

COMPATIBILITY DETERMINATION

Uses: Competitive Swim Training and Racing

Refuge Name: Crab Orchard National Wildlife Refuge

Establishing and Acquisition Authorities: Public Law 80-361 and the Refuge Recreation Act

Refuge Purposes: Crab Orchard National Wildlife Refuge was established by Public Law 80- 361 "... for the conservation of wildlife, and for the development of the agricultural, recreational, industrial, and related purposes ..." (61 Stat. 770, dated Aug. 5, 1947), "... suitable for -(1) incidental fish and wildlife-oriented recreational development, (2) the protection of natural resources, (3) the conservation of endangered species or threatened species..." 16 U.S.C. ' 460k-1 "... the Secretary ... may accept and use ...real...property. Such acceptance may be accomplished under the terms and conditions of restrictive covenants imposed by donors ..." 16 U.S.C. ' 460k-2 (Refuge Recreation Act (16 U.S.C. ' 460k-460k-4), as amended).

On October 19, 1976, Congress enacted Public Law 94-557 designating a portion of the refuge one of many wilderness areas of the National Wilderness Preservation System "... administered for the use and enjoyment of the American people in such a manner as will leave them unimpaired for future use and enjoyment as wilderness, and so as to provide for the protection of these areas, the preservation of their wilderness character, and for the gathering and dissemination of information regarding their use and enjoyment as wilderness ..." (Wilderness Act, Public Law 88-577,78 Stat. 892)

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 Uses:

This activity is not a priority wildlife-dependent recreational use as identified in the National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997. Swimming currently occurs within Refuge boundaries in accordance with the Refuge's recreational purpose as set forth in Public law 80-361.

The Refuge is proposing to allow competitive swim events, including both training and racing, to take place on both Crab Orchard and Little Grassy Lakes. Both of these lakes are currently open for swimming and each provides a public beach.

Competitive swim training and racing events will be governed by special use permit (SUP) to reduce any conflict with other priority wildlife-dependent recreational activities that are occurring on the Refuge.

Allowing these activities to occur on lakes within the Refuge without adversely impacting wildlife or priority recreational use will foster good community relations and meet the intent of Public Law 80-361.

Availability of Resources: There are many beaches on Little Grassy Lake, which are maintained by an assortment of youth camps operated by the Boy Scouts, Girls Scouts, Southern Illinois University and several churches. There is also a beach at the Little Grassy Campground which is currently operated under a concession contract. Swim events that would start and finish at these areas would not place any additional burden on Refuge staff or facilities. Swim events may also originate at off-refuge Touch of Nature facilities which include an access to Little Grassy Lake.

Anticipated Impacts of the Use: Short-term conflicts with other recreational user groups may occur during these activities, but would be limited and localized. Boats with motors greater than 10 horsepower may be utilized to assist swimmers for safety purposes. This may cause additional noise and wakes potentially disturbing fish and wildlife resources and impacting priority recreational users. This conflict can be reduced via a Special Use Permit. Special conditions in the permit will include, but not be limited to, the number of participants, traffic flow, regulating any side activities that may occur in association with the event, the time of the event, etc. This activity should not result in short or long-term impacts that adversely affect the purpose of the Refuge or the mission of the National Wildlife Refuge System.

Public Review and Comment: This compatibility determination was posted for 14 days at the Refuge and in local libraries as well as on the Refuge website. Concerns expressed during the public comment period have been addressed through the stipulations necessary to ensure compatibility as well as the conditions of the special use permit.

Determination:

Use is not compatible

Use is compatible with the following stipulations

Stipulations Necessary to Ensure Compatibility:

To ensure compatibility with National Wildlife Refuge System and Crab Orchard NWR goals and objectives and to minimize or exclude adverse impacts as described above, competitive swim training and racing can only occur under a number of stipulations:

1. Competitive swim training and racing will only occur on Little Grassy and Crab Orchard Lakes.
2. Organizers of competitive swim events must have valid special use permit and pay any associated fees prior to conducting the event. Special use permits will only be issued to not-for-profit organizations.
3. Event organizers will be required to carry liability insurance for the event and provide safety boats to assist swimmers.

4. In order to avoid conflicts with priority wildlife dependent recreational users, competitive swim training and racing events will not be permitted on Crab Orchard Lake during the waterfowl hunting season. Swim events will also be prohibited on any lake when fishing tournaments are scheduled. Swimmer access will be restricted within 100 feet of a boat ramp.
5. Competitive swim training and racing events will be limited to one day events with a maximum of four training events and four races per year.
6. Organizers will disclose to all participants that the event will take place on the Crab Orchard National Wildlife Refuge and general refuge regulations will be made available to all participants.

Justification:

In accordance with the mission of the National Wildlife Refuge System, Crab Orchard NWR and the 1997 Refuge Improvement Act, this use has been determined compatible provided the above stipulations are implemented. This use will promote public awareness and stewardship of the Refuge and associated natural resources. It does not materially interfere with or detract from the Service's ability to meet the mission of the National Wildlife Refuge System and administration of the use will require minor amounts of administrative time and funding.

NEPA Compliance for Refuge Use Decision (check one below)

- Categorical Exclusion without Environmental Assessment
- Categorical Exclusion and Environmental assessment
- Environmental Assessment and Record of Decision
- Environmental Assessment and Finding of No Significant Impact

Categorical exclusions are classes of actions which do not individually or cumulatively have a significant effect on the human environment. Competitive bicycle racing can be categorically excluded from the EA process under Departmental Manual 516 DM6 Appendix 1.4 Categorical Exclusions General section C (3), as outlined below.

C. Permit and Regulatory Functions

(3) The issuance of special regulations for public use of Service managed land, which maintain essentially the permitted level of use and do not continue a level of use that has resulted in adverse environmental effect.

Refuge Manager: _____ Date: _____

Regional Chief Concurrence: _____ Date: _____

Mandatory 10-or 15-year Re-evaluation Date: 2020