

Compatibility Determination

Use: Access to Waterfowl Production Areas for persons with Disabilities

Refuge Name: Detroit Lakes Wetland Management District

Establishing and Acquisition Authorities:

Waterfowl Production Areas - The Migratory Bird Hunting and Conservation Stamp Act, March 16, 1934, (16 U.S.C. Sec. 718-718h, 48 Stat. 452) as amended August 1, 1958, (P.L. 85-585; 72 Stat. 486) for acquisition of "Waterfowl Production Areas"; the Wetlands Loan Act, October 4, 1961, as amended (16 U.S.C. 715k-3 - 715k-5, Stat. 813), funds appropriated under the Wetlands Loan Act are merged with duck stamp receipts in the fund and appropriated to the Secretary for the acquisition of migratory bird refuges under provisions of the Migratory Bird Conservation Act, February 18, 1929, (16 U.S.C. Sec. 715, 715d - 715r, as amended.

FmHA fee title transfer properties - Consolidated Farm and Rural Development Act 7 U.S.C. 2002.

Fish and Wildlife Act of 1956 (16 U.S.C. § 742(a)(4)) and (16 U.S.C. § 742(b)(1))
Emergency Wetlands Resources Act of 1986 (16 U.S.C. § 3901(b), 100 Stat. 3583).

Refuge Purposes:

Waterfowl Production Areas - "...as Waterfowl Production Areas" subject to "...all of the provisions of such Act [Migratory Bird Conservation Act]...except the inviolate sanctuary provisions..." and "...for any other management purpose, for migratory birds."

FmHA fee title transfer properties - "for conservation purposes..."

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?

Access for persons with disabilities is the term used to describe the process of granting exemptions to current Wetland Management District (District) regulations that assist persons with disabilities in engaging in compatible activities on Waterfowl Production Areas (WPAs). All exemptions granted will comply with the general public safety regulations of the U.S. Department of Interior and the specific public safety guidance of the U.S. Fish and Wildlife Service (Service) Compatibility Policy. Based on experience to date, it is expected that most disability access requests will be for hunting, but this policy also applies to the other priority public uses on Districts; wildlife observation, wildlife photography, environmental education, interpretation, and fishing. Waterfowl Production Areas in Minnesota average less than 200

acres in size and are intermingled with private and other public lands. Although the specific locations and sizes of areas affected will vary by permit, disturbances will typically vary from 0.5 to 3.0 acres.

Where would the use be conducted?

The most common type of exemption given will allow the use of motorized vehicles, which will be limited to existing roads and trails in good condition or other routes as specified in the Special Use Permit. The use would primarily occur in places where native plant communities, wetlands and other unique resources would not be impacted on units throughout the District.

When would the use be conducted?

Access for persons with disabilities can be conducted throughout the year.

How would the use be conducted?

Persons with disabilities requesting an exemption from District regulations would contact the Project Leader. A Special Use Permit of limited duration will be issued to the individual.

Why is this use being proposed?

The Americans with Disabilities Act and Service policy require that all Service programs and facilities meet the needs of the persons with disabilities. Offering special access as described in this determination is one way that the Service can meet that obligation to the American public.

Is the use a priority public use?

No, this is not a priority public use of the National Wildlife Refuge System but provides exemptions to current District regulations to assist persons with disabilities who are engaged in priority public use activities.

Availability of Resources:

The needed staff time for development and administration of Special Use Permits authorizing motorized vehicle use on existing roads and trails is already committed and available. Most of the work needed to prepare for this use would be done as part of routine Waterfowl Production Area management duties. The decision to allow such use would occur as part of normal facility management and inspection programs. The additional time needed to coordinate issuance and oversight of the Special Use Permit is relatively minor and within existing District resources.

Anticipated Impacts of the Use:

A small amount of additional motorized use on established roads and trails and localized areas permitted in SUPs will result in short-term disturbances to both resident and migratory wildlife using WPAs. Short-term impacts will include disturbance and displacement typical of any motorized intrusion into wildlife habitat. Long-term impacts are not anticipated as most of the use will involve travel on roadways already used by Refuge staff to conduct management surveys and activities throughout the year.

Motorized vehicle use can be a disturbance to other users also. Current levels of use are not expected to have a negative impact on WPA users or habitats. If the amount of this use changes dramatically, we will need to revisit this compatibility determination.

Public Review and Comment:

This compatibility determination is part of the 10-year review for Compatibility Determinations in the Minnesota Wetland Management Districts' Comprehensive Conservation Plan. Public notification and review will include a comment period from 9 April 2014 through 30 April 2014. Comments received and agency responses will be included in the final version of this Compatibility Determination.

Determination:

Use is Not Compatible

Use is Compatible with following stipulations

Stipulations Necessary to Ensure Compatibility:

1. Motorized access will be limited to existing roads, trails and mapped locations attached to SUPs where impacts to resources will be limited.
2. Access is limited to persons who qualify as disabled following the Minnesota state standards on disabilities for special hunting privileges.

Justification:

The Americans with Disabilities Act and ensuing Service policy require that all Service programs and facilities meet the needs of the persons with disabilities. Offering special access as described in this determination is one way that the Service can meet that obligation to the American public. Authorizing motorized vehicle use on established roads and trails for persons with disabilities engaged in compatible uses will cause minimal disturbance and provide appropriate recreational opportunities for people who might otherwise not be able to visit Waterfowl Production Areas.

Issuance of permits for disability access will not be limited to a set number as it is expected that meeting the requested demand will still result in a small amount of permits with only minimal wildlife disturbance as a consequence. At the expected level of use, this use is compatible as it will be below the threshold where unacceptable wildlife disturbance will occur. If demand far exceeds expectations within the time period covered by this determination and the disturbance

threshold is exceeded, District staff will reevaluate the program and may limit the number of permits issued.

Signature: Project Leader _____ Date _____
Ryan Frohling

Concurrence: Regional Chief _____ Date _____
Charlie Blair

Mandatory 10 year re-evaluation Date: 2024