



Compatibility Determination-Pond Creek National Wildlife Refuge-Recreational Fishing

USE: Recreational Fishing

REFUGE NAME: Pond Creek National Wildlife Refuge (NWR)

DATE ESTABLISHED: August 12, 1994

ESTABLISHING AND ACQUISITION AUTHORITY:

- 16 U.S.C. 3901(b) Stat.3582-91(Emergency Wetlands Resources Act of 1986)
- Sec. 305, P.L.104-33 (Omnibus Parks and Public Lands Act of 1996)

REFUGE PURPOSES:

- " ...the conservation of the wetlands of the Nation in order to maintain the public benefits they provide and to help fulfill international treaty obligations contained in various migratory bird treaties and conventions"
- "...recognize the important public purposes served by non-consumptive activities, other recreational activities, and wildlife-related public use, including hunting, fishing and trapping." Furthermore, this plan " ...shall permit, to the maximum extent practicable, compatible uses to the extent that they are consistent with sound wildlife management, and in accordance with the National Wildlife Refuge System, Administration Act of 1996 (16 USC668dd-668ee) and other applicable laws."

NATIONAL WILDLIFE REFUGE SYSTEM MISSION:

The mission of the Refuge System, as defined by the National Wildlife Refuge System Improvement Act of 1997, 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:

(a) What is the use? Is the use a priority public use?

The use is recreational fishing, which is one of six priority public uses identified by Executive Order 12996 (March 25, 1996) and by the National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997 (Public Law 105-57).

In addition the refuge sponsors an annual youth fishing derby in September. An estimated 40 kids show up for a few hours of fishing.

(b) Where would the use be conducted?

The use would be conducted within the refuge's 28,144 acres, which lie along the Cossott and Little Rivers in Sevier County, Arkansas. Refuge waterways, ponds, and backwater sloughs currently provide habitat for freshwater fish species such as largemouth bass, crappie, sunfish, and several species of catfish.

The refuge will open to public fishing in compliance with state and federal regulations. The refuge public use regulations brochure identifies specific facilities (roads, boat ramps, parking) that contributes to fishing.

(c) When would the use be conducted?

Fishing would take place within the open fishing seasons established by the Arkansas Game and Fish Commission. Sport fishing would be allowed year around with one exception. Bell Lake is close for up to two weeks before annual youth fishing derby. The youth fishing derby is held annually in September.

(d) How would the use be conducted?

Sport fishermen would be allowed to fish from a boat or from the bank.

(e) Why is this use being proposed?

Fishing is one of the priority public uses defined by Executive Order 12996 (March 25, 1996) and the National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997 (Public Law 105-57). This legitimate and appropriate use of a National Wildlife Refuge is generally considered compatible, as long as it does not materially interfere with or detract from the fulfillment of the National Wildlife Refuge System mission or the purposes of the National Wildlife Refuge.

The Service intends to continue the tradition of wildlife-related recreation on the refuge by allowing fishing/frogging in compliance with state regulations. By allowing this use to continue, anglers can experience this traditional recreational activity, gain a better appreciation of the refuge's high quality habitats, and become better informed about the refuge and the National Wildlife Refuge System.

AVAILABILITY OF RESOURCES:

Permitting the use of recreational fishing/frogging is within the resources available to administer our Visitor Services Program with the current level of participation and to ensure that the use remains compatible with the refuge purposes. Additional funding for visitor services improvements can also come from challenge cost share projects, grant funds, and contributions. Compliance with fishing regulations is handled within the regular duties of the Station Law Enforcement Officer.

Facilities or materials needed to support this use include maintaining access roads, parking areas, and existing boat launching areas, providing fishing information in the public use brochure, maintaining the refuge's website with current refuge fishing information, and maintaining regulatory and interpretive fishing program signs. Sufficient staff and maintenance funding within our base budget is available to meet annual maintenance requirements.

ANTICIPATED IMPACTS OF THE USE:

Anglers are expected to use and stay on trails or roads to access the interior of the refuge. Designated areas, such as fishing areas off of state maintained highways, are established to reduce impacts to refuge resources. Facilities most utilized by anglers are roads, parking lots, trails, and boat launching ramps. Maintenance or improvement of these facilities will cause negligible short-term impacts to localized soils and waters and may cause some wildlife disturbances and damage to vegetation.

Recreational fishing/frogging is expected to have negligible short-term, long-term or cumulative impacts on the economy of the towns or county in which the refuge lies. This activity would not considerably alter the demographic of economic characteristics of the local community. Additionally, impacts on cultural resources are expected to be negligible based on our observations of past fishing impacts.

Recreational fishing/frogging are expected to have negligible adverse short-term, long-term or cumulative impacts on hydrology or water quality based upon staff observations of past fishing impacts. The use of boats by anglers has the potential to affect water quality negatively by increasing erosion, stirring up bottom sediments, or introducing pollutants into waterways. We do not expect emissions from vehicles or boat motors to substantially affect the water quality of the region.

A potential direct negative impact exists for wetland and open waterbird species (such as osprey, herons, and waterfowl) from lost fishing gear: specifically, hooks, lures, and litter, or becoming entangled in fishing line or hooks. Ingestion of lead sinkers is another source of concern

throughout the region. The extent to which these bird species are impacted by fishing tackle currently is unknown. Discarded fishing line and other fishing litter can entangle migratory birds and cause injury and death.

Fishing, which is one of the six priority wildlife-dependent public uses, is a consumptive activity with additional direct effects on fisheries resources. Fishing has also been evaluated for its potential to benefit or adversely affect amphibians and reptiles or their habitats used for mating, reproduction, over-wintering, and foraging. Disturbance to basking or nesting turtles may occur where public use is concentrated at points where land and water interface.

The beneficial impacts of providing the existing level of wildlife-dependent activities, with some modest increases, include helping meet existing and future demands for outdoor recreation and education, as documented in the Visitors Services and Educational Plan (2002) and in the USGS Visitor and Community Survey (2011). Visitor use is increasing over time as local residents and visitors become increasingly aware of refuge opportunities, and as we progress in creating new facilities and programs. The economic benefits of increased tourism likely would also benefit local communities.

PUBLIC REVIEW AND COMMENT:

This compatibility determination will be made available for public review and comment for a 14-day period by 1) posting on refuge bulletin board/kiosk, 2) posting on refuge website and social media networks, 3) public media press release.

DETERMINATION (CHECK ONE BELOW):

USE IS NOT COMPATIBLE

USE IS COMPATIBLE WITH FOLLOWING STIPULATIONS

NEPA Compliance for Refuge Use Decision: Place an X in appropriate space.

Categorical Exclusion without Environmental Action Statement
516 DM 8, 8.5 (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.

Categorical Exclusion and Environmental Action Statement

Environmental Assessment and Finding of No Significant Impact

Environmental Impact Statement and Record of Decision

STIPULATIONS NECESSARY TO ENSURE COMPATIBILITY:

The refuge will manage the fishing program in accordance with federal and state regulations and review it annually to ensure fisheries/wildlife and habitat goals are achieved and that the program is providing a safe, high quality fishing experience for participants. The refuge based these stipulations on our past Environmental Assessment on Fishing, final CCP and Environmental Assessment, and refuge-specific regulations.

To ensure compatibility with refuge purposes and the mission of the Refuge System, fishing can occur on the refuge if the refuge-specific regulations highlighted in this document and following stipulations are met:

- 1) This use must be conducted in accordance with state and federal regulations (50CFR), and special refuge-specific regulations published in the Public Use Regulations brochures.
- 2) Time, date, and zone restrictions may vary in the future as refuge boundaries expand and public use demands change.
- 3) Vehicles would be restricted to existing roads. ATV/UTVs would be restricted to designated trails. Consult the public use brochure for seasonal closures.
- 4) Only two campgrounds support recreational fishing. Consult the public use regulations brochure for seasonal closures.
- 5) Recreational gill-netting and all commercial fishing are prohibited.

The fishing program will be reviewed annually to ensure that program contributes to refuge objectives in managing quality fisheries and recreational fishing and protecting habitats, and is subject to modification if on-site monitoring by refuge personnel or other authorized personnel results in unanticipated negative impacts to natural communities, wildlife species, or their habitats.

The refuge manager may, upon annual review of the fishing program and in coordination with the Arkansas Game and Fish Commission, impose further restrictions on fishing, recommend that the refuge be closed to fishing, or further liberalize fishing regulations within the limits of state seasons and regulations. Fishing may be restricted if it conflicts with other, higher priority refuge programs or endangers refuge resources or the public.

JUSTIFICATION:

Fishing is a priority wildlife-dependent use for the Refuge System through which the public can develop an appreciation for fish and wildlife (Executive Order 12996, March 25, 1996 and The National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997 (Public Law 105-57)). The Service's policy is to provide expanded opportunities for wildlife-dependent uses when compatible and consistent with sound fish and wildlife management and ensure that they receive enhanced attention during planning and management.

Fishing seasons and limits are established by the State of Arkansas and adopted by the refuge. These restrictions ensure the continued well-being of overall populations of fish. Fishing does result in the taking of many individuals within the overall population, but restrictions are designed to safeguard adequate population and recruitment from year to year. Specific refuge regulations address equity and quality of opportunity for anglers, and help safeguard refuge habitat. Disturbance to other fish and wildlife does occur, but this disturbance is generally short-term and adequate habitat occurs in adjacent areas. Loss of plants or increases in water turbidity from boat motors is minor, or temporary, and is generally not concentrated since fishing pressure is well distributed.

Conflicts between anglers are localized and are addressed through law enforcement, public education, and continuous review and updating to State and refuge fishing regulations. Conflicts between other various user groups are further reduced by the establishment of seasonal area closures and by prohibiting recreational gillnetting and commercial fishing.

Stipulations above will ensure proper control of the means of use and provide management flexibility should detrimental impacts develop. Allowing this use also furthers the mission of the National Wildlife Refuge System by providing renewable resources for the benefit of the American public while conserving fish, wildlife, and plant resources on the refuge.

This activity will not materially interfere with or detract from the mission of the Refuge System or the purpose for which the refuge was established.

REFERENCES CITED:

USFWS. 2002 Visitor Services and Educational Plan for Pond Creek National Wildlife Refuge. Lockesburg, AR.

USGS. 2011. National Wildlife Refuge Visitor Survey 2010/2011: Individual Refuge Results for Pond Creek National Wildlife Refuge 52pp.

**SIGNATURE: REFUGE
MANAGER:** _____

(Signature and date)

**REVIEW: REGIONAL COMPATIBILITY
COORDINATOR:** _____

(Signature and date)

**REVIEW: REFUGE
SUPERVISOR:** _____

(Signature and date)

**CONCURRENCE: REGIONAL
CHIEF:** _____

(Signature and date)

MANDATORY 10- OR 15-YEAR REEVALUATION DATE:
