

Compatibility Determination

Use: Irrigation travelways on Waterfowl Management Wetland Easements and/or FmHA type “C” Wetland Easements.

District Name: Detroit Lakes Wetland Management District

Establishing and Acquisition Authorities:

Waterfowl Management Wetland Easements- The Migratory Bird Hunting and Conservation Stamp Act, 16 U.S.C. 718d(c); the Fish and Wildlife Act of 1956, 16 U.S.C. 742a-742j; the Emergency Wetlands Resources Act of 1986, 16 U.S.C. 3901; and the Land and Water Conservation Fund Act, 16 U.S.C. 4601-9(a)(1), authorize the Secretary of the Interior to acquire small wetland or pothole areas suitable for use as waterfowl production areas.

FmHA Easements- Consolidated Farm and Rural Development Act 7 U.S.C. §2002

District Purposes:

Waterfowl Management Wetland Easements- “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 Easements- “for conservation purposes...”

National Wildlife Refuge System Mission:

The mission of the 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:

Allow Wetland “Texas” crossing/irrigation travelways through wetland areas protected by an easement that prohibits burning, draining, filling, or leveling. More specific details for allowing this use are found in the Service’s Midwest Region Easements Manual.

Is the use a priority public use?

Travelway construction is not a priority public use, as defined by the Refuge Improvement Act of 1997, of the National Wildlife Refuge System.

Where would the use be conducted?

Examples of travelways that can be permitted to accommodate sprinkler irrigation equipment are:

- Placement of 4-foot to 5-foot-wide wooden beams placed together with cable in a railroad track style.
- Placement of 4-foot to 5-foot-wide metal mats made of corrugated, expanded or punched metal.

- Removal of the muck layer not to exceed 10 feet in width from the bottom of the wetland and replacing it with sand, gravel or small rock to the natural bottom contour of the wetland.
 - Spoil material must be placed outside the basin.
- Exposure of the hard substrate by removal of muck layer not to exceed 10 feet width in the bottom of the wetland (only permitted in high water table wetlands).
 - Spoil material must be placed outside the basin.
 - In larger marshes where spoil deposition outside the marsh is impractical, use other approved travelway types.

When would the use be conducted?

Travelway construction shall be permitted during times of low wildlife use; that is, when the wetland is naturally dry or in late summer after the mating and nesting season (after August 1).

How would the use be conducted?

The landowner will be responsible for construction of the travelway. A Service representative should be present during construction to approve any maintenance or modifications of the travelway.

Why is this being proposed?

The irrigation equipment is not capable of traversing the wetland in its natural condition.

Availability of Resources:

What resources are needed to properly and safely administer use?

Wetland and FmHA easements are currently monitored by Service Federal Wildlife Officers via aerial and ground inspection to ensure landowners comply with the provisions of the easement document. The proposal, design and initial construction of the travelways will require the dedication of a Federal Wildlife Officer to this activity.

Are existing District resources adequate to properly and safely administer the use?

Individual station Comprehensive Conservation Plans detail the needed funds and staffing levels to properly monitor these easements.

Anticipated Impacts of the Use:

How does the use affect District purposes, the Refuge System Mission, and District goals and/or objectives?

The construction phase of the project will cause temporary disturbance to wildlife using the wetland easement areas. Installation of properly constructed travelways will result in no long-term impacts to the wetlands or wildlife using them. Disturbance by the irrigation equipment itself is expected to be minimal due to the slow rate of movement and acclimatization by wildlife.

Public Review and Comment:

This compatibility determination is part of the 10-year review for Compatibility Determinations in Minnesota's WMDs Comprehensive Conservation Plan. Public notification and review will include comment period from 10 February 2014 through 3 March 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 the Following Stipulations

Stipulations Necessary to Ensure Compatibility:

Before a permit is granted the following must be adhered to, and the landowner must demonstrate to the project leader's satisfaction that:

- Modifications to equipment and/or to the topography cannot be made if it disturbs the wetland.
- Equipment is incapable of traversing the wetland(s) in their natural condition.
- There will be no ground water impacts to protected easement wetlands.
 - If there are concerns over ground water related to easement wetlands, the Service will not issue an SUP for travelways.
- The term of the permit is ten (10) years.
 - The travelway permit is assignable to subsequent landowners and allows maintenance of the permitted facilities only under Service supervision.
 - All permits for irrigation travelways shall be issued by the Regional Director.

Permit distribution is as follows: original to landowner, copy to project leader, and copy to the Regional Director.

Region 3 requires the following stipulations when approving travelway construction:

- Travelway construction shall be permitted during times of low wildlife use; that is, when the wetland(s) are naturally dry or in late summer after mating and nesting season (August 1).
- The Service should be present during construction to approve any maintenance or modification of travelways.

Justification:

With the above pre-requisites and stipulations, impacts from this permitted use will be temporary during the construction phase and little-to-none during the operation. This use will not diminish the long-term productivity of the easement wetland(s) for waterfowl production or other migratory bird values. Thus, the use will not materially interfere with the waterfowl production or conservation purpose of the easement.

Signature: Project Leader /<name>/ or actual signature mm/dd/yyyy
(Signature and Date)

Concurrence: Regional Chief /<name>/ or actual signature mm/dd/yyyy
(Signature and Date)

Mandatory 10- or 15-year Re-Evaluation Date: 2024