

**United States Department of the Interior**

**Fish and Wildlife Service  
Upper Mississippi River National Wildlife and Fish Refuge  
51 E. 4<sup>th</sup> Street, Room 101  
Winona, MN 55987  
Phone #: 507-452-4232**

**WATERFOWL HUNTING GUIDE SERVICES  
ON UPPER MISSISSIPPI RIVER NATIONAL WILDLIFE AND FISH REFUGE**

**Program Requirements and Stipulations (2018 through 2023)**

Issued by: Sabrina Chandler, Refuge Manager  
Upper Mississippi River National  
Wildlife and Fish Refuge

Date: **XXX (original date of issuance)**

Submittal:

**Applications must be sent to Upper Mississippi River National Wildlife and Fish Refuge, 51 E. 4<sup>th</sup> Street (Room 101), Winona, MN 55987. All applications must be postmarked by **See Current Due Date**. Envelope must be marked **ATTENTION: WATERFOWL GUIDE APPLICATION.****

For Information: Contact Upper Mississippi River NW&FR at 507-452-4232.

## TABLE OF CONTENTS

<u>SECTION</u>	<u>PAGE</u>
I. Introduction .....	1
II. Definitions .....	2
III. Permit Offering .....	2
IV. Objectives .....	4
V. Special Requirements and Considerations .....	5
VI. Refuge Special Use Permit Fee .....	7
VII. General Terms .....	7
VIII. Special Use Permit Revocation and Appeals Process.....	8
Appendix A (Interference and Harassment Laws/Regulations) .....	A-1
Appendix B (Special Use Permit Special Conditions) .....	B-1
Appendix C (Application Package) .....	C-1
Application Cover Sheet	
Form A – Guiding History	
Form B – History of Violations	
Form C – Safety Record, Equipment and Training	
Form D – Measures to Minimize Impacts on Other Refuge Users	
Form E – References	
Form F – Application	
Form G – Commercial Waterfowl Hunting Guide Daily Log and Year-end Summary	

WATERFOWL HUNTING GUIDING SERVICES  
ON UPPER MISSISSIPPI RIVER NATIONAL WILDLIFE AND FISH REFUGE

I. INTRODUCTION

The Upper Mississippi River National Wildlife and Fish Refuge (Refuge) permits commercial guiding opportunities to assist Refuge visitors with waterfowl hunting on the Refuge. With the exception of Closed Areas, Sanctuaries and No Hunting Areas during waterfowl season(s), guided waterfowl hunting is permitted throughout the Refuge.

Refuge Special Use Permits (SUP) will be issued in accordance with 50 Code of Federal Regulations, Subchapter C, Subpart A, Section 29.1, the National Wildlife Refuge Administration Act (16 U. S. C. 668dd-668ee) and the National Wildlife Refuge System Improvement Act of 1997. All proposals submitted in response to this prospectus will be disclosed by the Department of the Interior to any person upon request pursuant to the Freedom of Information Act, 5 U.S.C. 552. All information included in the proposals relating to personal privacy such as social security numbers, home telephone numbers, certain items in law enforcement reports, etc. is protected from disclosure under the Freedom of Information Act and the Privacy Act 5 U.S. C. 552 and will be withheld.

The Refuge's Comprehensive Conservation Plan, completed in 2006, identified the need to develop a consistent process for issuing permits for persons conducting for-hire guided hunting, fishing and wildlife observation activities. These guidelines and stipulations provide a consistent and thorough process for authorizing commercial waterfowl hunting guide operations within the Refuge. By permitting commercial waterfowl guiding, the Refuge can ensure a quality service to the public for recreational hunting on the Refuge. Commercial guiding activities authorized on Refuge lands should promote positive hunting values and hunter ethics such as fair chase, and provide participants with reasonable harvest opportunities, less crowding, less competition, fewer conflicts between hunters, relatively undisturbed wildlife, greater hunter safety, less than average crippling loss, and less interference from or dependence on mechanized aspects of the sport. To remain compatible with the Refuge purposes, commercially guided waterfowl hunting must reflect well on the Refuge, on the tradition of hunting and contribute to the Refuge purposes, resources and management objectives. Waterfowl hunting guides who are extended the privilege of operating on the Refuge, must conduct themselves and their guiding operations with respect for the mission and purpose(s) of the Refuge and hold themselves to a higher standard.

All applicants are responsible for making their own investigations as to the economic feasibility of any proposal, facts about the area, and estimates of potential business opportunity.

It will be the responsibility of all permit holders selected under this prospectus to adhere to all permit conditions and work diligently to minimize conflicts with other users.

For additional information contact the Refuge Manager at the Upper Mississippi River National Wildlife and Fish Refuge, 51 E. 4<sup>th</sup> Street, Room 101, Winona, MN 55987, or telephone at (507) 452-4232 weekdays 8:00 AM to 4:00 PM.

## II. DEFINITIONS

Guide(s): An individual who performs the service of guiding waterfowl hunters on the Refuge.

Guiding: Providing commercial services of any nature or kind to Refuge waterfowl hunters.

Guided Party: Consists of the guide, an assistant to the guide if applicable and a maximum of four hunters who have contracted for the guide's service.

Assistant: An individual who works directly with a permitted guide and assists in the conduct of a commercially guided hunt. An assistant may be paid or unpaid by the permitted guide, however, permitted guides are allowed to name only one assistant during the application process.

Together: In reference to guided parties, "together" means physically located in the same boat and/or blind. Use of a "helper" boat to set/pick up decoys or retrieve downed waterfowl is allowed (see Item 6 on page B-1)

Commercial: Economic gain, monetary or otherwise, derived from Refuge waterfowl hunter(s) for services rendered, including but not limited to guiding, scouting, shuttling, outfitting, and providing equipment or assistance not otherwise available to the general public.

Service(s); Including but not limited to guiding, outfitting, scouting, providing equipment, shuttling, or any other assistance for which economic gain or other consideration is obtained.

Hunt: To pursue, take, shoot, wound, kill, or attempt to pursue, take, shoot, wound, or kill.

Hunter(s): Any person who hunts on the Refuge.

## III. PERMIT OFFERING

Six (6) Refuge Special Use Permits (SUP) to conduct commercial waterfowl guiding will be available for the **2018 through 2023** waterfowl hunting seasons. Successful applicants may guide waterfowl hunters throughout the Refuge (pools 4 through 14) and are not restricted to any pool or specific location. However, selected applicants must adhere to and respect waterfowl hunting closed areas, sanctuaries and no hunting zones/areas on the Refuge and any associated entry requirements and restrictions.

Applicants must complete all Appendix C forms (Application Cover Sheet, Form A - Guiding History, Form B - History of Violations, Form C - Safety Record, Equipment, and Training, Form D - Measures to Minimize Impacts on Other Refuge Users, Form E – References, and Form F - Application) and submit according to instructions and date provided on front page of the Application Package (Appendix C). Completion of these forms is essential to determine that

applicants meet experience and other criteria to provide high quality and safe guide services on the Refuge. Applicants not meeting the requirements will not be considered for a SUP.

Guides will be allowed to name one assistant on their application. Applicants that do not name an assistant on their application will not be allowed to add an assistant at a later date. The Refuge Manager may allow for personnel changes (i.e. substitute assistant) if circumstances warrant.

Applications will initially be scored based on merit. Applicants with the highest scores will be issued SUPs to guide waterfowl hunters on the Refuge until all six permits are issued. Because of the significant commitment that is required to conduct a successful waterfowl guiding operation on the Refuge, applicants who have previously held SUPs to guide waterfowl hunters will be given priority as long as they remain in good standing. This priority will be applied to individuals only, not the individuals business and are therefore non-transferable. The following criteria will be used to score applications:

- 1) Does the applicant have documented experience guiding waterfowl hunters in Minnesota, Wisconsin, Iowa or Illinois during the last three years? Yes = 1 point.
- 2) Does the applicant have documented experience guiding waterfowl hunters on state or federal hunt areas? Yes = 1 point.
- 3) Does the applicant have documented experience guiding waterfowl hunters on the Upper Mississippi River National Wildlife and Fish Refuge? Yes = 2 points.
- 4) Has the applicant previously held a SUP to guide waterfowl hunters on the Upper Mississippi River National Wildlife and Fish Refuge? If “Yes,” was the applicant able to fulfill all the requirements of the SUP and remain in good standing? Yes = 2 points.

In the event applications cannot be ranked based on score (i.e. applicants have the same score), or there are more qualified applicants with the same score than SUPs available, a drawing (open to the public) will be held on **See current due date**. (9:00 am central daylight time) at the headquarters office of the Upper Mississippi River National Wildlife and Fish Refuge, Winona, MN. The drawing will select from all applicants with identical scores for remaining/available SUPs. Applicants are not required to attend.

Selected/successful applicants will be notified telephonically and/or via e-mail on **See current due date**.

If no applications are received, or SUPs remain available after the merit based selection and drawing, SUPs (up to the maximum of six) will be made available to individuals who meet the minimum requirements for guiding (see Section V) on a first come/first served basis until **See current due date**.

Guided parties are limited daily to four guided hunters, the guide and one named assistant. All six members of the party must remain together as one guided party. Guides or assistants may deploy one additional “helper” boat to set and retrieve decoys or recover dead/crippled birds, but the helper boat must remain within 50 feet of the guided party unless setting/retrieving decoys or recovering dead/crippled birds. At no time can the helper boat be used to reserve or hold hunting locations. Only one party may be guided each day. Additional special requirements and considerations are listed in Section V.

Only qualified applicants (see Section V) will be considered for SUP issuance. It is essential that all application forms be completed. All prospective applicants are advised to read this policy and application in its entirety. All applicants are responsible for making their own investigations as to the economic feasibility of commercially guiding waterfowl hunters on the Refuge.

Successful applicants will be awarded the opportunity to guide for up to five (5) years. Annual renewal of the SUP is required and can be completed upon submission of required documents, reports (see Section V) and fees (see Section VI). A \$100 administrative fee will be charged each year a SUP is issued. A \$300 application fee will be charged when the initial application is submitted. Yearly fees will be calculated after the initial year as described in Section VI.

**No SUPs will be renewed after Mid August.**

#### IV. OBJECTIVES

Objectives of the guided waterfowl hunting program are twofold:

- a. To provide high quality waterfowl hunting opportunities for hunters who might not otherwise hunt on the Refuge because they lack knowledge or equipment.
- b. To minimize conflicts between hunters.

The National Wildlife Refuge System Improvement Act of 1997 (NWRISA) established six public uses of refuges which would be allowed when compatible with the established purposes of the refuge and the Service’s mission. These six public uses are: hunting, fishing, wildlife observation, wildlife photography, environmental education and interpretation. All commercial activities including guiding hunters are special uses that must be authorized through a Refuge Special Use Permit. These commercial activities can only be authorized when they are compatible with the purposes of the Refuge and the mission of the National Wildlife Refuge System. Although hunting is involved on guided hunts, the commercial activities associated with these hunts do not qualify as one of these six authorized public uses (Federal Register / Vol. 65, No. 202 / Wednesday, October 18, 2000 / Rules and Regulations – Issue 13: Priority Uses, Pages 62471 and 62472). This Commercial Waterfowl Guiding Program is being implemented to comply with the legal mandates of NWRISA including Compatibility.

## V. SPECIAL REQUIREMENTS AND CONSIDERATIONS

1. A \$100 administrative fee will be charged for issuance of any Special Use Permit (SUP).
2. All applicants will be required to submit an application fee of \$300 with their initial application. If successful in the drawing, this fee will be applied to the final fee of the SUP. If unsuccessful in the drawing, the applicant will receive a full refund of the application fee. (All application fees will be made payable by personal check, cashier's check or money order to the U.S. Fish & Wildlife Service). Permit fees after the first year will be based on the previous season's client use fees up to a maximum of \$500 (See Section VI.)
3. In States that require a guide license, selected applicants and their assistants must possess the appropriate and current State Guide License. The State licenses do not have to be obtained prior to applying for the Refuge SUP, but the licenses must be presented to the Refuge Manager prior to issuance of the Refuge SUP.
4. Selected applicants shall show proof of general liability insurance (\$500,000 each occurrence, \$1,000,000 aggregate) with the U. S. Fish and Wildlife Service named as additional insured prior to issuance of the Refuge SUP. Insurance does not have to be purchased prior to applying, but proof of insurance must be submitted to the Refuge Manager prior to issuance of the Refuge SUP.
5. Convicted felons are ineligible to apply for or receive SUPs. Violation(s) of law by the applicant or their named assistant within the last five (5) years must be self-reported on the application. Failure to report violations will result in permit denial. Convictions/violations within the last five (5) years will be evaluated by the Refuge Manager and may result in SUP denial. Failure to abide by any part of the SUP; violation of any Refuge related provision in the Code of Federal Regulations, part 50, 32.42 Upper Mississippi River National Wildlife and Fish Refuge; or violation of any pertinent State regulation (e.g., fish or game violation) will, with due process, be considered grounds for immediate revocation of the SUP and could result in denial of future SUP requests for lands administered by the U.S. Fish and Wildlife Service. This provision applies to all persons working under the authority of the SUP (e.g., assistant). SUP fees will not be reimbursed.
6. The selected applicants are required to maintain daily records, on the forms provided in Appendix C, of the following:
  - a. License numbers and names of all clients
  - b. Specific location and times of hunts
  - c. Species and sex of waterfowl harvested by individual client

Daily records are subject to inspection by State and Federal Law Enforcement officers upon request. At the end of each hunt, daily records will be certified through signature by both the permit holder and individual guided hunters as complete and accurate.

Selected applicants must prepare a summary year-end report detailing the number of clients per day, fees charged and daily waterfowl harvest **by January 15 each year**. This report will be certified by the permit holder as complete and accurate.

Form G (Appendix C) provides forms for both the daily log and year-end summary reports.

7. The selected applicants must comply with all terms and conditions of this policy and application document and the resulting Refuge SUP, Refuge laws and regulations, and pertinent State (Minnesota, Iowa, Wisconsin and Illinois respectively) regulations and laws. SUP holders are **required** to honor voluntary waterfowl avoidance measures associated with Refuge closed areas. Permit holders must report any violations committed by them or their clients to a State or Federal law enforcement officer immediately. Failure to report violations within 24 hours may result in SUP suspension and/or termination.

8. The Refuge is open on a first come-first serve basis in accordance with Refuge hunting regulations. Applicants should review Appendix A – Interference and Harassment Laws. A documented and verified complaint or violation by a guide and/or member(s) of the guided party concerning interference or harassment of other Refuge hunters or other public users may be considered grounds to revoke the SUP, and may also subject the guide/party member(s) to a citation. All such complaints will be investigated by a State or Federal law enforcement officer.

9. Selected applicants must provide the Refuge with all required information (guide license, insurance policy, permit fee, all U.S Coast Guard license requirements and associated papers, etc.)

10. No person, including but not limited to a guide, guide service, outfitter, club, or other organization shall provide assistance, services, or equipment on the Refuge to any other person for compensation unless such guide, guide service, outfitter, club, or other organization has obtained a SUP from the Refuge. For the purpose of this regulation, any fees paid or services rendered to a person for lodging, meals, club membership or similar services will be considered compensation.

11. Guides and assistants are not allowed to harvest migratory birds of their own while guiding. Bag limits are restricted to paid clients only.

12. Applications containing false or incomplete information may be rejected by the Refuge. If a SUP has been issued based on false or incomplete information, it may be terminated at any time.

13. Vessels utilized by selected applicants will be clearly marked with a removable decal provided by the Refuge. Vessels and vehicles are subject to inspection by State and Federal law enforcement officers.

14. The use of airboats during commercial guiding operations is prohibited.

## VI. REFUGE SPECIAL USE PERMIT FEE

Section 5 RM 17.5 of the refuge manual states: “The Service should attempt to recover the costs of administering specialized uses of a refuge. Generally the fee rate charged is determined by the fair market value of the products, services, facilities, and privileges involved. In most cases the fair market value will recover the government costs ...”

Refuge SUP fees will be calculated based on the number of clients served (client use days) multiplied by the client use day schedule described in Table 1. Client use day fees will be based on actual client use days and will be in addition to the \$100 administrative fee. A “client use day” shall be defined as one calendar day (24 hours), or portion thereof, for each client using the Refuge. The specific fee for each type of client use day is based on three (3) percent of the typical daily rate charged to clients by commercial guides. The SUP fee for the initial guide application (first year) will be **\$300**. After the first year, SUP fees will be calculated by multiplying the number of clients guided in the previous season by the Guided Waterfowl Hunting client use day fee (\$6.00) listed in Table 1 up to a maximum SUP fee of **\$500**.

Table 1: Client Use Day Fee Schedule – Upper Mississippi River National Wildlife and Fish Refuge.

Client Activity	2018 through 2023 Fee
Fishing from a Fishing Float	\$0.60
Guided Waterfowl Hunting	\$6.00
Guided Sport Fishing	\$3.00
Guided River Floating	\$0.75
Photography, Birding and Other Guided Wildlife Observation Activities	\$0.75
Note: There is a nonrefundable \$100.00 administrative fee charged upon issuance of a SUP. Client use day fees will be based on actual client days and will be in addition to the \$100.00 administrative fee. CUD = Client Use Day.	

Fees will be periodically reviewed and increased or decreased as needed to ensure the costs of administering these commercial uses are recovered.

## VII. GENERAL TERMS

The Refuge reserves the right to extend the dates for receiving applications, selection date and to not award any or all Refuge SUPs for Waterfowl Guiding.

Any oral statement by any representative of the Refuge, modifying or changing any conditions of this document is an expression of opinion only and confers no right upon any applicant.

In the event that a contradiction exists between this document and the conditions in the issued Refuge SUP, the conditions in the Refuge SUP will govern.

## VIII. SPECIAL USE PERMIT REVOCATION AND APPEALS PROCESS

The Refuge reserves the right to reject any and all applications containing a history of game, fish, boating or Refuge violations, false information, illegible information, partially completed applications or guide services that held permits in the previous hunt year and failed to meet the special conditions of the permit. If a Refuge SUP has been issued under false application, it will be immediately terminated.

The Refuge reserves the right to cancel any Refuge SUP for non-compliance with any terms or conditions of this policy and application document, Refuge SUP, State and Federal regulations or other actions undertaken with the intent of doing harm to the Refuge and government. In the case of a lapse in Federal appropriations which results in closure of the Refuge, all activities authorized through SUPs issued by the Refuge, including commercially guided waterfowl hunting, will be suspended until the Refuge reopens.

The Code of Federal Regulations (50 CFR 25.45) describes the appeals process SUP applicants and/or holders may take in case of a SUP denial or revocation, respectively. Any person who is adversely affected by a Refuge manager's decision or order relating to the person's SUP granted by the U.S. Fish and Wildlife Service or application for SUP, with the National Wildlife Refuge System may appeal the Refuge Manager's decision.

Prior to making any adverse decision or order on a SUP or application for SUP, the Refuge Manager shall notify the SUP holder or applicant orally or in writing on the proposed action and its effective date. The SUP holder or applicant shall have twenty (20) days after notification in which to present to the Refuge Manager, orally or in writing, a statement in opposition to the proposed action or date. The SUP holder or applicant shall be notified in writing within twenty (20) days after receipt of the statement in opposition, of the Refuge Manager's final decision or order.

If the Refuge Manager still intends to proceed with the proposed action, the SUP holder or applicant shall have thirty (30) days from the postmarked date of the Refuge Manager's final decision or order in which to file a written appeal to the Regional Chief of Refuges. The appellant (SUP holder or applicant) shall be notified in writing within thirty (30) days from the postmarked date of the appeal of the Regional Chief of Refuges' decision.

The appellant shall have thirty (30) days from the postmarked date of the Regional Chief of Refuges' decision to further appeal in writing to the appropriate Regional Director. The Regional Director's decision shall be final and issued in writing to the appellant within thirty (30) days from the postmarked date of the appeal.

The appellant shall be provided an opportunity for oral presentation before the Regional Chief of Refuges or the Regional Director within the respective thirty (30) day appeal periods.

The addresses of the appropriate officials to whom appeals may be taken shall be furnished in each decision or order.

Compliance with any decision or order of a Refuge Manager shall not be suspended by reason of an appeal having been taken unless such suspension is authorized in writing by the Regional Chief of Refuges or Regional Director (depending upon the official before whom the appeal is pending), and only upon a determination by these officials that such suspension will not be detrimental to the interests of the United States or upon submission and acceptance of a bond deemed adequate to indemnify the United States from loss or damage.

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**Appendix A**  
**Interference and Harassment Laws/Regulations**

**50 Code of Federal Regulations, Subchapter C, 27.84; Interference with persons engaged in authorized activities**

Disturbing, molesting, or interfering with any employee of the United States or of any local or State government engaged in official business, or with any private person engaged in the pursuit of an authorized activity on any national wildlife refuge is prohibited.

**Minnesota State Statute 97A.037 Hunter, trapper, and angler harassment prohibited.**

Subdivision 1: Interference with taking wild animals prohibited - A person who has the intent to prevent or disrupt another person from taking or preparing to take a wild animal or enjoyment of the out-of-doors must not disturb or interfere with that person if that person is lawfully taking or preparing to take a wild animal. "Preparing to take a wild animal" includes travel, camping, and other acts that occur on land or water where the affected person has the right or privilege to take lawfully a wild animal.

Subd. 2: Disturbing wild animals prohibited - A person who has the intent to prevent or disrupt a person from lawfully taking the animals may not disturb or engage in an activity that will tend to disturb wild animals.

Subd. 3: Persons intending to harass hunters, trappers, and anglers may not remain on land - A person who has intent to violate subdivision 1 or 2 may not enter or remain on public lands, or on private lands without permission of the owner.

Subd. 4: Peace officer order; penalty - A person must obey the order of a peace officer to stop the harassing conduct that violates this section if the officer observes the conduct. For purposes of this subdivision, "harassing conduct" does not include a landowner's or lessee's action to enforce the Trespass Law. Violation of this subdivision is a misdemeanor.

**Wisconsin State Statute 29.083. Interference with hunting, fishing or trapping.**

(1) Definition. In this section, "activity associated with lawful hunting, fishing or trapping" means travel, camping or other acts that are preparatory to lawful hunting, fishing or trapping and that are done by a hunter, fisher or trapper or by a member of a hunting, fishing or trapping party.

(2) Prohibitions.

(a) No person may interfere or attempt to interfere with lawful hunting, fishing or trapping with the intent to prevent the taking of a wild animal by doing any of the following:

1. Harassing a wild animal or by engaging in an activity that tends to harass wild animals.

2. Impeding or obstructing a person who is engaged in lawful hunting, fishing or trapping.
3. Impeding or obstructing a person who is engaged in an activity associated with lawful hunting, fishing or trapping.
4. Disturbing the personal property of a person engaged in lawful hunting, fishing or trapping.
5. Disturbing a lawfully placed hunting blind.

(b) No person may knowingly fail to obey the order of a warden or other law enforcement officer to desist from conduct in violation of par. (a) if the order is based on any of the following:

1. The warden or other law enforcement officer personally observed such conduct by the person.
2. The warden or other law enforcement officer has reasonable grounds to believe that the person has engaged in such conduct that day or that the person intends to engage in such conduct that day.

(3) Exemptions. This section does not apply to actions under sub. (2)(a) 1 to 5 performed by wardens and other law enforcement officers if the actions are authorized by law and are necessary for the performance of their official duties.

(3m) Affirmative defense. It is an affirmative defense to the prosecution for violation of this section if the defendant's conduct is protected by his or her right to freedom of speech under the constitution of this state or of the United States.

(4) Civil actions.

(a) A person who is adversely affected by, or who reasonably may be expected to be adversely affected by, conduct that is in violation of sub. (2)(a) may bring an action in circuit court for an injunction or damages or both.

(b) The circuit court may enter an injunction under ch. 813 against conduct in violation of sub. (2)(a) if the court determines any of the following:

1. The defendant is threatening the conduct.
2. The defendant has engaged in the conduct in the past and that it is reasonable to expect that the defendant will engage in the conduct that will adversely affect the plaintiff in the future.

(c) The circuit court may award damages to the plaintiff if the defendant's conduct in violation of sub. (2)(a) has adversely affected the plaintiff. The damages awarded may include punitive damages and any special damages. Special damages may include approval fees, travel costs, camping fees, costs for guides, and costs for equipment or supplies to the extent that the plaintiff did not receive the full value of any of these expenditures due to the unlawful conduct of the defendant.

**Iowa State Statute 481A.125. Wildlife Conservation. Prohibited Acts.**

1. As used in this section, “interfere with hunting, fishing, or fur-harvesting activities” means one or more of the following:
  - a. To intentionally place oneself in a location where a human presence may affect the behavior of a fur-bearing animal, game, bird, or fish or the feasibility of killing or taking a fur-bearing animal, game, bird, or fish with the intent of obstructing or harassing another person who is lawfully hunting, fishing, or fur harvesting.
  - b. To intentionally create a visual, aural, olfactory, or physical stimulus for the purpose of affecting the behavior of a fur-bearing animal, game, bird, or fish with the intent of obstructing or harassing another person who is lawfully hunting, fishing, or fur harvesting.
  - c. To intentionally affect the condition or alter the placement of personal property used for the purpose of killing or taking a fur-bearing animal, game, bird, or fish with the intent of obstructing or harassing another person who is lawfully hunting, fishing, or fur harvesting.
2. A person shall not interfere with the lawful hunting, fishing, or fur-harvesting activities of another person in an area where hunting, fishing, or fur harvesting is authorized by a custodian of public property or an owner or lessee of private property.
3. A person who commits:
  - a. A first offense of interfering with hunting, fishing, or fur-harvesting activities is guilty of a simple misdemeanor.
  - b. A second or subsequent offense is punishable as a serious misdemeanor.
4. If a person who commits interfering with hunting, fishing, or fur-harvesting activities possesses a license, certificate, or permit issued by the department, the license, certificate, or permit is subject to suspension or revocation pursuant to section 481A.134.
5. This section shall not prohibit a landowner, tenant, or an employee of a landowner or tenant from performing normal agricultural operations or a law enforcement officer from performing official duties.

## **Illinois State Statute 720.125. Hunter Interference Prohibition Act.**

### 1. Definitions. As used in this Act:

- (a) "Wild animal" means any wild creature the taking of which is authorized by the fish and game laws of the State.
- (b) "Taking", means the capture or killing of a wild animal and includes travel, camping, and other acts preparatory to taking which occur on lands or waters upon which the affected person has the right or privilege to take such wild animal.

### 2. Any person who performs any of the following is guilty of a Class B misdemeanor:

- (a) interferes with the lawful taking of a wild animal by another with intent to prevent the taking.
- (b) disturbs or engages in an activity that will tend to disturb wild animals, with intent to prevent their lawful taking.
- (c) disturbs another person who is engaged in the lawful taking of a wild animal or who is engaged in the process of taking, with intent to dissuade or otherwise prevent the taking.
- (d) enters or remains upon public lands, or upon private lands without permission of the owner or his agent, or a lessee, with intent to violate this Section.

### 3. Any person who knowingly performs any of the following acts is guilty of a Class A misdemeanor:

- (a) fails to obey the order of a peace officer to desist from conduct in violation of Section 2 of this Act if the officer observes such conduct, or has reasonable grounds to believe that the person has engaged in such conduct that day or that the person plans or intends to engage in such conduct that day on a specific premises.
- (b) is convicted of a second or subsequent violation of Section 2. For purposes of this Section, a "second or subsequent violation" means a conviction under this Act within 2 years of a prior violation arising from a separate set of circumstances. The sentence of any person convicted of a second or subsequent violation shall include imprisonment for not less than 7 days. A person convicted of a second or subsequent violation is not eligible for court supervision.

### 4. Injunctions—Damages

- (a) Any court may enjoin conduct which would be in violation of Section 2 of this Act upon petition by a person affected or who reasonably may be affected by such conduct, upon a showing that such conduct is threatened or that it has occurred on a particular

premises in the past and that it is not unreasonable to expect that under similar circumstances it will be repeated.

(b) A court shall award all resulting costs and damages to any person adversely affected by a violation of Section 2, which may include an award for punitive damages. In addition to other items of special damage, the measure of damages may include expenditures of the affected person for license and permit fees, travel, guides, special equipment and supplies, to the extent that such expenditures were rendered futile by prevention of the taking of a wild animal.

(c) A court shall revoke, for a period of one year to 5 years, any Illinois hunting, fishing, or trapping privilege, license or permit of any person convicted of violating any provision of this Act.

## Appendix B Special Use Permit – Special Conditions

The following are special conditions of a waterfowl hunting guide Special Use Permit. These special conditions will be attached to the permit when issued.

### **Special Conditions - Commercial Guiding of Waterfowl Hunters on the Upper Mississippi River National Wildlife and Fish Refuge**

**Permit Number: XXXXX-XX-XXX**

1. No special privileges are granted to the permit holder other than those stated in this Special Use Permit. Interfering with any other individual lawfully participating in any authorized activity on the Refuge will be grounds for immediate revocation of this permit and for possible legal prosecution.
2. The permit holder and assistant each must comply with all applicable federal, state, U.S. Coast Guard, and Refuge laws and regulations and policy governing hunting, commercial guiding, boating and use of the Refuge. Permit holders are **required** to honor voluntary waterfowl avoidance measures associated with Refuge Closed Areas.
3. All waterfowl guides and assistants operating motorized boats on the Refuge must possess a current vessel operator license issued by the U.S. Coast Guard. Minimum license shall be an Operator Uninspected Passenger Vessel. The license shall be valid for the area of operations and type(s) of vessel operated. All waterfowl guides and assistants must possess a current CPR and First Aid training certificate issued by a recognized national organization.
4. A copy of this permit and a signed copy of the current Refuge hunting permit/regulations must be in the possession of the permit holder and assistant while engaged in commercial guiding activities. All members of the hunt party must certify they have reviewed and agree to obey Refuge regulations by signing the “Message to guided waterfowl hunters” form. Copies of all completed forms will be submitted to the Upper Mississippi River National Wildlife and Fish Refuge by **January 15**.
5. The permit holder must verify all clients/hunters have the required and appropriate hunting licenses, State and Federal signed duck stamps, signed “Message to guided waterfowl hunters,” and any other required documents **PRIOR** to hunting.
6. Guided parties are limited to four hunters, the permit holder and assistant who must all stay together (total 6) as one hunt party on the Refuge. Guides or assistants may deploy one “helper” boat to set and retrieve decoys or recover dead/crippled birds, but the helper boat must remain within 50 feet of the guided party unless setting/retrieving decoys or recovering dead/crippled birds. At no time can the helper boat be used to reserve or hold hunting locations. Only one party may be guided per day. **The permit holder must accompany all hunt parties. Any exception to this requirement must be applied for and approved by the Refuge Manager prior to such event.**

7. Guides and assistants are not allowed to harvest a limit of migratory birds of their own while guiding. Bag limits are restricted to paid clients only.
8. The permit holder must maintain accurate, legible daily records indicating the following information:
  - a. License numbers and names of all clients
  - b. Specific location and times of hunts
  - c. Species and sex of waterfowl harvested by individual client

Daily records are subject to inspection by State and Federal Law Enforcement Officers. At the end of each hunt, daily records will be certified through signature by both the permit holder and individual guided hunters as complete and accurate. Copies of all completed forms will be submitted to the Upper Mississippi River National Wildlife and Fish Refuge by **January 15**.

9. Permit holders must prepare a summary year-end report detailing the number of clients per day, fees charged and daily waterfowl harvest by **January 15**. This report will be certified by the permit holder as complete and accurate.
10. This Special Use Permit may be canceled or revised at any time by the Refuge Manager in case of emergency (e.g. high fire danger, flooding, unusual resource problems, or violation of permit, etc.) or Refuge closure. Any violation may be grounds for future permit denial.
11. The permit holder agrees to forever hold harmless the United States, its officers, agents, employees, contractors, and or assigns from any and all damages to property or injuries to persons which may arise or be incidental to the activities associated with this Special Use Permit, above and beyond the required liability insurance policy.
12. Permit holder will possess a liability insurance policy of \$500,000 each occurrence, \$1,000,000 aggregate with the U.S. Fish and Wildlife Service named as additional insured prior to issuance of this Special Use Permit. Permit holder will maintain this same policy through the duration of this permit. Any changes in policy will be approved by the Refuge Manager prior to implementation.
13. Vessels will be clearly marked with a removable decal provided by the Refuge. Vessels and vehicles are subject to inspection by State and Federal law enforcement officers upon request.
14. Only one set-up of decoys (regardless of number) may be used per guided party.
15. Revocation of a Special Use Permit will result from violation (by permit holder or assistant) of any Refuge hunting regulations or violation of U.S. Coast Guard regulations. Violation of State game or fish regulations resulting in a conviction will also result in revocation.

- 16.** Permitted guides will be allowed to name one assistant during the application process, those guides that do not name an assistant prior to the drawing of permit holders will not be allowed to name an assistant at a later date. The Refuge Manager may allow for personnel changes (i.e. substitute assistants) if circumstances warrant.
- 17.** All definitions identified within this prospectus will be valid for this permit. (Examples; Guide, Guided Party, Commercial, Service, Guiding, Hunt, and Hunters).
- 18.** Any oral statement by any representative of the Government, modifying or changing any conditions of this document is an expression of opinion only and confers no right upon any permit holder.
- 19.** The use of airboats during commercial waterfowl guiding activities is prohibited.

## Appendix C

### WATERFOWL HUNTING GUIDE SERVICES ON UPPER MISSISSIPPI RIVER NATIONAL WILDLIFE AND FISH REFUGE

#### Program Requirements and Stipulations (2018 through 2023)

#### Application Package

Complete all the following pages and submit according to instructions below.

**Applications must be sent to Upper Mississippi River National Wildlife and Fish Refuge, 51 E. 4<sup>th</sup> Street (Room 101), Winona, MN 55987. All applications must be postmarked by **See current due date**. Envelope must be marked **ATTENTION: WATERFOWL GUIDE APPLICATION**.**

Applicants are advised to read the Program Requirements and Stipulations completely before applying. For additional information, contact Sabrina Chandler, Refuge Manager at the above address or by telephone at 507-494-6218.

**APPLICATION COVER SHEET  
FOR  
COMMERCIAL WATERFOWL HUNT GUIDING  
UPPER MISSISSIPPI RIVER NATIONAL WILDLIFE AND FISH REFUGE**

I certify that the information furnished in the following application is true and complete to the best of my knowledge and belief. I authorize the Fish and Wildlife Service to verify the information furnished herein.

BY: \_\_\_\_\_  
(Sign in ink as typed or printed below)

\_\_\_\_\_  
(Type or print full name)

\_\_\_\_\_  
(Social Security Number)

\_\_\_\_\_  
(Doing business as)

\_\_\_\_\_  
(Date)

Permanent mailing address

Seasonal Address (if different)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone Numbers:

Daytime \_\_\_\_\_

Evening \_\_\_\_\_

Cell Phone \_\_\_\_\_

This cover sheet and forms A through F must be submitted as your application.





## FORM C - Safety Record, Equipment, and Training

- 1) List all accidents, incidents, and safety related violations or enforcement actions involving you or your guiding operations in the last 5 years. Submit reports from State Departments of Natural Resources, and U.S. Coast Guard for all safety violations, accidents and/or incidents involving you or your guiding operation that have occurred in the past five years. Please request this information early to ensure your proposal will be complete. If records cannot be obtained from the agency involved, describe the accident, incident or violation in detail and provide the name and telephone number of the person you contacted who informed you that the record could not be provided.
  
- 2) List all safety related training that you, your assistant, and if applicable your business partner have taken (e.g., advanced first aid, ETT, EMT, boat safety, etc.). Also describe any relevant experience/training in actual rescue or survival operations programs, hunter safety programs, etc. Give dates of training or participation and indicate if certification is current (if applicable). Note: the successful applicant and assistant are required to submit current first aid and CPR certification prior to permit issuance.
  
- 3) Attach your emergency preparedness or safety plan. List emergency communications equipment and describe your plans, if any, in the event of mechanical failure, or other types of accidents/incidents. Also, list all safety related equipment and supplies, in addition to the communications equipment.
  
- 4) Describe the year, make, model and color of any boats, vehicles or other means of transportation used in your guiding operations.

**All waterfowl guides and assistants operating motorized boats on the Refuge must possess current vessel operator license issued by the U.S. Coast Guard. Minimum license shall be a Operator Uninspected Passenger Vessel. The license shall be valid for the area of operations and type(s) of vessel operated. All waterfowl guides and assistants must possess current CPR and First Aid training certificates issued by a recognized national organization. Failure to provide proof of such certification will result in denial of the application.**

*Attach additional sheets as necessary.*

Applicant's Signature: \_\_\_\_\_

**FORM D - Measures to Minimize Impacts on Other Refuge Users**

Explain how your proposed waterfowl guiding operation on the Refuge will be conducted so as to minimize impacts and reduce conflicts with other users including particularly other waterfowl hunters.

*Attach additional sheets as necessary.*

Applicant's Signature: \_\_\_\_\_

**FORM E - References**

Applicants should list three references by name, address and telephone number who can verify their waterfowl hunting and guiding history as well as their guiding history over the past three years. Applicants will be responsible for selecting persons as references who are fully willing to discuss the applicant's qualifications with a representative of the Refuge reviewing this application. Be sure both addresses and telephone numbers are current. **Applications in which this section is not complete or accurate will be rejected.**

**REFERENCE 1:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone (\_\_\_\_) \_\_\_\_\_

**REFERENCE 2:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone (\_\_\_\_) \_\_\_\_\_

**REFERENCE 3:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone (\_\_\_\_) \_\_\_\_\_

Applicant's Signature: \_\_\_\_\_

**FORM F - Application**

I am applying to commercially guide waterfowl hunters on the Upper Mississippi River National Wildlife and Fish Refuge during the **2018 through 2023** waterfowl seasons. **I understand that my name may only appear one time in the drawing process. (Example) Any individual that has applied as a guide may not be named as an assistant on any other application.**

Applicants are not required to be present at the drawing, but must submit an application fee of \$300 with their respective applications. If successful in the drawing, this fee will be applied to the total fee (permit fee of \$300 plus an administrative fee of \$100) of the SUP. If unsuccessful in the drawing the applicant will receive a full refund of their application fee. (All application fees will be made payable to the U.S. Fish & Wildlife Service). An administrative fee of \$100 will be due from successful applicants prior to issuance of a special use permit.

Applicant's Signature \_\_\_\_\_

Date \_\_\_\_\_

Designated Assistant's Signature \_\_\_\_\_

Print Name of Designated Assistant \_\_\_\_\_

Date \_\_\_\_\_

**FORM G – Commercial Waterfowl Hunting Guide Daily Log and Year-End Summary**

The following forms will be utilized by commercial waterfowl hunting guides for meeting the requirements of Section V (5).

<b>Commercial Waterfowl Guide Daily Log</b>				
Guide Name		Date of Guided Hunt		
Location of Guided Hunt				
Location where Hunt originated (Boat Landing or Launch site)				
Time of Guided Hunt	Start (Time departed from landing)		End (Time returned to landing)	
	Hunter 1	Hunter 2	Hunter 3	Hunter 4
Name of Hunter				
Hunting License Number				
State of Residence				
	Number Harvested	Number Harvested	Number Harvested	Number Harvested
Mallard (male/female)				
Wood Duck (male/female)				
Blue Winged Teal (male/female)				
Green Winged Teal (male/female)				
Gadwall (male/female)				
American Wigeon (male/female)				
Northern Shoveler (male/female)				
Northern Pintail (male/female)				
Bufflehead (male/female)				
Ring-necked Duck (male/female)				
Lesser Scaup (male/female)				
Redhead (male/female)				
Canvasback (male/female)				
Hooded Merganser (male/female)				
Canada Goose				
Coot				
Other				
Hunter(s) Signature				
Guide Certification/Signature (Your signature verifies the information provided on this form is accurate and complete.)				

