoor recreation in the local community. The refuge has numerous bodies of water, including the Tensas River, and can support this use.

Availability of Resources

The resources necessary to provide and administer the use at current use levels are available within current and anticipated refuge budgets. Adequate resources exist to properly develop, operate, and maintain the use in a way that will not materially interfere with or detract from fulfillment of the refuge purposes and the System mission.

One-time costs:

- Facilities- New construction costs of the Africa Lake and Ben Lilly Boat Ramps total \$10,000.

Annual/recurring expenses:

- Administration and Management - Access trails, parking lots, signs and 2 improved boat ramps are already in place, but ongoing maintenance and monitoring is necessary to continue this use. A full-time equivalent (FTE) wildlife biologist spends approximately 20 hours per year (\$1,250) acquiring funding for contracting activities, assisting contractors and fisheries biologist with accessing Rainey Lake, performing drawdowns on Rainey Lake and monitoring vegetation levels.
- Maintenance - Every 3 to 5 years the annual maintenance costs may increase in order to provide gravel for parking lots and roads and to replace signs. Maintenance of existing boat ramps, roads and trails leading to boat ramps is necessary to maintain access. Estimated cost would average \$6,000-8,000 every 3-5 years in order to maintain these public use areas. Staff hours would equal approximately 60 hours of a FTE wage grade employee’s time (\$2,650) to maintain the boat ramps and parking lots for boating access. Every 2 years, the

use of a bucket boat to remove aquatic vegetation from Rainey Lake would cost approximately \$2,500 to ensure quality fishing opportunities exist. Aquatic vegetation will be removed as needed.

- Monitoring - Monitoring would include the cost of two FTE law enforcement officers for a total of 520 hours/year (\$27,000). Electroshocking and monitoring every 3 years by a FTE fisheries biologist (20 hours; \$1,250) is necessary to monitor fish populations and vegetation to determine if management actions, such as rotenone application, fertilization or stocking, are necessary.
- Special Equipment -A contractor hydraulic bucket boat was used in the past to clear aquatic vegetation from the unimproved boat ramp and fishing pier at Rainey Lake. The initial cost to remove vegetation covering 50% of the lake was \$20,000. Routine maintenance averages \$2,500 every 2 years to maintain boating access. Habitat recommendations for Rainey Lake are specified in the Habitat Management Plan (USFWS 2014).
- Improvements to Support the Use - The implementation of boat ramps at Rainey Lake and Indian Lake would increase boating use on the refuge. Current staffing levels preclude refuge staff from implementing ramps at this time, but outside funding sources through grants, state agencies or the Tensas River Refuge Association would support this use.

Offsetting Revenue:

- The Annual Public Use Permit (USFWS 2021a) costs 20 dollars and provides recreation fee funding which may be used to maintain roads, trails, boat ramps and parking lots to facilitate fishing access and boat use. This permit generates \$80,000-100,000 annually.

Anticipated Impacts of the Use

Potential impacts of a proposed use on the refuge's purpose(s) and the Refuge System mission

The effects and impacts of the proposed use to refuge resources, whether adverse or beneficial, are those that are reasonably foreseeable and have a reasonably close causal relationship to the proposed use. This CD includes the written analyses of the environmental consequences on a resource only when the impacts on that resource could be more than negligible and therefore considered an “affected resource.” Resident and migratory wildlife will not be more than negligibly impacted by the action and have been dismissed from further analyses. This use was previously

analyzed in an Environmental Assessment (EA, USFWS 2009b) and approved in the refuge CCP (USFWS 2009a). Furthermore, the Intra-Service Section 7 for the CCP supports the CCP's Finding of No Significant Impact (USFWS 2009a).

Short-term impacts

Fishing in conjunction with boat use can temporarily disturb fish from their nests, but overall breeding success is likely not affected. In one study, motorboat use caused male sunfish to abandon their nests temporarily, but it did not affect the location of nests. Motorboat use did not significantly affect mortality of eggs or fry (Lagler, et al 1950). Boating effects on waterfowl species are described in The Waterfowl Management Handbook "Human Disturbances of Waterfowl: Causes, Effects, and Management" (Korschgen and Dahlgren 1992). Most fishing on the refuge occurs in the spring when migratory waterfowl species have already migrated north.

Fishing out of a boat could cause minor disturbance to wading bird colonies. Disturbance may cause nest abandonment, increase predation on young and subject young birds to environmental stress. Boating activity can disrupt feeding activity and can affect large areas in a short period of time. The disturbance can result in increased energy expenditures from avoidance flights and decreased energy intake due to interference with feeding activity. This is important to survival, especially with wintering waterfowl.

Potential risks to non-hunted wildlife, such as aquatic species, small mammals, migratory song birds, raptors, and roosting and foraging wading birds and water birds, include discarded fishing line and other fishing litter which can entangle wildlife and cause injury or death (Thompson 1969, Gregory 1991). Littering and leaving boats on the refuge are the two main problems associated with this use. These issues will continue to be handled with law enforcement and refuge staff for cleanup and enforcement of regulations. Minor impacts, such as gasoline contamination and air pollution, could occur but not at a level that would cause serious concern.

If future human impacts are determined through evaluation to be detrimental to important natural resources, actions will be taken to reduce or eliminate those impacts. Continued monitoring for significant disturbance during critical times or with large groups of birds will allow the refuge to determine if additional regulations are needed if use increases. Any unreasonable harassment of wildlife would be grounds for the refuge manager to close the area to these uses or restrict the uses to minimize harm. Impacts from this activity are minimized because fishing is not allowed in areas closed for waterfowl sanctuary and access areas are limited. Law enforcement officers monitor outboard motor restrictions and litter to minimize disturbance impacts.

Long-term impacts

Heavy fishing pressure over extended periods could negatively impact fisheries. Monitoring of populations by fisheries biologists will ensure that fish populations are not depleted. Asplund (2001) cited several studies that demonstrated that boat activity can disturb fish from their nests, but that overall breeding success is likely not affected. Of much greater concern and effort, however, is the effect of boats on fish habitat (water quality, clarity, and aquatic plants) which subsequently may impact fish populations. Outboard motors operating at high speeds may cause erosion when the wake reaches the shoreline. Asplund and Cook (1997) documented a negative relationship between boat traffic and submerged aquatic plant biomass in a variety of situations. The primary mechanism appears to be direct cutting of plants, as many have noted floating plants in the water following heavy boat use. Scouring of the sediment, uprooting of plants, and increased wave activity may also be factors. Where frequent boat use has created channels or tracks, it was noted that these scoured areas persist for several years.

Uses including research activities, wildlife observation and photography are usually conducted on terrestrial sites; therefore, conflicts are inherently minimized due to location. Fishing could interfere with hunters utilizing areas near water bodies, but the seasonal nature of these activities minimizes conflict. Boats may impact macrophytes either directly, through contact with the propeller and boat hull, or indirectly through turbidity and wave damage. Propellers can chop off plant shoots and uproot whole plants if operated in shallow water. Increased turbidity from boat activity may limit the light available for plants and limit where plants can grow. Increased waves may limit growth of emergent species. Finally, boats may transport non-native species, such as water hyacinth, from one body of water to another. To minimize adverse impacts to resources mentioned above, refuge regulations restrict outboard motor horsepower to 10 hp or less. The lakes on the refuge are small and isolated from the Tensas River preventing large scale outboard motor use. The few areas accessible for bank fishing and boat access limit fishing opportunities; therefore, impacts from this use are negligible.

Fishing is a traditional recreational activity on Tensas River NWR and benefits the refuge by connecting people with nature. This connection with nature fosters people's understanding of ecological systems and conservation efforts on the refuge and encourages the public's stewardship of our natural resources and support for the Refuge System. This use has been occurring on the refuge since its establishment, and no cumulative impacts from fishing have been documented.

Public Review and Comment

The draft CD will be available for public review and comment for 14 calendar days from May 3, 2022 to May 17, 2022. The public will be made aware of this comment opportunity through the refuge website (https://www.fws.gov/refuge/tensas_river/) and Tensas River Refuge Association Facebook page (<https://www.facebook.com/trrapage/>). A hard copy of this document will be posted at the Refuge Headquarters and Visitor Center (2312 Quebec Rd., Tallulah, LA 71282). It will be made available electronically on the refuge website. Please let us know if you need the documents in an alternative format. Concerns expressed during the public comment period will be addressed in the final CD.

Determination

Is the use compatible?

Yes

Stipulations Necessary to Ensure Compatibility

- State creel limits and regulations apply.
- Commercial fishing is prohibited.
- All fishermen must have an Annual Public Use and Self-Clearing Visitor Registration Permits.
- Trotlines must be attached with a length of cotton line that extends into the water, must be tended at least once every 24 hours and reset when exposed by receding waters. Trotlines must be removed when not in use.
- Motorized land vehicles are to remain on designated roads only.
- No equipment (blinds, stands, boats, vehicles, etc.) may be left overnight.
- Harassment of wildlife and excessive damage to vegetation is prohibited.
- Outboard motors not greater than 10 horsepower are allowed to be operated in all refuge lakes, streams, and bayous.
- All motorized boats must use navigation lights according to state regulations.
- Personal flotation devices must be worn by all occupants of motor boats that are under power on the refuge.
- If any adverse impacts occur from any aspect of the limited public access, then further restrictions may be imposed to protect the plant and animal resources of the refuge.
- Taking of turtles is prohibited.
- We prohibit fish cleaning within 150 feet (45 m) of parking areas, maintained roads, and trails.

Justification

Fishing is among the most popular forms of outdoor recreation in the state, and the

refuge has the opportunity to provide quality fishing to the public. Fishing is identified in the Refuge System Improvement Act of 1997 as a priority public use provided it is compatible with the purpose for which the refuge was established. Current state and refuge regulations limit adverse impacts to fish and wildlife populations on the refuge while providing a safe and rewarding experience for the refuge visitor. Vegetation and fish population monitoring will determine if management actions are warranted. Fishing opportunities may be improved with vegetation management and restocking if necessary. Fishing is subject to regulations established by the Louisiana Department of Wildlife and Fisheries and is sustainable within their regulations. Horsepower restrictions, which only allow outboards 10 HP and less, will reduce the effects of erosion on the shoreline. Fishing is considered a wildlife-dependent activity and therefore does not materially detract or interfere with the purposes of the refuge or mission of the National Wildlife Refuge System. Fishing will not adversely impact refuge purposes and enforcement will ensure compatibility with the purposes of the refuge and mission of the National Wildlife Refuge System.

The proposed uses can be categorically excluded from further National Environmental Policy Act (NEPA) analysis under 40 CFR 1508.4 (definition of categorical exclusion) and

516 DM 8.5 B (7): Minor changes in the amounts or types of public use on Service or state-managed lands, in accordance with existing regulations, management plans, and procedures.

Further, this action does not trigger an extraordinary circumstance as outlined under 43CFR§46.215. Fishing has been found to be appropriate and compatible on Tensas River NWR, and this use is consistent with the 2009 EA and final CCP for Tensas River NWR. The environmental conditions and use have not changed substantially since the previous NEPA analysis and decision in 2009 (USFWS 2009a). This CD updates and replaces the previous 2009 CD.

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Signature of Determination

Refuge Manager Signature and Date

Signature of Concurrence

Assistant Regional Director Signature and Date

Mandatory Reevaluation Date