

COMPATIBILITY DETERMINATION

Use: Archeological Investigations and Surveys

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.

Goals of the National Wildlife Refuge System:

- a. To fulfill our statutory duty to achieve refuge purpose(s) and further the System mission.
- b. Conserve, restore where appropriate, and enhance all species of fish, wildlife, and plants that are endangered or threatened with becoming endangered.
- c. Perpetuate migratory bird, interjurisdictional fish, and marine mammal populations.
- d. Conserve a diversity of fish, wildlife, and plants.
- e. Conserve and restore, where appropriate, representative ecosystems of the United States, including the ecological processes characteristic of those ecosystems.
- f. To foster understanding and instill appreciation of fish, wildlife, and plants, and their conservation, by providing the public with safe, high-quality, and compatible wildlife-dependent public use. Such use includes hunting, fishing, wildlife observation and photography, and environmental education and interpretation.

Description of Use:

What is the use? Permitted archeological investigations on the Refuge are those requested by archeologists who are not performing the investigation for Refuge management purposes (e.g., not for Section 106 of the National Historic Preservation Act). Rather, permitted archeologists are pursuing their own or institutional research or are working for other parties (such as power

companies) that will be conducting activities on Refuge land, or as requested by a State government, or similar third party activities on lands of the National Wildlife Refuge System.

Conducting archeological investigations is not a wildlife-dependent public use. However, it is possible that investigations are undertaken to allow for a wildlife-dependent public use. For example, the construction of a wildlife viewing platform may require an investigation to occur.

Where is the use conducted? Permits can be for any place on Refuge managed lands, but each permit is for specific lands; i.e., no general archeological permits will be authorized.

When is the use conducted? Permitted investigations can occur at any time of the year, but generally not during the winter. Investigations may be as short as a few hours or go on for months, depending on the research objective. These permitted investigations occur on the Refuge most often in response to a planned project where resources could be disrupted, but could occur because of the general archaeological richness of the Refuge.

How is the use conducted? The Refuge Manager issues a special use permit to archeologists prior to investigations on lands managed by the Refuge. The permit defines allowable dates and times for the investigation, and other stipulations designed to protect Refuge resources and minimize conflicts with other occurring uses.

Why is this use being proposed? Archeologists request Archaeological Resources Protection Act (ARPA) permits or Antiquities Act permits to conduct “Surveys and limited testing and limited collections on lands identified” and “Excavation, collection and intensive study of specific sites described” on Refuge managed lands. Permits are issued by the Regional Director to qualified archeologists.

Additionally, archeologists are often contracted to perform surveys by highway departments, power companies or other utility companies when changes or additions to rights-of-ways crossing Refuges lands are needed. This could include routing changes or expansions of the right-of-way.

Availability of Resources: The Refuge has the resources available to administer this use. This activity will require the District Manager to develop and issue a Special Use Permit with coordination from the Regional Historic Preservation Officer (RHPO) and conduct random inspections of the project area. ARPA/Antiquities permits are received by the RHPO and issued by the Regional Director as part of normal duties.

Anticipated Impacts of the Use: Impacts from routine pedestrian surveys, soil coring, shovel tests, and land form analysis are limited to short term disturbance to wildlife using the immediate area and disruption of vegetative cover for the growing season on an extremely small area affected by shovel tests.

Impacts from a large scale excavation are potentially longer term (several growing seasons) with associated disturbance impacts affecting animals in the immediate area. Vegetative cover disruption may be severe enough to require site re-grading and reseeding to desired native species.

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. General comments related to archaeological resources are found in Chapter 7 of the EIS. No comments specific to this use or 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. No comments specific to the draft re-evaluation of this use were received.

Determination:

 Use is Not Compatible

 XX Use is Compatible with Following Stipulations

Stipulations Necessary to Ensure Compatibility:

1. Applicant must obtain a special use permit issued by the Refuge Manager which will list any special conditions required to safeguard Refuge resources and minimize impacts. All permits will include the following special condition:
 - a. "Permittee will shore up walls of test pits and trenches in accordance with OSHA standards; will flag, barricade, and sign testing areas as necessary to prevent injury to the public; will refill shovel tests as soon as excavated and data recorded, including replacing the vegetative plug to restore original conditions; will backfill excavations as soon as data recording is completed; and will seed or replant the surface with a vegetative mix approved by the respective Refuge District Manager."
2. Predetermined stipulations on ARPA/Antiquities permits and the requirements in 43 CFR Part 7, "Protection of Archaeological Resources: Uniform Regulations," contain protective measures to be accomplished by archeologists.
3. A report of findings will be provided to the Refuge and will include recommendations on management of the study site, as applicable.

Justification: Although temporary disruption of habitat and wildlife could occur, this disruption is limited in scope and duration. Due to stipulations and the issuance of a permit, managers will have control on when and where the activity will occur to avoid or minimize disruption to sensitive species and fragile habitats, and disturbance during seasonally critical times (such as nesting for birds). Habitat restoration will be required as needed and there should be no long-term impacts. With stipulations in place, the use would not materially interfere with or detract from the purpose of the Refuge and the mission of the Refuge System.

In addition, the archeological investigations would be conducted in the public interest for which federal agencies protect archeological sites and the results may be included in public interpretive exhibits and other public dissemination. The results of the study could also increase Refuge understanding of prior human activities on the Refuge and could be part of Refuge interpretive and public information programs.

Refuge Manager: Eric Chandler 1/3/17
Signature Date

Regional Chief Concurrence: Clas W. Blie 1-26-17
Regional Chief Date

Mandatory 10 or 15 year Re-evaluation Date: 2027