

DRAFT COMPATIBILITY DETERMINATION

Use: Beach-related Day Uses (swimming, sunbathing, picnicking, and other)

Refuge Name: Upper Mississippi River National Wildlife and Fish Refuge (Refuge).

Establishing and Acquisition Authorities: The Upper Mississippi River National Wildlife and Fish Refuge was established by Public Law No. 268, 68th Congress on June 7, 1924. This act authorized acquisition of lands for Refuge purposes. Additional lands acquired in fee title by the U.S. Army Corps of Engineers are managed as part of the Refuge under a 1963 Cooperative Agreement between the Department of the Army and the Department of the Interior.

Refuge Purpose(s): “The Refuge shall be established and maintained (a) as a refuge and breeding place for migratory birds included in the terms of the convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and (b) to such extent as the Secretary of the Interior by regulations, prescribes, as a refuge and breeding place for other wild birds, game animals, fur-bearing animals, and for the conservation of wild flowers and aquatic plants, and (c) to such extent as the Secretary of the Interior may, by regulations, prescribe a refuge and breeding place for fish and other aquatic animal life.”

National Wildlife Refuge System Mission: “The mission of the National Wildlife Refuge System is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.”

Description of Use:

What is the use? These uses include swimming, snorkeling, scuba diving, picnicking, sunbathing, fishing, and social gatherings on beach areas. According to a 2010 beach study conducted on Pools 4, 5, 5A and 6, the top beach day-use activities include swimming (40%), fishing (35%), and relaxing/drinking (35%). The act of utilizing a beach for day-use activities is not a wildlife-dependent activity. However, while on a beach or traveling to- and from- a beach, visitors may engage in fishing, hunting, and wildlife observation.

Where is the use conducted? The majority of beach day-use occurs on Refuge islands or peninsulas adjacent to the main navigation channel of the Mississippi River. The areas of choice are both manmade and natural beach areas. These beach areas are either remnant channel maintenance islands or shore areas formed by the side-casting of dredged material, dredged sand placement sites, or natural sandbars and shorelines.

When is the use conducted? Family-sized groups are most common, although several boats may moor or anchor adjacent to each other. Large gatherings of friends and/or relatives may occupy an area, and at times, large groups gather for parties involving alcohol consumption.

According to a 2007 aerial study conducted by the St. Mary’s University GeoSpatial Services, Winona, MN, 32% of all peak season boating trips on the Mississippi River (Foot of Lake Pepin to Lock and Dam 10) involved using a beach. The main season of use is Memorial Day to Labor Day (June through August) with the greatest beach use on holidays and weekends.

How is the use conducted? Toilets, fire rings, or other facilities are generally not provided, although some volunteer groups provide and maintain fire rings under Refuge supervision.

Refuge regulations published in a Public Use Regulations brochure place restrictions on aspects of these activities including campfires, sanitation, vegetation removal, and intoxication. Fireworks and firearm use are prohibited. No fee is charged for use of the Refuge for beach-related activities.

Why is this use being proposed? It is estimated that over 1 million visitors per year engage in day-use beach related activities, often in conjunction with power boating or other water-based recreation.

Availability of Resources: The main costs of these uses are law enforcement and litter clean-up. Resources to adequately manage these uses are marginal at best given the number of Federal Wildlife Officers, the sheer size of the Refuge, and the number of users. Other personnel from the state, county, and local law enforcement community may assist with oversight of many of these uses. Funding for law enforcement staff time and printing of the Refuge Public Use Regulations brochure is limited some years, calling for a redirection of existing Refuge funding. Although not optimum, funding and staffing is available to allow this use at current and anticipated levels.

Anticipated Impacts of the Use: Beach-related uses, due to the high number of people involved and high densities on some sites, can have a direct physical impact to islands and shore areas from trampling, cutting of vegetation, and campfires. Refuge regulation violations can be high: dogs running loose, intoxication, illegal drugs, firearm use, fireworks, noise, human waste, littering, interference with other users, private structures, large parties, and loud boats. Although littering can be high, there has been a marked improvement through self-regulation and voluntary clean-ups. High densities of visitors on certain sites, such as active dredge placement areas or so-called “bathtubs,” could lead to water quality concerns due to human waste.

Wildlife which may use beach and shoreline areas is generally displaced to more remote areas of the Refuge during these activities. Some species, or individuals of species, have become more accustomed to the disturbance and are not affected. For example, some eagle pairs maintain active nests near areas frequented by persons engaged in beach-related activities. Turtles, which nest on the same sand areas frequented by visitors, may be impacted by direct disturbance during nesting or through the destruction of nests by human traffic. The direct relationship between human use of turtle nesting areas and nest success is not understood. Some biologists believe that human use of the areas attracts predators like raccoons searching for food scraps left by groups, while others believe that human presence and scent may keep predators at bay. Turtle nest success is generally quite low even without human impact, but it is unknown whether human disturbance further negates nest success.

Public use of beaches requires a very high law enforcement effort and takes away from resource-related enforcement. There is concern for officer safety in large crowds, especially when alcohol use is involved.

Public Review and Comment: This Compatibility Determination is a re-evaluation of an existing determination which was included in the Draft Comprehensive Conservation Plan and Environmental Impact Statement (EIS) released May 1, 2005 for a 120-day comment period. It was also available during a subsequent 90-day review period on a supplement to the EIS released December 3, 2005. Public notification included notices in the Federal Register, media announcements, and 31 public meetings and workshops attended by more than 3,700 persons. Many comments on beach-related uses

were received and can be found in Chapter 7 of the EIS, with a Service response. However, no comments specific to this determination were received.

A draft of this re-evaluation was released on August 5, 2016 for a 30-day comment period. Public notification of the availability of this CD included media announcements and posting on the Refuge's website.

Determination:

Use is Not Compatible

Use is Compatible with Following Stipulations

Stipulations Necessary to Ensure Compatibility:

1. Continue to enforce general public use regulations which protect habitat and limit disturbance to other Refuge visitors.
2. The Refuge Manager may close or restrict use on certain beach and other shoreline areas to minimize or eliminate chronic problems or safeguard wildlife or habitat values (See Objective 5.1 in the Comprehensive Conservation Plan for details).
3. The openings to dredged material placement sites on Service-acquired lands will be bermed following emptying to eliminate high-density use and associated problems.
4. Adopt a reasonable beach maintenance policy that does not conflict with other resource objectives (See Objective 5.1 in Comprehensive Conservation Plan).
5. Glass food and beverage containers are prohibited on Refuge lands to reduce safety hazards.
6. Dogs must be kept under control at all times and may not disturb other persons or wildlife.
7. Actively promote the Leave No Trace program and provide information to beach-related users.

Justification: Although beach-related uses are at very high levels on the Refuge, most of the use occurs adjacent to the main channel of the river which is a small percentage of the Refuge land and water base. These areas are generally not heavily used by wildlife so disturbance is limited. The timing of beach-related uses also serves to limit disturbance, with summer months and mid-morning to evening being peak use times. These times generally do not correspond to peak nesting (an exception is turtle nesting, which peaks in June) and migration seasons, and morning feeding hours. The size of the Refuge and extensive backwaters with difficult public access provide sizeable alternative areas for wildlife that is disturbed. Impacts to nesting turtles, both positive and negative, are as yet unknown and further study is needed. Manager discretion in restricting or closing beach areas will help ensure that important wildlife areas and habitats are protected.

Bank and shoreline erosion and loss of aquatic or upland vegetation is variable, and perhaps not generally greater than that caused by commercial navigation, recreational fishing, and other river traffic. Also, the beach areas most heavily used are generally manmade as a result of past or current navigation

channel dredging operations. These areas do not generally harbor unique plant communities or archaeological resources.

Although regulation violations and disturbance to other visitors can be a problem locally, stipulations will help reduce problems and safeguard wildlife or sensitive habitats. Teams of Federal Wildlife Officers will be used periodically to address issues or concerns that arise and to increase outreach and education of visitors on current regulations. Cooperation with state and local law enforcement also helps with workload concerns.

Given the above, beach-related uses do not materially interfere with the purposes of the Refuge nor the mission of the Refuge System.

Refuge Manager: _____
Signature Date

Regional Chief Concurrence: _____
Regional Chief Date

Mandatory 10 or 15 year Re-evaluation Date: 2026