

Introduction:

The draft *Prospectus and Invitation for Applications to Conduct Commercial Waterfowl Hunting Guide Services on Upper Mississippi River National Wildlife and Fish Refuge (Prospectus)* was released to the general public on March 27, 2015. Public notification of the availability of the draft Prospectus was provided via news releases to various media outlets along the Upper Mississippi River. Waterfowl hunting guides who had previously received special use permits from the Refuge were individually sent copies of the draft Prospectus. Comments on the draft Prospectus were requested from the general public and past guides, with a deadline for comment submission of May 15, 2015.

Four public meetings to present the draft prospectus and receive comments from the public were conducted. Meetings were held in Thompson, IL (April 14th), Prairie du Chien, WI (April 15th), Onalaska, WI (April 16th) and Winona, MN (April 21st). A total of 60 individuals attended the four public meetings. A total of 56 comment letters and or e-mails were received during the public comment period.

How Comments were Handled:

Public comments received during the 4 public meetings were an important part of the planning process. All public meetings were video recorded and stored as digital files at the Refuge headquarters in Winona, MN. Arrangements for viewing the digital files can be made by calling the Refuge at (507) 452-4232.

Written comments received during the comment period came in two forms: handwritten or typed letters and via e-mail. Handwritten or typed comment letters were stored in a three-ring binder. E-mailed comments were printed and also placed in the three-ring binder as well as stored digitally. An acknowledgement e-mail was sent to each person who submitted a comment letter or e-mail. All written comments are available for public review at the Refuge headquarters in Winona, MN. Arrangements for viewing written comments can be made by calling the Refuge at (507) 452-4232.

All comments received were considered and the Prospectus was modified where appropriate and possible. Changes to the Prospectus which occurred after the public review period include:

- * The number of guide use areas was reduced from 13 to 12. In Pool 9, the entire pool is now a guide use area, it is no longer divided into the “South of Ferryville” and “Rest of Pool” zones. The guide use zones in Pool 8 were removed. The entire pool is now considered one zone.
- * The number of permits available in Pool 9 was increased from 3 to 5.
- * Language was added to allow guides to utilize a “helper” boat to set and retrieve decoys or recover dead/crippled birds, but the helper boat must remain within 50 feet of the guided party unless setting/retrieving decoys or recovering dead/crippled birds. At no time can the helper boat be used to reserve or hold hunting locations.

* Language was added to allow guiding permits to be issued for up to 3 years, with annual permit renewal required.

* Language was added to allow for part-time guides to operate under one permit in order to meet the minimum use requirements.

* Clarifying language was added explaining that guides and assistants are not allowed to harvest a limit of migratory birds of their own while guiding.

* Clarifying language was added explaining how fees would be calculated, in particular, explaining how the 3% annual permit fee would be based on the previous year's client total and estimated guide income.

How Comments and Responses are Organized:

Comment categories and locations:

Department of Natural Resources, Wisconsin	(pages 3 and 4)
USFWS response	(pages 5 and 6)
Previously permitted waterfowl guides	(begins on page 7)
USFWS response	(page 20)
Comments by topic or issue	(begins on page 20)

Given the Refuge's close working relationship and shared responsibility for natural resource management, comments from the any State Department of Natural Resources were treated individually. We only received formal comment from the State of Wisconsin. A scanned copy of the WIDNR's letter as well as our response letter are included beginning on page 3.

Comments from previously permitted waterfowl guides are also included in their entirety, along with our response, beginning on page 7.

Due to the volume of written comments received and the variety of topics covered by each, we divided the letters in order to address each comment individually and collated them into groups of similar comments. Comments received encompassed 21 different comment response categories.

Comments received from State Department of Natural Resources (DNR)

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
101 S. Webster Street
Box 7921
Madison WI 53707-7921

Scott Walker, Governor
Cathy Stepp, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



May 5, 2015

MR TIM YAGER
US FISH AND WILDLIFE SERVICE
UPPER MISSISSIPPI RIVER NATIONAL WILDLIFE AND FISH REFUGE
51 E 4TH ST ROOM 101
WINONA MN 55987

SUBJECT: Waterfowl Guide Prospectus

Dear Mr. Yager:

Thank you for the opportunity to comment on the draft waterfowl hunting guide prospectus. A member of my staff attended two of the four public meetings that were held in each of the Upper Mississippi River districts. We commend the Service for encouraging public participation from commercial and recreational users of the Mississippi River as you work on these proposed regulations.

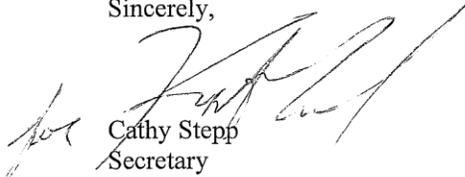
The Department's mission includes protecting our wildlife resource and ensuring the right of all people to use and enjoy this resource in their work and leisure. After reviewing the proposed rules, we question whether this level of regulatory restriction is necessary to protect the resources of the Mississippi River. Restrictions such as, the limited number of guides and guides not being authorized to carry guns will limit the use of the resource, yet there is little justification on why this level of regulation is necessary to protect the resource and other users of the river. Additional justification and potential impacts to users should be clearly articulated. Questions such as; "Will restrictions on commercial guides limit the ability of persons with disabilities to access the waterfowl resource?" should be addressed. We urge the Service to continue to work closely with those individuals that may be affected by the proposals for regulating the commercial guiding of waterfowl hunters.

In addition, while the current proposal affects only waterfowl guides, we anticipate that you may develop similar rules for other commercial operations. We encourage you to consider these rules in the context of the broader arena of commercial activities, to ensure consistency and that the cumulative impacts of these rules are assessed.

The Department does not have jurisdiction or enforcement authority over federal regulations that would restrict guiding on the Mississippi River and associated backwaters. In addition, the Department has limited authority to enact or enforce rules on the Mississippi River that regulate the means of navigation, such as no wake, electric motors only, or airboat prohibitions. In the State of Wisconsin, that authority is held by local municipalities and implemented by the town, village or city board passing local ordinances that are effective in that local jurisdiction, according to s. 30.77 Wis. Stats.

Thank you again for the opportunity to review and comment on the proposed draft prospectus. We look forward to the continued partnership on Mississippi River issues.

Sincerely,



Cathy Stepp
Secretary

cc: Timothy Babros
Kristen Belling
Dan Baumann
Tom Hauge
Sanjay Olson
Kurt Thiede
Timothy Andryk
Ron Benjamin
Jim Fischer
Tyler Strelow
Brenda Kelly
Kent Van Horn

USFWS Response provided to State DNR



IN REPLY REFER TO:
FWS/RJ/ NWRS

United States Department of the Interior

FISH AND WILDLIFE SERVICE

5600 American Boulevard West, Suite 990
Bloomington, Minnesota 55437-1458



Ms. Cathy Stepp, Secretary
State of Wisconsin
Department of Natural Resources
101 S. Webster Street, Box 7921
Madison, Wisconsin 53707-7921

Dear Ms. ~~Stepp~~: *Cathy*

Thank you for your letter of May 5, 2015, to Mr. Tim Yager, providing comments regarding the draft waterfowl guiding prospectus for the Upper Mississippi River National Wildlife and Fish Refuge. Mr. Yager has entered your comments into the official record and I am providing this response on his behalf. The U.S. Fish and Wildlife Service (Service) appreciates the engagement from your staff in this process and the ongoing partnership between our agencies with regards to conservation and management of the resources of the Upper Mississippi River.

In your comments, you question whether the level of regulatory restriction proposed in our prospectus "is necessary to protect the resources of the Mississippi River." As a unit of the National Wildlife Refuge System, The Upper Mississippi River National Wildlife and Fish Refuge (Refuge) is governed by the National Wildlife Refuge System Improvement Act of 1997 (Act). The requirements of the Act are further described in the U.S. Code of Federal Regulations. Economic (Commercial) uses of Refuges is described in 50CFR29.1. According to that regulation, we may authorize economic use of natural resources of the Refuge (in this case commercial waterfowl guiding) by permit only when we have determined that use to be compatible. Permits for economic use must contain terms and conditions that are determined to be necessary for proper administration of the resources.

In 2006, the Refuge completed a Comprehensive Conservation Plan (CCP) which outlined the management of the Refuge for the next 15 years. Uses of the Refuge that were considered compatible were assessed at that time, including commercial activities. The terms and conditions that were determined to be necessary for those activities were described within Compatibility Determinations. A Compatibility Determination for commercial guiding was set to be implemented in 2008, but due to other priorities and lack of staff availability to draft a proposal, that implementation was delayed. In 2013, the Refuge re-engaged in that process by contacting currently permitted guides to inform them of upcoming changes and to ask for their input. The process in which you and your staff are currently engaged will allow us to finalize the regulations necessary to allow commercial waterfowl guiding on the Refuge.

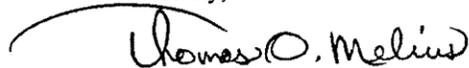
By law, other commercial activities that occur on the Refuge and that are also found to be compatible will undergo this same process in the near future. We will work with your staff at the local and regional level to engage them and request input and feedback on proposals. The proposed regulations are needed to address the increasing number of guides operating on the Refuge and plan for the future regarding potential impacts associated with those activities on the resource and other recreational users. The proposal does not limit the ability for a commercial waterfowl guide to carry a firearm while guiding on the Refuge. We believe that the proposed regulations will allow us to provide high quality waterfowl hunting opportunities, through the use of guides, to individuals regardless of knowledge, experience, or ability.

The Service understands the Department's limitation on jurisdiction and enforcement authority over actions that regulate navigation. The subject proposal does not regulate the means of navigation with regards to the general public or recreational users of the Refuge and only applies to commercial waterfowl guides operating on the Refuge.

In response to comments received during the review period for this prospectus as well as feedback from public meetings, we have revised the draft prospectus. A copy was provided to the Department on May 14, 2015.

Thank you again for your engagement in this process and the partnership that your agency facilitates with the Refuge. I hope that the clarification contained in this letter alleviates any concern that the Department would have with the proposed commercial waterfowl guiding regulations on the Refuge. We appreciate your continued support of the Refuge and conservation of the Upper Mississippi River.

Sincerely,

A handwritten signature in black ink that reads "Thomas O. Melius". The signature is written in a cursive style with a large, sweeping flourish over the first part of the name.

Comments received from previously permitted waterfowl guides

Comment provided at public meeting in La Crosse, WI – April 16, 2015



Big River Guide Service LLC

Tony Toye
County Road E
Boscobel, WI 53805
Cell: (608) 732-1221
Email: toyedecoys@tds.net
www.toyesbigriverguideservice.com

This letter is in regards to the United States Fish and Wildlife changes for the Commercial Waterfowl Guiding operations on the Upper Mississippi River National Wildlife Refuge.

Since 1996 I have conducted waterfowl guided hunts out of Ferryville, Wisconsin, on Pool 9 of the Mississippi River. During those 19 years I have witnessed many changes and have watched opportunity slowly but surely being taken away from all those that consider the river part of our being. Under the new proposal that is being submitted by the USFW my way of life along with others will be something of the past. As far as I can remember, and talking to the older locals, there has always been a guide or two out of Ferryville for as long as they can remember. Waterfowl Guide Services have allowed thousands of hunters over the years to experience the river that they wouldn't otherwise had the opportunity to. We feel that this is just another government intrusion and another way of getting guns out of our hands. I say this because fishing guides, tour guides, commercial fisherman and the fishing floats are not subject to these new rules, just the waterfowl hunting guides. The USFW claims the changes are needed due to guide/non-guide conflicts. We have asked what these conflicts were and to have meetings with our accusers and all requests have been denied. I wonder what's next, will the USFW follow up and say that too many conflicts are occurring with non-guided hunters and that limited use for them will start occurring? When the last CCP was put into place back in 2006 we lost thousands of acres of valuable hunting areas. Because of that these hunters are now forced to hunt in a much smaller area. The guides were next on their list to limit the amount of hunters on the refuge. Again, what is next? YOU?

Enclosed you will see the USFW's Objectives and Proposals for the Commercial Guiding operations that I personally wanted to address.

Good hunting,

Tony Toye

USFW Objective A:

To provide high quality waterfowl hunting opportunities for hunters who might not otherwise hunt on the Refuge because they lack the knowledge or equipment.

My thoughts:

As a Waterfowl Guide that is our objective as well. Since 1996 I've been doing just that for hunters in Wisconsin and those coming from all over the country. These hunters come to the refuge to experience not only the duck hunting but the nostalgia that the Mississippi river possesses.

We have 4 types of clients;

1. The Beginner; this client has never duck hunted before but they want to learn the basics and the experience hunting the Mississippi River.
2. The Traveler/Collector; this client comes from all parts of the country trying to collect a trophy Canvasback or other waterfowl species that they don't normally see where they are from. Or they are trying to hunt in all the states, in the most popular areas, such as Pool 9. They usually only come 1 time.
3. The Regular; this client books each and every year usually multiple times. This sometimes is the only hunting they do all year. Due to age, equipment, or rules, they would not hunt the refuge any other way except with a guide. Some of my regulars have been with me for 19 years.
4. Scouter/Freelancer; this client books for a couple of days to learn the area so they can return to the river on their own. They are intimidated by the rules and big water and want to be shown and told the rules and hazards first hand. I see many of these clients at the landings and they are very thankful of the experience they had with us.

The current Prospectus will prevent an array of different people from using the refuge.

Compromise:

Put this Prospectus on hold for at least one year since most guide services have already booked most of their season for 2015. This will allow both sides ample time to adjust to whatever changes that might be made in the future. It's almost impossible to run a successful business without knowing if we will even draw a permit let alone trying to get clients to wait and see as well. Most will be forced to make their vacation plans elsewhere.

USFW Objective B:

To minimize conflicts between guided and unguided hunters;

My thoughts:

In all the 20 years of guiding I do not recall any conflicts I've had with other non-guided hunters. Are the conflicts anonymous calls about us being out there or are they claiming we are doing something illegal? I know in the past when I have called in blatant intentional violations, a warden was usually there within an hour. This has never occurred for anything we have done so it makes me wonder if these complaints are based on jealousy or is it a case of mistaken identity since there are a lot of other hunters out there that have the same equipment as we do. With that being said, how many complaints are being called in for non-guided/non-guided conflicts? Is the USFW planning on restricting the number of hunters that use the refuge in the future if this is there answer for the few guide services?

In the past Matt Ellis and I have tried to correct these alleged conflicts. I personally have asked Clyde Male, Rich King and Jim Nissen specifically addressing what these alleged conflicts were. The only responses we have received were "we get calls". We asked specifically to have meetings set up with these hunters and the guides and work out possible problems/solutions. If this is such a problem why wasn't this request granted? Why such a radical proposal since you would think that being a guide for 19 years on pool 9 I would have witnessed some of these alleged problems? I can only assume that most conflicts on the river occur during the heavy use days such as the opening days and the busy Saturdays in late Oct. and early Nov. Our suggestion was to not allow guiding on these busy days which would/should cut down on most of the potential problems. It must have fallen on deaf ears since not once has that even been considered. Instead of considering our ideas the USFW has proposed eliminating half the guides on pool 9 and separating them into 2 restricted zones. Besides the busy Saturdays as mentioned above, there is very little use during the weekdays, clearly not enough to restrict guided hunters to the point the USFW is trying to do.

On April 14th 2015, a DNR Biologist called me and asked for my opinion on this proposal. Besides some of the guides, hunters in the area were also going to be contacted to find out what their thoughts were as well. I commend them for doing this since the USFW in no way shape or form asked for our comments until now 10 days ago when we received the Prospectus in the mail.

Compromise:

Don't allow guiding on Opening days and the popular Saturdays in late Oct. and early Nov. This will cut down on the numbers of hunters on the refuge when the majority of non-guided hunters are out there as well. Keep in mind that Saturdays are the most popular time for the guides as well and we will be giving up a lot of income trying to minimize potential conflict with the public.

Proposal: 21 Refuge Special-Use permits will be available for thirteen hunt zones on pools 4-14.

My thoughts:

As a guide and a duck hunter, to be successful and meet the USFW #1 objective goal of "Providing a high quality waterfowl hunt to our hunters" we must be able to go where the ducks are and not be limited to only one of the zones in the new proposal. Not only bird numbers but weather also plays a huge role in where we hunt. There are many days it's not safe to hunt anywhere in some of the zones that we will be forced to be in. Many high wind days will make it far too dangerous and back waters have been the only options we have used in the past. In 2014 the river froze 3 weeks before the end of the season. However, a few days after the main pools froze, the back waters were still open and offered opportunities to salvage a few of the remaining days. If we were restricted to specific zones, this would not be allowed, which would cause major expense to the hunters and lost revenue for the guides.

I also have a problem of the lottery system and timing since very little information was given in the prospectus on when this would occur. Keep in mind for the 2015 season most of the guides are already booked. If we do not draw a permit for the area we need to run or business effectively we and our clients will be again put at a great loss. Keep in mind that even though the USFW has set up 13 zones with 21 permits, most of those are not able to support a guide since they don't support enough ducks. There is a reason why 6 guides (special-use permits) have been hunting out of Ferryville and the pool 9 areas all these years. I would like to point out that even though 6 guides seems like a lot in an area it's really not that many at one time. For instance of those 6 permits, my service has been using 3 for the last 14 years. However, not once do we run 3 boats at one time, the maximum is only 2. Last year, when running 2 boats we put them side by side each and every day so in reality the 3 permits we are issued only take up 1 hunting location. I know one of the other services that is issued 2 permits and he only runs his 2nd boat a very limited time of the season as well. 6 permits in reality is not taking up 6 spots every day of the season. The USFW will not tell you this, they will just continue to say that there are 6 guides hunting out of Pool 9. Sometimes it's better to hear the entire story.

Compromise:

How are we supposed to run our businesses if we don't know if we are getting a permit or not? We will lose customers, they will go to other outfitters or just plain stop hunting the Mississippi because of the uncertainty. How is this fair? Who can professionally run a business not knowing year by year if you are going to be in business? We have many things that we have to consider and it would make it extremely difficult to run a prosperous business with your new compliance proposals.

At least for this year, things need to remain fairly the same, it is far too late in the year and most of our hunts have long since been booked. Clients have made arrangements at work for vacation days and most have made lodging reservations as well.

Current fulltime and part-time guides should be allowed to continue hunting in the areas they have in the past. A Grandfather Clause should apply to those current services and their guides which includes; Big River Guide Service LLC, Hideaway Hollow Guide Service, and Flyway Fowling Guide Service. We all have been working on Pool 9 for many years and should be able to continue.

As discussed at the meeting on April 15th, we would also like to see no specific zones on Pool 9 due to safety concerns and bird movements. We need the ability to move to safe areas and follow the duck movements since that does change greatly from the beginning of the seasons in September to the first week of December. I personally would like to be allowed to be able to run both of my boats side by side which would include only one of my part time guides at a time.

Proposal:

Increasing the guiding fees to \$500 (application fee) and 3% of money earned from guiding.

My thoughts:

Besides, the new fees from the proposal one must consider the other fees that come from other elements that the USFW are requiring us to have that would not be necessary if guiding on inland waters. These include: 1) The Coast Guard License that is required has initial cost of approximately \$1500 and a \$100 annually, 2) an annual drug screen of \$75, 3) First Aid and CPR training \$50, 4) Insurance \$1500, and 5) a Twic Card \$40.

On Page 386 in the 2006 CCP the guide fees were to increase to \$500 for Part time guides and \$900 for Full time guides. In the new draft there isn't even an option for Part time guides which I have used two (Troy Dautermann and Joe Vandehey) for the last 15 years to run my other boat.

Another issue I would like to address and that is the fishing guides. It's my understanding that the fishing guides are not even required to have a special-use permit yet. At the meeting on April 15th we heard about the increase in insurance coverage was needed so the USFW wouldn't be sued. Fishing guides are not even required to have insurance on the refuge. The USFW needs to be fair and consistent and they are not.

Compromise:

I agree that the \$100 fee in the past was too low. Although it will hurt the bottom line and more than likely cause me to raise my prices, the CCP fees of 2006 would be acceptable as long as we don't lose the option for Part Time guides. These fees are \$500 for part time and \$900 for full time.

OR

I could also be in favor of going with an actual 3% fee on those clients we do take out. This would be fair for those guides that try and run every day of the season for maximum profit and for those that only hunt during peak migration periods. Keep in mind, we rarely are able to hunt safely every day of the season. Charge us for what we use not what we could if we ran every single day with 4 clients because that is not possible.

Proposal:

Guides will no longer be able to carry or shoot a gun while guiding.

My thoughts:

If properly licensed, it should be up to the clients that day if they want the guide to shoot with them or not. Current law already prevents clients from shooting a guides limit and vice versa. The big issue is that this proposal will prevent the guide from retrieving cripples fast and efficiently. Cripples are a daily occurrence and a main part of the guide's duties is the retrieval of the downed and injured fowl. In at least 90% of my hunts I retrieve cripples by wading after them with my trained retriever. This proposed rule will not allow me to do this near as successfully if we are not able to shoot the cripples. Not only are most of my clients older people, most do not wear waders to perform this task. I also do not trust a client to shoot at a duck while my retriever is in pursuit. Many more birds will be lost. In the other 10%, our boat must be taken off anchor and pursuit is needed. In the new rules it states that guides are not allowed "To pursue, take, shoot, wound, kill, or attempt to pursue, take shoot, wound, or kill". The way the rule is written, the guide would not be able to pursue cripples, even with a boat. What is the USFW recommending us to do when the boat is needed to pursue a cripple? There is also a safety factor, in the past when we pursued cripples, I did all the shooting since some of these hunters are unsteady in the waves and I do not want anyone injured if a gun should go off or someone should slip and fall in the rough conditions.

At the meeting on April 15th it seemed that the USFW was interested in our thoughts but basically only for the killing of cripples. It was said that to meet the compliance that only 4 limits would be allowed per boat. I don't understand why the compliance isn't a limit for everyone including the guide in each boat. When asked if we only had 3 clients would the guide then be able to shoot if we chose to and there really wasn't an answer given.

Compromise:

There really isn't any compromise; we need to have the ability to carry a gun for safety and for the potential resource loss. Also as a licensed hunter it's my right to be able to hunt and fish in the state of WI.

Comment received via e-mail – May 13, 2015 at 9:09 am

Sabrina,

The May 15th comment period deadline is fast approaching and I wanted to voice my concerns one more time.

I still am extremely confused as to why the drastic changes especially since the 2 meetings I went too did not have any opposition from the public and I highly doubt that the Winona meeting was any different since the vast majority of the guiding surrounded the Prairie du Chien and Onalaska meetings. In the Prospectus there is a lot of stress about hunter/guide conflict which you and Tim were so reluctant to elaborate on. It's a public meeting, wouldn't that be the best place to discuss such issues instead of us hearing about it after the fact? The Prospectus goes as far as listing the implications if guides were to harass other hunters. Just doesn't make sense. I do think my idea of not allowing guiding on the Openers and the popular Saturdays would be the best solution to any potential problems with the public. This should allow you to issue the same amount of permits as you have in the past especially on pool 9 since weekday hunting for the most part is far from crowded.

Another point I would like to discuss is your stress on compatibility with the 2006 CCP. In the CCP it clearly says that the mandatory Re-evaluations is to occur in 10 OR 15 years. We all know that if changes weren't met this year that our guiding wouldn't be in jeopardy as you made it a point to say several times. Let's be honest, fishing guides hasn't seen any regs yet and they are under the exact same time frame as the hunting guides and they are going to be on the river each and every year until you get around to giving them the same rules to play with. It's not right! At the PDC meeting when asked how much this cost you stated not very much since you copied the White River's plan. At the Onalaska meeting when asked why the fishing guides, float operators, commercial fisherman, and tour guides haven't been targeted yet you then claim that due to staff and budget cuts it wasn't feasible. I counted 9 federal employees at the meetings, almost more than those in attendance, if there are staff cuts, it wasn't apparent at the meetings.

At the Onalaska meeting I was asking about the current guides on pool 9 be grandfathered in for a permit. Tim thought it would be creating a monopoly. How? All we are asking is to have a little job security. This will personally be my 20th year, I've had no accidents or citations, wouldn't you rather be issuing permits to those that you are familiar with versus a new guide? Also, don't you already give a multiple year permit to the fish floats? We all know that Clements Fish Float is the only one that has a chance at that permit when it comes up for renewal. And what is wrong with that? Is your job up for permit each year?

A friend of mine emailed me a copy of an article in the "Big River" magazine. I'm sure you are aware of Senate Resolution 838 which would eliminate the Upper Mississippi National Wildlife refuge and give the river back to the state? Wouldn't it suck to have some government bureaucrats make an irrational decision and eliminate a lot of hard working people? Join the crowd!

I do want to thank you for your open mind at the meetings, you appeared to be the only one

listening. I hope that we were heard.

Take care,

*Tony Toye
43605 County Rd. E
Boscobel, WI 53805
(608) 732-1221*

Comment provided at public meeting in Prairie du Chien, WI – April 15, 2015

To whom it may concern:

My name is Todd Lensing and I own and operate Flyway Fowling Guide Service, LLC. I have had a USFWS Special Use Permit as well as a Wisconsin State Guide License for the past 12 waterfowl seasons since I began my business in 2003. In addition to this my wife, Donna, and I own and operate the Grandview Motel in Ferryville, WI. Both businesses complement each other and we rely on both of them for our income and support for our family of four.

The new proposed commercial waterfowl hunting guide regulations issued by the USFWS of the Upper Mississippi River brings up some issues for me. I have expressed these to Richard King, Mc Gregor District Refuge Manager, and wish to share my main concerns at this time.

- 1) Completing the application and submitting into a lottery drawing each year, not knowing if I'll be able to work in the fall doesn't seem fair or free enterprise. I understand that getting a permit each year was never guaranteed, but after all my years without any issues I was fairly comfortable believing I'd get one and be able to continue to provide my service to my booked clients. From year to year I have about 90% repeat clientele of business. I also have expenses including a boat payment so if I don't receive a permit at the drawing it would be devastating to my guide business, not to mention our motel business where all of my clients stay. The fact that I've had the Special Use Permit for 12 seasons with absolutely no violations shows that I have already done what is necessary to satisfy the requirements set forth. I am more than willing to adhere to the 21 special conditions, which is basically how I have conducted my business since day one.
- 2) With only three permits being issued in Pool 9 (2 north, 1 south) I am also very concerned as this pool is 31 river miles, and like any other hunter I need to be able to follow the birds and work with the conditions of the river and the weather. If only 3 permits are going to be issued on Pool 9 I feel strongly that we should have the same flexibility as everyone else who hunts in the area to go to the most desirable location possible. In my opinion, the 50% Concealment Rule adapted a few years ago has caused far more issues than guide conflicts, at least for me. The areas we can hunt in September and October are no longer legal in November because the vegetation dies off. With November being the busiest month on Pool 9, it forces all the hunters to utilize the fewer tree and grass islands that are left. With currents and wind, the river is much different than cattail marsh areas elsewhere where the vegetation stands all fall. I would like to see this 50% concealment law revisited for the river, in hopes of providing more options for all hunters to legally set up.
- 3) The permit fee has always been \$100 per year and will now go up to \$1576, or 3% of the gross income potential. This huge increase seems very unfair considering it's only being applied to waterfowl guides. I believe all the other businesses making an income from activities on the river, including fishing guides, commercial fishing and trapping, fishing barges, tour boats, etc., should all be subject to the same rules as waterfowl guides. At the very least, they should be paying the same fee rates.

The bottom line for me is that I have always conducted myself in a professional manner and have always felt that as I guide I needed to hold myself to a higher standard. My clients appreciate this and I have a hard time facing the notion that I may have to contact all of them to cancel their hunts. I'd like to see some consideration to perhaps being "grandfathered in" as a guide who has already met the requirements and high standards for many waterfowl seasons. Thank you for your consideration.

Comment received via e-mail – April 27, 2015 at 2:39 pm

I have outlined some of my ideas on selecting permit holders based on previous experience and compliance with all criteria set forth by the USFWS, along with state DNR requirements. This would eliminate the potential need for an annual drawing. I would also like to request that the 3 permit holders for Pool 9 be allowed to use the entire open hunting area, rather than be limited to designated area.

Another item I feel strongly about is for the USFWS to hold the position that all guides and assistants are not allowed to shoot or harvest waterfowl while conducting paid hunts. This includes dispatching cripples. I have maintained over a 90% average recovery rate for the past 12 years myself without ever having my own gun on board to shoot cripples. I feel that as a guide, shooting is cause for some of the negative perception of guides in general. I believe strongly that we are paid to guide, and not paid to hunt. It seems obvious that as a guide shooting, you are promoting party hunting and potential possession violations.

Please consider using the following as guidelines for the USFWS to be able to issue permits to guides who have previously held permits. I'm no writing expert but hope to convey my ideas in the best possible language necessary.

The USFWS has the authority to offer any of the allocated number of permits per zone based on the following criteria:

- 1) Applicant is a previous permit holder and guiding full time*
- 2) Applicant has met all requirements set forth by USFWS*
- 3) Applicant is willing and must comply with all terms and conditions of this policy and application document and the resulting refuge special use permit, refuge laws and regulations, and pertinent state regulations.*
- 4) Applicant is willing to accept and use the permit under all requirements for a three year period, provided they are full time guides.*
- 5) Applicants who intend to guide full time (greater than 75% of season dates) will be given preference by USFWS in issuing permits, after which any open slots can be given to applicants who intend to guide part time (less than 25% of season dates. Also, part time applicants must re-apply annually.*

Sincerely,

*Capt. Todd Lensing
Flyway Fowling Guide Service, LLC
14812 State Highway 35
Ferryville, WI 54628
608.732.9535 (cell)
608.734.3235 (home/motel)*

Comment received via e-mail – May 13, 2015 at 7:34 pm

Dear Sabrina,

My name is Joe Vande Hey, Boscobel, WI. We met at the Prairie du Chien public meeting on the proposed guiding rules. I have been guiding for Tony Toye, Big River Guide service for the past 14 years or so. I guide part time as my full time job is working as Nursery Superintendent at the WI Dept. of Natural Resources, Wilson State Nursery. I started guiding because of my love of waterfowl hunting, desire to share it with others and an opportunity to make a little extra income.

I gave comments at the meeting but would like to take this time to provide those comments and some additional comments and suggestions since the Prairie du Chien meeting.

1. Only a certain number of permits are going to be issued. Currently most of the guiding is being conducted on Pool 7, 8, and 9 with pool 9 having the most guiding. The draft prospectus is offering a permits for several of the other pools but those pools have poorer waterfowl habitat and waterfowl numbers and would be difficult to provide a successful waterfowl hunt on a consistent basis. With regard specifically to pool 9 there have been 3 guide services, and 7 guides providing hunts with at least 3 of those guides being part time. There seems to be plenty of room for the number of guides operating on pool 9. If only 3 permits are issued that mean half the guides would be out of business or have to attempt to operate in an area that is not nearly as good a waterfowl hunting area. Hunters know this and would like not want to hunt those areas. Also with the minimum number of hunters a guide would be required to take out it would eliminate someone interested in guiding part time, including myself. You would be required to take out a minimum 60 hunters. If you could get 4 hunter per day that is 15 days. We usually average less than 3.5 hunters per day. That means a guide would need to guide nearly 20 days at a minimum to meet the requirements. I think you need to make some kind of accommodation for part time guides. My suggestions for these concerns listed are to increase the number of permits to 6 on pool 9. That would match the number of guides currently operating on this pool with no conflict. Need to make it so someone can guide part time. Either allow multiple guides to operate on one permit or reduce the minimums. I prefer multiple guides operating on one permit and not allow to operate on the same days. Or better yet allow the guide service to apply for multiple permits and list the guides that will be under the permit and again not having any more guides out than the service has permits for.

Example: Big River Guide Service applies for 2 permits. Tony Toye guides full time and would operate under one permit. Troy and myself would operate under the 2nd permit but agreeing not to guide on the same days. This allows us to guide part time. I just work for Tony and all the equipment is his. All the clients are also his and he just pays me by the day.

2. Under this proposed draft I would be required to apply for my own permit as I just recently have been required to do. I work for Tony Toye so they are all his clients and the clients pay him. I am just paid by him for the day. Under this proposal my fees would be determined by the number of hunters I take out, yet the hunters do not pay me. These fees are also quite steep

for only guiding part time. Again my suggestion above would reduce the cost for part time guides by sharing a permit.

3. The guide is not allow to hunt or retrieve cripples. This is a safety issue to me. Hunting Pool 9 is much different than hunting down south. I know, I hunted down south for many years. The waters on Pool 9 can be very dangerous, that is why many hunters hire a guide service. They are not experienced at chasing or shooting cripples on rough water in a boat. I don't know how to address this other than the guide needs to be able to shoot. I would be very hesitant to allow some hunters to shoot from the boat while chasing a cripple because of safety reasons. This will mean and increase in the number of crippled waterfowl. Also there seems to be concern about the extra bag the guide brings to the boat. If the guide is shoot with the clients, then I have always understood it talking with several wardens that the guide is allow to claim the ducks he shoots. I try very hard to be an ethical hunter. Someone in PDC mentioned taking to much resource and wanting to reduce the daily boat take to no more than 4 limits. In the 14 years of guiding, my boat has only limited out 5 times. I generally hunt 12 to 14 hunts per year and there are generally 4 to 5 hunters per day including myself in the boat. With a six duck limit our daily average take would be 27 ducks if you used 4.5 hunter per day. My total daily ducks for my boat over the past 14 years has ranged from 6 to 10 ducks per day. If you took me out as a hunter, the hunters are still not near a 6 duck bag limit, in fact they are not even averaging 3 ducks per hunter.

4. As for conflict between guides and other hunters, in 14 years I have never had a conflict with another hunter. I am very respectful of their space. At the meetings we asked for examples of what these conflicts were but no one was able to give examples of specifics. I don't know how to offer specific suggestions without know the specific kinds of complaints you are getting. I can suggest though as Tony has done for several years, is to just not allow guiding on the opener and on weekends. There is very little pressure on the weekdays.

I hope you will consider my comments and realize that for me this is a part time job and for some it is their full time job and business and we depend on guiding for part or all of our livelihood. When President Obama became president, I recall him making the statement that he wanted to reduce the government bureaucracy to make it easier for Americans to work. This draft prospectus as written is clearly doing the opposite.

Thank you for your time and I appreciate your willingness to listen.

*Joe Vande Hey
3081 County Road M
Boscobel, WI 53805*

Comment received via e-mail – April 12, 2015 at 6:57 pm

I will be at the meetings on Wednesday and Thursday. I have heard a lot of talk that a lot of all these changes are coming from the public complaining about the whole 5 waterfowl guides on

the river. I would like to see all these complaints you have. You must have documentation on all this, would really like to see it. Can't wait to hear what is being gained by all this because it sure isn't promoting hunting.

Oh and buy the way you are hurting my motel business also if we can't compromise on all this.

Matt

Comment received via e-mail – May 15, 2015 at 12:24 pm

I cannot express my utter disappointment when I left the meeting in Onalaska. I did get to express my sentiments. I left feeling the meeting was basically a smoke blowing rouse. It let everyone get their 2 cents in, yes; I know full well nothing is going to get changed. I find it hard to believe that a handful of "special use" people (guides) are going to get the USFW to change their minds when, "my supervisors are happy with the way it is" or some similar comment was made.

I have guided on the river for 15 years. In that time I have seen the government hand tightening its grip. From a Wisconsin guide license to the ridiculous set of hoops we must try to jump through now to hopefully be "Granted" a permit to guide hunters on a glorified ditch. With a full time job there is no way I can meet the minimum client requirements set by the USFW. In addition the exorbitant fees make it next to impossible to make a decent wage. It irritated me, when it was suggested the increase could be passed on to the consumer. There is a break point where you are cutting LOTS of people as potential clients. I feel we are at that point right now.

I cannot express the deep disappointment in how I feel things are going to play out in the coming months.

Troy Daughterman

Response to previously permitted guide comments:

The U.S. Fish and Wildlife Service has taken into consideration the comments presented by previously permitted guides and adjusted the draft prospectus where appropriate. Those changes are outlined in the introduction above and were shared with the previously permitted guides prior to the finalization of the Commercial Waterfowl Guiding Prospectus.

Comments from General Public grouped by topic or issue

The following are excerpts from the comments letters or e-mail received during the public comment period. Excerpted segments were organized into 22 different categories. The organized excerpts are followed by our response (in bold).

Comment 1:

I was recently informed by (name redacted) that my duck hunting trip this fall may be cancelled due to changes in guide fees, areas that guides can hunt, no shooting from the guide, etc.

I already have money down on a trip on the Mississippi with my two boys, and I do not want this proposal to pass!

I have a hunt booked with him already for this November.

I would hate to have to cancel my hunt and future hunts if my chances of another great trip are severely hampered by these proposed new regulations.

I was recently informed by (name redacted) that my duck hunting trip this fall may be cancelled due to changes in guide fees, areas that guides can hunt, no shooting from the guide, etc.

I am not going to comment on how you arrived at the fees in the Prospectus, but as a business owner it would be awful hard to plan for the future if you are going to do things in a drawing format. What about the hunters who have already put down deposits and reserved hotel rooms in the area and then their guide doesn't win the drawing for his permit? For example, my hunting party has already put our deposit in for the upcoming season and with these proposed changes the trip most likely won't happen.

Don't you think these changes are a little quick, how is a person supposed to make business decisions (and plan) with these changes possibly in the near future.

We have made our arrangements for the 2015 season, with the understanding that the rules remain consistent. Our groups would obviously have to change plans for states such as North Dakota or Nebraska, where the opportunities for guided hunts are more accommodating.

(name redacted) said if this goes thru he may not be able to take us duck hunting this fall and we have this scheduled already for this fall.

I also agree with some of (name redacted) comments, particularly that it is so late in the year (guides have already booked clients for next fall) that implementation of any rule should be delayed until 2016.

While this may already be beyond your local decision-making because of required deadlines, I did think the initial impact on existing guides would be lessened if implementation of the new requirements could be delayed until fall, 2016. I say this not because I am so concerned for the guides' plans for 2015, but instead feel empathy for their clients who are planning on status quo this coming fall; if there are major changes in schedules, etc., some clients will undoubtedly react negatively and may start writing letters, etc. Something this whole process doesn't need right now.

I support the guides concerns about a lottery drawing as we clients also need to plan a year in advance for hunt dates in our schedules. I hunt without a guide in WI and in ND and we use an outfitter to hunt in Canada and NE, most of these hunt dates are booked a year or more in advance.

For this year you should postpone implementation of the plan until 2016 to allow for prior booking of the current guides.

Response 1: The Refuge has always issued “year to year” Special Use Permits for commercial waterfowl guiding. There has never been a guarantee that a guide would receive a permit for the preceding year. Booking of clients by guides has always been in anticipation of receipt of a permit for the following year. The revised “prospectus” includes the option of issuing a Special Use Permit for up to 3 years for successful applicants. This would provide some assurance to selected guides when booking future clients. Delaying the prospectus until 2016 is not an option since the compatibility determination that allows this use is up for review at that time. To have an option to review the program appropriately it has to be operating under the required stipulations.

Comment 2:

I'm not sure exactly what's the driving force behind these changes.

These proposed changes seem to be counter intuitive and I would ask that you please reconsider the proposed changes and leave the guiding rules as they have been in the past.

I guess I'm not sure of that which motivates you in your endeavor. I would appreciate your follow up.

With that being said, what are the reasons behind the changes in the amount of guides allowed and restricting the area(s) that they are allowed to hunt?

Through concerned hunters I found that you have drafted a guideline for managing waterfowl guide services on the Upper Mississippi River National Wildlife and Fish Refuge. I am in total awe in respect on why this was drafted?

Drafting this guideline has to have cost me as a taxpayer at least \$100,000. It will probably cost the taxpayer at least \$50,000/year to manage this. So I do some simple math and find refuge fee \$1576 + application fee \$500 = \$2076 times 5 guides nets = \$10,380.

You hounding guides with this crazy guideline is going to put guides out of business and defeat your number 1 objective "To provide high quality waterfowl hunting opportunities for hunters who might not otherwise hunt on the Refuge because they lack the knowledge or equipment". No guides no opportunity!!!

Recommendation....end this draft immediately!!! It will make the taxpayer, hunter, guide, and guide clients relieved. Wisconsin is a state that welcomes tourism, your policy hurts everyone.

I am not sure I understand the motivation for the regulatory changes proposed.

I highly recommend that that these proposed changes be reconsidered.

I'm left lacking an informative response as to what the motivation is that led to the proposal of these changes. At first blush it seems punitive in nature. Please help inform my understanding.

In closing there is a great phrase that pertains: IF IT IS NOT BROKEN, DON'T FIX IT

In short, I don't understand the cause of or the need for these changes.

I'm not sure exactly what's the driving force behind these changes.

These proposed changes seem to be counter intuitive and I would ask that you please reconsider the proposed changes and leave the guiding rules as they have been in the past.

I would love to talk to you about these changes and find out the reason that they are being proposed.

Can't wait to hear what is being gained by all this because it sure isn't promoting hunting.

These guides only have a few opening a year as it is and I have never seen any conflict of other hunters ever which is something else that was mentioned. Please leave the few good guides alone and leave things the way they were last year, gov. is making life harder for the small business owners enough.

There is plenty of room on Pool 9 as it is currently utilized and I see no reason to enact further restrictions.

I would like to thank you for taking time out of your busy day to read over my letter and possibly taking what I have written into consideration. My hope is that this letter helps to keep the regulations and restrictions as they are.

I do believe that there needs to be some form of regulations of our natural resources, though I heavily disagree with the chopping block regulations that are being proposed.

In closing, in our meeting you kept saying we were not in compliance. I strongly recommend before finalizing this draft, you make for certain you're in compliance with the higher ranking government agencies that already have regulations on the books for some of your proposed regulations.

I am not sure where all of this is coming from, but as mentioned we have hunted with him (a guide) for 12 years now.

I would hope that you respect my thoughts and time taken to contact you. I would also share that there will most certainly be a loss of revenue from other parties should they hunt this season under the proposed conditions. I guess I don't understand what the real issue is here. In all those years, our boat has only limited out a handful of times.

I want to preface this comment with the statement that I was very involved in the development of the current CCP. I also have been a long-time conservationist, hunter, and trapper. Until the CCP process, I was also an avid supporter of the USFWS. Given the alienation of the public that developed by the CCP by Refuge staff and the proposed and final regulations package, I can easily state that I no longer trust the USFWS to manage the Refuge, its resources, or its users.

The fact that this Draft was released in late March, with a public meeting on April 16, and a comment period of only 30 days ending May 15 is yet another movement by the USFWS that creates distrust in USFWS management of the Refuge not only for its resources but its users. This "plan" seriously impacts individuals that make their living by creating access opportunities, albeit for a fee, to people otherwise unable to access the Refuge.

I was then very opposed to the Commercial Waterfowl Hunting Guide idea on the entire Refuge, but was rather caught off guard with the short time that was allowed for the public to be involved in any type of decision regarding this usage of the Refuge.

Response 2: As a unit of the National Wildlife Refuge System, the Upper Mississippi River National Wildlife and Fish Refuge (Refuge) is governed by the National Wildlife Refuge System Improvement Act of 1997 (Act). The requirements of the Act are further described in the U.S. Code of Federal Regulations. Economic (commercial) use of Refuges is described in 50CFR29.1. According to that regulation, we may authorize economic use of natural resources of the Refuge (in this case commercial waterfowl guiding) by permit only when we have determined that use to be compatible. Permits for economic use must contain terms and conditions that are determined to be necessary for proper administration of the resources.

In 2006, the Refuge completed a Comprehensive Conservation Plan (CCP) which outlined the management of the Refuge for the next 15 years. Uses of the Refuge that were considered compatible were assessed at that time, including commercial activities. The terms and conditions that were determined to be necessary for those activities were described within Compatibility Determinations. A Compatibility Determination for commercial guiding was set to be implemented in 2008, but due to other priorities and lack of staff availability to draft a proposal, that implementation was delayed. In 2013, the Refuge re-engaged in that process by contacting currently permitted guides to inform them of upcoming changes and to ask for their input. The current "prospectus" represents our continued efforts to ensure commercial guiding remains a compatible use of the Refuge.

Comment 3:

The experience has always been extremely professional. He is a stickler for rules...never shoot before hours, never take more than your bag limit, chase down cripples as best as possible, etc. We have never had an issue with other hunters. Everyone is very respectful.

I feel (name redacted) does an outstanding job in meeting both of the Objectives that the FWS desires. I have never witnessed (name redacted) arguing with any other groups of hunters throughout the years I have hunted with him. There has been times when someone else is

hunting in his desired location, but he just accepts the fact that the River is public grounds, and first one there is entitled to the spot.

My children and I have been entertained by these guides while being kept warm, legal and most importantly safe. While on a guided trip with (name redacted) spotted a capsized vessel in the channel, we flew in to action and saved this man. He was in big trouble! We got to him got him into (name redacted) boat and we gathered his stuff that was floating all over the river. Then took him back to find his son who was standing in the river scared out of his mind because his father had been gone so long. We returned them safety and then returned to our hunt.

Something I don't think you guys acknowledge is the amount of time they spend on the river just picking up trash to make it a better place.

I have found the service to be safe, respectful of the environment/resource, courteous and cooperative with other hunters and in line with my high values for sportsmanship, fair chase and avoidance of crippled birds.

During the last 12 years of hunting pool 9 we have never encountered a confrontation with other hunters.

While there is always rivalry among guides, they do a great job of giving their clients a great experience (with or without) ducks and respecting and at times helping out their competition and other hunters.

I have hunted with several guides in the area. They are ALL among the most ethical and responsible guides I have met. I have never seen a conflict on the water, rather I have seen professional behavior at all times.

However, I can say that I have hunted with (name redacted) for about 5 yrs on the river. The experience has always been extremely professional. (name redacted) is well versed with the rules and ensures that each hunter is aware and follows such rules, i.e. never shoot before hours, never take more than your bag limit, chase down cripples, etc. In my 5 years hunting with (name redacted), we have never had an issue with other hunters. Everyone is very respectful of one another.

I have been an active duck hunter since 1977. I have hunted ducks every weekend during the season since 1977. I know quite a bit about hunting ethics. Within that time, I was fortunate to have used a guide service on the Mississippi since 2007. I have never seen a conflict when I was out there. Nor have I ever heard of a conflict by word of mouth.

I personally have hunted with a (name redacted) out of Ferryville, WI for the better part of twenty years and have never once witnessed a single conflict between guided and non-guided hunting parties on the water or at the landing.

I have known and hunted many times with (name redacted) over the last 20 years and do not recall even one time a confrontation with a non-guided duck hunter. (name redacted) is

insanely respectful of ALL rules and regulations and I have never witnessed anything such as early shooting, shooting over limits etc. His passion for the sport is truly amazing and every time I hunt with him it seems to get stronger.

I have been going down to Pool 9 on guided hunts for the last 8 years. We book between 4-6 hunts a year to take clients and employees. I have never had a bad experience on a hunt (even if the hunting was slow!) and we have never had ANY conflict with other hunters. Guided trips are a great way to get people interested in hunting and I know that at least two clients we have brought down went from an occasional duck hunter to a full fledged duck hunter. The guides have always been very professional and educated the hunters on waterfowl identification & etiquette.

I have hunted almost exclusively with (name redacted), who is professional, ethical, respectful. (name redacted) is respectful not only to the resource and regulations, but to other hunters. I have not once seen a confrontation, and in fact have not seen any interaction on the water or landing with (name redacted) and other hunters.

As it relates to the guides, I have never once experience any confrontation from any guide on Pool 9. Further, when we do encounter other guides, either on the landing or the river, I have only experienced professionalism from each party.

Over the years I have hunted with many guides, but none were as professional, respectful, and ethical as (name redacted). (name redacted) strives to be respectful of all regulations and restrictions already in place.

During our years of hunting the river we have never had any conflicts with other hunters. So that can't be the problem.

It seems to me that the conservation motto, "Hall of Fame, Not Hall of Shame," will become a very hypocritical statement if these guided regulations are enacted. Over the seventeen years that my family and I have been participating in the guided hunts of the Mississippi, our experience has been nothing but memorable. Not once have "conflicts" arose with other hunters that these regulations will claim to fix.

We have never had one incident with another hunting party over a location to hunt. We have never had an issue with any other hunting part ever.

For the past couple of years I have hunted on pool 8 and pool 9 for waterfowl, 98% of the time with licensed guides. All of my experiences have been positive with the exception of one guide in particular who shoot birds along with his clients. We have asked him not to do this but he persists so we do not book with him any more.

Mostly we go out it is in the later portion of the season and we usually are on the river by 4:30 am to get a good spot and we have never had a conflict with other hunters interfering with our hunt.

Response 3: Thank you for your comments/endorsement of the professionalism displayed by guides. We expect guides who are permitted to operate on the Upper Mississippi River National Wildlife and Fish Refuge to be respectful of other Refuge users and operate ethically and in compliance with all applicable rules and regulations. The proposed regulations are not an attempt to stop or address illegal activity. In most cases, guides are a part of the river communities they live in and contribute to the overall health and well-being of the Refuge.

Comment 4:

Hunting the river almost requires a guide. It is tricky and I would consider it to be treacherous. I would never try to hunt it without a guide (and I duck hunt many days each year).

It seems to me the guides who, for some, pin their lively hoods to the ability to take their clientele for a day's hunt are an asset to the resource and a link to help boost the local economy in what is already a fairly depressed area. They are no different than the logger who takes a stand of timber off a public tract. They are making a living.

Your proposal is a direct attack on waterfowl guides in our state! I think it is unfounded, there have been no clashes between guides and other hunters that I know of.

I am going to make this short and sweet. I spoke with the guide I have used to hunt the mighty Mississippi and he has informed me of some changes that you are spear heading. First off, without these guides offering their services on the river families like mine would never have the chance to experience the big water.

You hounding guides with this crazy guideline is going to put guides out of business and defeat your number 1 objective "To provide high quality waterfowl hunting opportunities for hunters who might not otherwise hunt on the Refuge because they lack the knowledge or equipment". No guides no opportunity!!!

Folks like myself cannot afford the equipment necessary equipment to have a good, safe experience.

I am an avid waterfowl hunter and conservationist. While I conduct most of my waterfowl hunting in Illinois, I do participate in a few hunts each season on the UMRN in Wisconsin. The style and method of hunting in my area in Illinois differs, so to safely hunt the UMRN I utilize a guide service.

Hunting in that area requires some specific equipment and I think being able to hire a guide is the only way I could have enjoyed the opportunity. I also feel guides give me the best opportunity to hunt responsibly and help identify Canvasbacks versus Readheads.

I and a group of friends look forward to about 6-8 days a year, usually launching out of Ferryville, with a guide. There is no way I would hunt the river by myself, as it is too darn

dangerous. The guides provide a vital service and know the river and where to hunt so that no other hunters are obstructed.

By curtailing available guides, you are also curtailing a lot of hunters. It is only the young bucks that can hunt the river without help.

Because of the size of the river in some areas and the need to get into backwater areas to escape bad weather at times, I think the guides are a critical component to hunting in that area and introducing new hunters to the resource.

In my opinion, hunting the river almost requires a guide. It is tricky and I would consider it to be treacherous hunting without one.

All of that would go away as I do not own the equipment to go out on the river. (name redacted) has everything we need, we just need to show up on time, dressed properly with our guns and ammo...he takes care of the rest.

The most laughable part of the whole prospectus was the lack of common sense when it comes to safety. By implementing the purposed changes you will be ruining the chance to enjoy the wonderful resource we have in a safe manner. The guide services provide the opportunity for people to enjoy the river in a safe environment. They have the proper boats, equipment and knowledge to allow for hunters to go out (and return back to the landing) on this large and dangerous body of water safely. As a former professional guide myself who guided hunters in remote wilderness areas, the average person is not ready for or equipped for what they are going to encounter in these situations. It is all about safety. You change these rules and stop (or make it so difficult they have to stop) allowing guides to take hunters people will try to do it on their own and will end up getting hurt or even worse. Do you want that on your conscious????

I hunt all over the State of Wisconsin but I like the opportunity I have to hire a guide on the Mississippi because of the large water and special equipment required to hunt this area safely.

The opportunity to hunt on the river, with good equipment and a safe boat, is what attracted us to this location. Without a guide, and their experience, knowledge of the regulations, and equipment, we would not be able to take these trips.

I am sure you understand the investment that guides make in equipment and other essentials that are not economically feasible for the majority of guided hunters.

These guides have invested a considerable amount of money in this sport and also the local economy either in equipment, supplies, and or self-promotion.

But to me guides provide a service just like any other business. Between time, money, knowledge of the river as far as safety it's definitely smarter for us to use a guide.

Without us/guides, there is a very small possibility that they will ever get a chance to enjoy the lands that their tax dollars have paid for.

My family has utilized these services since 1988, and has become a tradition that has been spread across three generations. Hunting with these guides has provided a safe hunting experience for my son and daughter as it has mentored them on safely navigating the river, as well as enforcing hunting regulations. In addition, my mother and father, despite their age and agility, are still able to safely enjoy this hunting experience thanks to the safety of the guides.

From my perspective, the guides on the river provide a great service for those of us who love to hunt but lack the equipment and knowledge to hunt on the river. As a kid hunting on the river with a friend and his dad we had memorable days hunting. Now 50+ years later we still hunt together and have even more memorable days thanks to great conservation practices and some local guides who have a genuine concern for their profession and the resources the river provides. I would like to return each fall to hunt with the same guides I have come to know and trust and not have to reevaluate a different guide each season due to a lottery system. Lots of tradition in the hunting community, I like it that way.

I realize that guides do allow some people to hunt the Mississippi who do not have adequate boats, decoys, knowledge of channels and stump fields, etc., but I also feel that they bring additional pressure to an area which is limited because of the loss of many islands that once existed.

Response 4: Agreed. As stated in the guiding “prospectus”, guides can provide waterfowl hunting opportunities for hunters who might not otherwise hunt on the Refuge because they lack knowledge or equipment. We do not believe that these regulations will restrict or discourage hunting opportunities on the Refuge.

Comment 5:

In addition, we come with our sons and friends and spend a good chunk of \$ in Prairie du Chien...that would all go away.

All the people that I have brought along over the years thoroughly enjoy the people, towns, bars, restaurants, sights and hunting that we get to do in Ferryville area. It would be a huge shame if it all has to come to an end.

Also how much are you costing the small towns along the river refuge in lost income from lodging, fuel, food and shopping? At least \$100,000 more.

They will certainly do nothing to improve the resource and will most certainly damage the local economy. I know for my part, when I take a 3 day hunting trip to this area I spend around \$1500 between lodging, food, supplies and guide fees.

I am writing you in regards to the proposed new regulations on pool 9. I have been hunting on pool 9 with a guide since 2003. We make on the average 3 two day trips a year. Not only do we help support the guide’s livelihood, but we also spend money in the local economy with rooms, meals, gas, etc.

The guided trips I have taken on pool 9 are the most expensive trips I have gone on in the US. We pay \$200 per day per person. We stay in a hotel in town, we buy gas, beer, food and eat out at the local restaurants.

Please take into consideration the economic impact in the area but more importantly, without guides, my family would have never been able to experience a world class hunting trip in that area.

As I said we look forward to our trips and enjoy the towns, eating establishments, and yes bars, along the Mississippi from Prairie du Chien North. I think we and the other hunters bring well appreciated spending for the aforementioned and lodging places. A number of those towns aren't very prosperous, and why you would do anything to harm their economies makes no sense.

In addition, as I mentioned above, I come with a buddy of mine and our sons and we spend a good amount of money in Prairie du Chien on hotel rooms, eating out and general shopping.

What about the livelihood of the small businesses other than the waterfowl guide services (hotels, restaurants, etc) that depend on that income?

The economic impact of this decision, not only to the guide, but also to the surrounding businesses, hotels, and restaurants, would be significant. We have our hunts booked for this coming fall and are looking forward to them already. I would ask that you carefully consider the impact that this proposed change would have on Pool 9 and the local economy.

I am writing to give you my observations, having been a nonresident hunter on Pool 9 for many, many years. As a nonresident hunter that brings groups of family and friends to hunt Pool 9 each year, I see firsthand the effect guided hunting opportunities have on the resource and the local economy.

I make two annual trips to Pool 9 to hunt with (name redacted). Our group continues to grow and we enjoy a number of the restaurants in the area, trips to Cabela's and staying at our favorite lodge, Picatee Creek. We know the owners of many of the small diners and well as the lodge, and we understand the importance our patronage has on each of their families. Should this new system be approved and implemented, it would force non-resident hunters such as myself and our group of 12, to look into opportunities in other states.

Respectfully, I ask you to please consider the impact these proposed changes bring to the hard working guides on the river, as well as the families in the surrounding community that rely on the sportsmen year in and year out.

While my family and friends are on our trip we choose to spend our money on the local economy such as lodging, food, and supplies from such establishments as Cabela's.

I travel each year to hunt with a guide on the river. Our group spends thousands of dollars during our trip.

Our group of eight hunters stays two nights in Ferryville, WI and we eat in Wisconsin. We buy our licenses, ammunition, gear, meals, and gas in Wisconsin. That adds up to a lot of money from eight hunters.

These clients that hire an outfitter bring large amounts of money into the Wisconsin system. With the purchases of licenses, ammunition, hotels, stores, and much more. These restrictions are cutting Wisconsin back on revenue.

Response 5: We recognize the economic impact waterfowl hunting has to the communities adjacent to the Refuge. The revised “prospectus” increases the number of guides allowed to operate in Pool 9 and sets a limit on the number of guides allowed to operate on the Refuge as a whole. Based on the number of permits issued in 2014, there is ample room for expansion of guiding activities on the Refuge as a whole. Based on past guide use of the Refuge which increased threefold over a period of 10 years, we expect that more guides could begin operations on the Refuge, which could result in a net increase in economic impacts on local communities.

Comment 6:

And if the guides can't go where the birds are, whats the sense of going!

With that being said, what are the reasons behind the changes in the amount of guides allowed and restricting the area(s) that they are allowed to hunt?

If the number of guides allowed on Pool 9 is restricted to 1 South of Ferryville and 2 others for the rest of the Pool, it seems that (name redacted) could indeed be prohibited from hunting in his preferred locations or on Pool 9 entirely.

Reading your rules states the guide cannot hunt. Your definition of hunt is "to pursue, take, shoot, wound, kill, or attempt to pursue, take,shoot, wound, or kill". So the guide has a hunter on his boat, shoot a duck, and the duck sails wounded a hundred yards. The guide under your definition cannot start his boat nor send his dog "to pursue this wounded duck". Yet the Federal rule states you as a hunter must make every effort to retrieve all wounded game. So the hunter either leaves the duck to die of slow death or tries to swim after it. What is going to happen?

At this time I know of total 7 guides trying to make a living, guiding waterfowl hunts in the refuge area of approximately 300 miles. With the proposed guidelines that number will probably diminish to 5 (Rule 10...60 hunters total for the season or an average of 1 hunter per day. Failure to meet this standard of use may result in denial of a permit request for the following season).

Please take a look at the changes you are looking at and make the correct call.

After reviewing the draft prospectus I fear that my ability to utilize this wonderful resource will end. The number of permits allowed, onerous regulations and exorbitant guide permit fees will, I fear, put professional guides out of business.

I highly recommend that that these proposed changes be reconsidered.

In addition to that you have to go where the ducks are, if I am limited to a certain area on the pool the ducks might not be there. Then what do you do?

It has come to my attention that you are considering some changes to the regulations on the refuge. I hope that it will not increase the prices too dramatically and I hope it is not going to restrict access to guides in the area.

I realize there is a balance between have enough guides and having too many. I read the prospectus yesterday before sending my letter and while I don't pretend to understand all of the issues, I do know that that area and pool 9 in particular offers world class hunting for many species.

In addition, I know several of the guides and the area and limiting permits and increasing costs may very well put them out of business or eventually a guided trip is too expensive for most people. The proposed fees in the prospectus seem to be too high considering many guides are not on the water every day.

Finally, I am concerned that restricting guides from hunting along with their clients could cause further loss of crippled birds. Many times the guide is managing the retrieving dogs and they should be the only person in boat that can shoot a cripple on the water while a dog is in the decoys. This is a lesser concern of mine but I don't think that rule would have its intended effect.

These proposed changes seem to be counter intuitive and I would ask that you please reconsider the proposed changes and leave the guiding rules as they have been in the past.

I understand the permit and user fee. But why would you limit the amount of guides.

Again the fee structure seems a bit off considering there isn't a single guide on that river that that a full boats of hunters every single day of the season. You also need to remember that hunting and especially waterfowl hunting on that river is very dependent on the weather, I personally had my hunt cancelled last year due to weather because of unsafe conditions. So what happens because of those "lost" days as far as permit is concerned?

Also, another angle to this is you going to raise the fees so much that some guides are going to possibly take chances they may not have in the past because they have to pay the higher fee as purposed in the prospectus thus safety could be taking the back seat.

Not allowing guides to shoot was also somewhat laughable....Again you will be ruining your resource because more crippled birds will be lost. Any good waterfowl guide isn't shooting first and knows full well he may have shoot at crippled birds. Let's face it, an ethical waterfowl guide

doesn't want to lose a single bird like any other ethical hunter. Also remember, normally it's going to be the guide's dog in the boat retrieving downed birds, so the guide (with his gun) should be out in the water with the dog not only controlling the dog but shooting the cripple the dog is most likely pursuing. Not sure what you are trying to accomplish there?

With the number of waterfowl hunters decreasing nationally we should be trying to help out those wanting to hunt and not take away the opportunity to do so.

As you probably know, there is plenty of room on Pool 9 as it is currently utilized, and I see no need for further restriction. Further, it appears a new fee system would jeopardize the hardworking guides that add to the local economy. The guides have, under the best of circumstances, a very short waterfowl season of 60 days. It is a fact that most guides, due to weather, personal schedules, and overlapping hunting seasons, never guide for the entire 60-day season. I know based on these factors, (name redacted) only guided 27 of the 60 days last year.

As a waterfowler, hunting is dictated by locations where the birds want to be. Reducing the areas accessible to hunters would diminish the experience and likely result in hunters opting for opportunities in other states.

I urge you to consider the impact proposed changes could make upon the hardworking guides that serve sportsmen on Pool 9. I am on the second generation of hunters that have hunted with (name redacted), and look forward to the opportunity to introduce my granddaughters and grandson to the great experiences I have shared with my son and friends on Pool 9 with the company of (name redacted).

I just received an email stating that the state is proposing fewer guide permits for pool 9 which is where we hunt also that his guide permit price would be going up to 2200.00 per guide.

Pool 9 is a large enough location for many guides to take advantage of the waterfowl season. I feel there is no need to extend restrictions or increasing the fee for guides. Increasing this fee in such a large amount will be devastating to the local economy and themselves.

I feel the increased fee could drive them out of business and out of the area. In this current economy it is a shame to see more possible jobs lost. I am asking you to consider the possible repercussions of this proposal at question and all of the negative effects that could follow.

My hope is that this letter helps to keep the regulations and restrictions as they are.

In exchange for this, I would like to be able to hunt myself. My reasons for this is 9 times out of 10 I am primarily battling clean-up on cripples. My dogs break on the shot and I do not want my clients shooting my dog. This is undisputedly a safety Issue! As a licensed USCG Capt. Safety of my vessel and its occupants is my upmost responsibility and for you to limit my ability to conduct my job safely is unlawful and once again putting regulation in place nulling USCG statutes. Not to mention this particular regulation is completely absurd and can't be back by any concrete evidence or reason for the regulation in the first place. In fact, it could be viewed as a direct

violation of the 2nd amendment. Since I have never had my hunting rights revoked and therefore am legally permitted to hunt I view this particular regulation unjust and unwarranted.

If you take anything in consideration when finalizing this draft, please consider the larger amount of tax payers that will no longer be able to enjoy this public land due to your further limiting of our abilities and possible price increases passed on to clients.

Punishing guides with these fees and regulations ultimately punishes the hunter. Who is the public going to rely on to mentor young hunters on safely navigating the Mississippi if guides disappear? This is comparable to sending a rookie salmon fishing on Lake Michigan with a row boat; it's unrealistic and extremely dangerous.

Also, considering many clients are either elderly or have physical limitations and are after cans, guides need to be able to pursue cripples so need to carry guns. A prohibition on guides carrying guns will result in a lot of cripples getting away.

I'm not familiar with the Pool 9 situation but would think retaining the current number of guides on that water would be a good compromise but I'm guessing there are things going on I'm not aware of that entered into the proposed # of permits.

I do think that the guides need to be allowed to assist in shooting cripples but not hunting per se (only clients should be able to shoot a daily bag limit). I have to agree with what the guides are saying about clients needing help to deal with cripples, especially diving ducks. If all their clients were experienced, physically-fit waterfowl hunters, this would not be a problem. But, if you take the guides' word for it (and I realize this may not always be totally reliable) they guide folks with varying skills. Given both state and federal regulations regarding immediate retrieval, making a good-faith effort to retrieve cripples and wanton waste, I feel you almost are obligated to allow the guides the flexibility to assist in recovering cripples, including shooting. As a veteran diving duck hunter, I know that the most critical time in successfully dispatching cripples is when they first hit the water and are still w/in killing range. After the birds get beyond shooting range or for that matter, beyond easy retriever range, the percentage of lost birds goes up rapidly. When we are dealing with a duck as important as the canvasback, I feel we need to do all we can to reduce crippling mortality and successfully bag downed birds.

The second suggestion I heard that seemed reasonable was to allow the use of a second boat to haul decoys and other guide gear. Requiring up to 6 people, a hundred or more decoys, plus all the client's gear, etc. seems to promote the possibility of overloading the guide boat. Requiring that clients may only shoot out of the main boat and also requiring the "decoy/gear" boat to locate immediately by the main boat or return to a landing should deal with perceptions that more than one party is being guided.

One other issue that was mentioned is what will happen if we suddenly have duck seasons lasting less than 60 days and instead would only run 30-35 days which could easily happen in a drought period? I think there needs to be some thought given to changing the fee structure if this should happen or risk losing most of the guides because their fees would have to be excessive to make their business profitable. Another concern I have, even under the current regs, is that fees are

already too steep for most hunters and would tend to cater to more wealthy hunters and not the hunting population as a whole.

I am not sure of what the prospectus all includes, but it is our understanding that the guides will no longer have control over putting us on the birds per their scouting on Pool #9. We hunted with (name redacted) last season and both boats hunted together both days so we only took up one spot on the river.

I have to say that if our guide does not have the freedom to put us on the birds so to speak then we would no longer want to come to hunt in Wisconsin.

I am in strong agreement that these guides should not have a gun. I have personally spoken to many of the clients and have had them admit that the guide did shoot the ducks.

All of my experiences have been positive with the exception of one guide in particular who shoot birds along with his clients. We have asked him not to do this but he persists so we do not book with him any more.

The "no guides can shoot or even pursue cripples" is absolutely ridiculous. That is very unsafe, what happens if a client isn't able to pursue that cripple because of age, health, etc? This leads to more birds not being recovered.

I do have concern over the 3% amount that is being charged to private guides. These are small businesses and paying 3% of their income seems like a hefty amount and eventually will just be passed on to waterfowlers. I think I would like to see the fee be more in line with 1% or 2% of their revenues.

The waterfowl guides depend upon being mobile enough to pursue waterfowl. The current plan seriously restricts their ability to be mobile enough to pursue the waterfowl where they are. It sounds a lot like the Nelson Bottoms being given to the waterfowlers in exchange for removal of hunting areas on Big Lake. A USFWS Biologist stated that the area of the Nelson Bottoms was "not suitable for migrating waterfowl". Gee, thanks...I'll trust your agency now. There have been no records produced of conflicts concerning waterfowl guides made available to this point. If there were sufficient numbers of conflicts there would be cause for action. My only comment on the waterfowl guide issue is that given the clear evidence that there have been no problems, especially on Pools 9, 10, & 11, the numbers of guides allowed should be kept at current usage levels rather than those proposed in the Draft. The guides in those areas should not have to be confined to zones of any kind. It is apparent they have cooperated with each other in the past and I am very sure they will continue into the future. Some are attempting to make a living providing access to the resources on the Refuge. With the long history and legacy of waterfowling on the Refuge, this should be supported rather than restricted. Further, I don't believe there is a documented need to inhibit guides from traveling throughout the Refuge. Habitat and waterfowl use areas change, sometimes long-term but often short-term. The guides need to be able to pursue waterfowl where the birds are, rather than being restricted by the whims of someone who sits at a desk.

First, I don't believe the FWS should expand guiding opportunities to 20+ on the system. I think a maximum should be 12. Those guides can be limited to an area of a Pool boundary. For Pools 8 and 9, where all of the current guiding occurs, a maximum of 2 for Pool 8 and 4 for Pool 9 should be allowed. They should be able to operate in that complete pool. I suggest getting a minimum of 5% of the revenue; 3% is too little. They are going to add it on to their fees anyway. As far as selection, a drawing is the fairest method. However, you should do it early in February of the year following the season. Additionally, if a guide incurs a violation their license should be suspended and should not be reinstated until it is resolved. As to hunting (shooting), a guide should not be restricted, nor the type of hunt, provided it is legal. Hunting from a boat blind should be expanded.

Response 6: Based on comments received during the public review period, we've revised the "prospectus" as described in the introduction and summarized here:

- * We've increased the number of permitted guides in Pool 9 to five and the entire pool is now a guide use area, it is no longer divided into the "South of Ferryville" and "Rest of Pool" zones.
- * We've removed the waterfowl guide use zones in Pool 8. The entire pool is now considered one zone.
- * We've modified language to better explain that guides are not allowed to harvest a limit of birds.
- * We've included language to allow two "part time" guides to operate under one permit in order to meet the standard of use requirement.
- * The fee charged for a guiding permit would be based on the guide's previous year's income. The original draft used the maximum potential revenue as an example and was misleading. We provided clarification on how this fee would be assessed. Based on average fees and current use it would equate to approximately \$7.00 per client per trip.
- * We've included a provision to allow for the use of a second boat by guides. This boat is required to stay within 50 feet of the primary boat.

We believe with these revisions, the "prospectus" will allow guides to continue to provide opportunities for waterfowl hunters to experience hunting the Mississippi River.

Comment 7:

The guides have turned pool 9 into a commercial hunting area. They have favorite spots that they hunt every day. You cannot beat them to those spots unless get there many hours before opening.

Reading between the lines I am assuming it was drafted because of hunter vs. guide conflicts. I totally disagree!! I have had very few minor issues over the years in regards with guides, normally I figure out who it is, Google the guide service, make a phone call and end the issue. Totally different with other hunters. I can't contact them unless going over to talk with them while they are possessing a loaded gun. Not very smart. These hunters are wounding many ducks and geese sky blasting, have no dogs for retrieval of game, shooting illegal species, hunting in closed areas, and no respect for other hunters. The problem isn't guides it is the average weekend hunter thinking they can go out on the Mississippi unprepared and have a successful/safe hunt. I have helped countless hunters get back to the boat launch because they didn't understand the river.

From what I gathered from our meeting was you're allowing a minority to control the majority. Recreational local hunters do not have anymore right to this land then a man from Texas, California, New York or anywhere else in this country.

Guides should be drastically restricted - pool 9 is for public hunting and not to be used as a commercial enterprise.

One concern I've heard but can't personally verify is that some guides may be sending out an "early" boat well in advance of shooting hours to monopolize the best hunting spots--I know this is true in some other parts of the state I've hunted. The guides can then bring their clients out at a later time to hunt. By requiring that the extra boat accompany the main boat, the early "hogging" of a site should be at least minimized. Then if the guides want to take their clients out 2 or 3 hours in advance of the legal shooting time, in my opinion, they've "earned" the right to hunt a better spot that day. I'm sure some clients wouldn't object to that tactic but some certainly would. Wisconsin already has a law against setting out decoys more than one hour before shooting hours and beyond more than 200 feet from a blind.

I have given up on hunting many spots because these guides are there at 5:00 am every morning.

I believe the problem on the river is overcrowding. There are too many people using the resource at the same time. The US Fish and Wildlife Service is going to change that by limiting a few guides.

I live near Ferryville. Last fall at waterfowl opening the parking lot in town was full and the overflow filled up the street. I can't see where the two guides in this area caused that.

The overcrowding issue should be addressed by all the users. Maybe a drawing like turkey season could be an answer.

The hunters that use Pool 9 need to be on the river very early to use their favorite spot. I don't like to go on the river at 3 am. The competition is heavy and it's not the guides fault. They are scapegoats in this issue.

When I grew up most of my friends and fathers from DeSoto, Lansing and Ferryville went duck hunting. Scores of locals from each town, duck hunting was like a holiday season to some. Since

the guides have taken over the river, I know of only 3-5 locals from each town that go. They have given up, not able to compete with guides taking over. The loss of the islands reduces areas to hunt with the guides taking most strategic spots that cut hunters off. The guides are there every day!

I have been intimidated by guides several times. They try to push you out of an area by hunting nearby, especially one guide with multiple boats. I have been hollered at a guide claiming I was shooting at his “swings”. He went on to say I am a poor caller and hunter and several other insults. This is a place I have been hunting frequently for 30 years and the guide was able to get in near me there because of higher water. I try to get into shallow areas to keep away from guides, but if you have success they will be coming.

In a recent outdoor news article, a guide with multiple boats on pool 9 said he only takes up one area with his three boats? That is an outright lie. They go to completely different areas daily. You can bet they are not competing with each other. The 3 boats owned by one guide leave the landing and go separate ways in the dark. When they go in, usually 1-2pm, one boat will pick up The clients from the other 2 boats and they proceed to landing. Just one person in two of the boats. I have seen this numerous times. Last year we were froze out early, I walked out Rush creek and had a nice hunt where the creek was open on pool 9. Next day, guides took over, and the next two creeks down, Sugar creek and Copper creek. Done for the year unless you want to pay to go.

I also do believe that there are guides whom I consider exemplary and ethical people, but also I have heard of other guides who are overly competitive and I have hunted in other states where I’ve had to hire guides and believe there are good reasons for having them meet high standards. My actual experience is that I have been out hunting the islands in Pool 8 and have seen guides coming and going with their clients. Although I have not had any direct contact with guides while out hunting, I do know two people who hunt the same areas I do and I learned from them about some questionable attempts at intimidation by a guide. Both of these people believe that the guide was trying to “harass” them into leaving the prime hunting spot where they were on solid ground and planning to hunt. The guide shined a bright light in their faces, and though the hunters I talked to used flashlights to wave the approaching boat off, indicating that the spot was already taken (a common method used on the Mississippi River and other areas) the guide kept approaching and then asked if they would be hunting there that day. What else would they be doing at 5 a.m. in the morning in their hunting clothing?

I believe that every effort must be made to be sure that hunting is done ethically, and that hunting is not and should not be competitive, if hunting is to continue in the United States. There are far more people who vote who do NOT hunt, and thus the actions of people who hunt will be a primary factor in whether non-hunters allow hunting to continue.

When asked about purported conflicts regarding guides, the Refuge staff skirted around being able to produce such documentation. In my world as in many others, if something is not documented it did not happen. Again, an increase in distrust of your agency.

Also, no guide should be allowed in more than one Pool. If some Pools don't have guides then those Pools should be combined with another Pool. The river is a unique place, but there are few other waterfowl opportunities in this region. So limiting guides on public land is a must.

Commercial guiding operations can contribute disproportionately to too many hunters vying for a limited number of desirable locations, too many hunters in the same area, and ever-larger numbers and sizes of boats, engines, blinds, and decoy spreads. These conditions can have a number of negative consequences. They can reduce the quality of the experience for hunters who use the Refuge, and make it increasingly difficult for average hunters with limited time and resources to take part. They can bring about too many conflicts between hunters and increase the risk of accidents for hunters. Finally, they can cause too much disturbance to wildlife, including migrating waterfowl.

Response 7: By limiting the number of guides allowed to operate on the Refuge, we would hope to reduce the competition that occurs between guides and recreational hunters for high quality hunting spots. However, we recognize that competition for high quality hunting locations will continue to occur, not only between guides and recreational hunters but amongst and between user groups. Through effective habitat management activities and actions we can increase the number of high quality hunting locations and reduce competition.

Comment 8:

I fear that limiting guide access to the resource is only the first step to eliminating hunting altogether on this incredible system.

I am very concerned that this Plan is the forerunner of further restrictions on hunting on the Refuge, most notably managed hunts. While they may work on some Refuges, they will not work here because the USFWS does not have the staff or resources to manage them.

Response 8: Both commercial guiding and hunting are compatible uses of the Refuge. We have no interest in eliminating hunting.

Comment 9:

I was recently informed of a proposal that would change waterfowling in Wisconsin forever!

Wisconsin is a state that welcomes tourism, your policy hurts everyone.

I am wondering if this prospectus will be the entire length of the Mississippi Flyway? If it is only the refuges mentioned in the prospectus, I am wondering what you are really trying to accomplish. If it is to protect the resource then this should most surely be implemented in Arkansas, Mississippi, and Louisiana. That is where the resource is being impacted the most.

I have hunted the Mississippi River since 1970 and I consider it Wisconsin's outstanding resource. Wisconsin citizens are indebted to Will Dilg who led the effort to convince authorities to establish the refuge for the benefit of future generations, and to provide resting areas and

habitat for waterfowl.

Response 9: The proposed management of waterfowl guides would only affect guides operating on the Upper Mississippi River National Wildlife and Fish Refuge. We do not believe that this proposal will affect tourism to the area or decrease hunting opportunities. Wisconsin forms the eastern boundary of the Refuge in pools 4, 5, 5A, 6, 7, 8, 9 10 and 11. The remainder of the State would be unaffected by the proposal. The Refuge is bounded by the States of Wisconsin, Minnesota, Iowa and Illinois.

Comment 10:

Are you for real our debt is in the trillions and you and your dumb regs are going to add to this deficit over 5 GUIDES???

Points I did agree with was it was quite obvious that you are trying to hold a guide or guide service owners to a higher standard and you should. They need to be ethical and looking at their past history is important and that is quite typical in other professions. I am unaware of the required harvest reporting that takes place now but I also agree that through requiring waterfowl guiding operations to do duck harvest information reports (species, sex, etc.), that information would be beneficial to the biologists.

I have briefly read the proposed bill for limiting guiding on the Mississippi River. I do not agree with it.

I am writing to you in opposition to the proposed guiding regulations associated with the Mississippi Guide Services for the migratory waterfowl hunt. I strongly oppose enacting these regulations onto these guiding services as it will destroy hunting opportunities and conservation funding for current and future generations.

Please take a moment and consider these facts and the loss of conservation funding, young hunter participation, and senior hunting opportunity that would result in enacting these regulations on the Mississippi Guide Services.

Thank you for the opportunity to comment. I was a user of the Refuge and long-term supporter of Refuge staff that was alienated and quite disappointed in the disregard for historical uses of the Refuge in the current CCP. It seems the USFWS is trying to conserve the Refuge from those who treasure and support it the most. The next CCP is just around the corner and frankly, I am expecting more of the same.

WDNR has changed the definition of hunting within vegetation because a particular guide pushed the envelope by hunting open water with a few sprigs of grass next to the boat. With farm prices up and conservation programs down, we need all the hunters in this sport to buy state and federal duck stamps and to support conservation programs to keep waterfowl numbers strong. If hunters keep getting pushed from public land by unlimited guiding, they will then quit hunting and the waterfowl will be the loser.

Thank you for taking time to consider my comments. As a long standing member of the fishing industry I have worked closely with the Recreational Fishing and Boating Organization. I was a board member there for six years and we worked closely with the Fish and Wildlife service and our industry to find solutions that protect the resource and offer opportunities for people who buy licenses and ultimately fund many of the programs for state and federal agencies.

I have been a long time supporter of the Milwaukee chapter of Ducks Unlimited and have worked hard to protect our hunting rights and duck environment.

As an active member of the Conservation Congress for Walworth County and Advisory Board Member on the UW-Steven's Point CNR, I am deeply concerned with how these regulations will reduce hunter participation, ultimately reducing conservation funding.

Response 10: Thank you for your comments.

Comment 11:

On top of all of this when are you going to pursue the fishing guides, commercial fisherman, floating guides, and any other small business trying to make a few dollars while making many outdoor enthusiasts happy?

Another part of the prospectus that was interesting was why such an anti-hunting guiding approach? In the grand scheme of things the duck season is only 60 days out of the whole year? What about the other ten months? What about fishing guides, charters or scenic river cruises who use the river far more than a few duck hunters?

I do not have an issue with the fees and other cost involved in obtaining the special use permit. However, this needs to be across the board for all commerce taken off the river in the guiding community. To single out only waterfowl guides and impose heavy financial burden on just them is not only unlawful and unethical it's possibly a violation of the commerce clause, but also becomes extortion.

Delaying it another season might also allow the FWS to also deal with the fishing guide issue as well.

When asked why waterfowl guides were being targeted by this plan, and others engaged in similar actions were being ignored, we were given an answer that essentially said that this was overdue and we need to focus on the waterfowl guides to satisfy a Congressional mandate. So instead of creating a sustainable plan the USFWS is targeting a group that has a long history and legacy of support for the Refuge.

Response 11. By law, other commercial activities that occur on the Refuge and are also found to be compatible will undergo review (see Response 1 above for further discussion of Refuge authority). We anticipate that review occurring in the future.

Comment 12:

There are very few guides per mile of upper Mississippi. If crowding is an issue, why don't you limit when the guides can go out to just weekdays and not hunt on weekends. Seems pretty simple to me.

I personally would also be willing to give up guiding on Saturdays and Sundays after the opening of the regular waterfowl season. This would remove me from the river on the days when recreational hunting is at its peak.

Response 12: We considered this option, but determined that limiting guides to only operating on weekends was unlikely to reduce competition for high quality hunting spots and could compromise the ability of some guides to operate profitably. There was also concern that a regulation prohibiting guides from operating on weekends could affect hunters who are interested in guided hunts but have limited opportunity to participate in those hunts during the workweek.

Comment 13:

I see what goes on out there and I'm not seeing what's in your document is actually happening. Could you do me a favor though. Could you send me the conflicts you're seeing out there to back up your testimony of what you are saying?

I will be at the meetings on Wednesday and Thursday. I have heard a lot of talk that a lot of all these changes are coming from the public complaining about the whole 5 waterfowl guides on the river. I would like to see all these complaints you have. You must have documentation on all this, would really like to see it.

Response 13: Complaints of user conflicts were received during this public comment period and are contained in this document. Other complaints received outside the comment period are not contained in documents available for public release (i.e. those that pertain to law enforcement investigations or contain privacy act information) or were received verbally.

Comment 14:

I'm unable to attend the meeting to discuss the Waterfowl Guide Prospectus that you wrote but I would like to show my support for it. I support it to its fullest extent and would like to see all changes go through. I really do feel that guiding has had a part in ruining hunting on the Mississippi River and would honestly like to see it illegal completely. Since that is not on the table, I'll support your resolution.

I am a frequent waterfowl hunter on pool 9. I read the proposed changes is draft and am in favor of the changes. I am unable to attend the meeting.

As a frequent waterfowl hunter of pool 9, and being unable to attend the meetings this week, I would like to submit this letter in favor of the FWS proposed changes in commercial guide use of the Upper Mississippi NWR.

As a frequent waterfowl hunter of pool 9, I would like to submit this letter in favor of the FWS proposed changes in commercial guide use of the Upper Mississippi NWR.

I would like to express my desire to fully support your resolution in its fullest extent. I would honestly like it to be even more restrictive as to what guides can and cannot do on public land including the Mississippi River Refuge. Please do not make any concessions or give an inch as to this proposal.

I grew up duck hunting in WI and return to the state each fall to hunt with friends. I write in support of the proposed guide rules for the Upper MI NWR. Over the years, pool 9 in particular has become crowded, and in response, guides have begun using what are in my opinion unethical strategies to secure the best hunting spots--depriving many recreational users of fair access to our shared outdoor resources.

I support the FWS's efforts to gain more control, etc. of the commercial hunting activities on the Refuge.

I fully agree that commercial hunting should not be allowed in pool 9. I too have hunted for over 25 years and with the amount of professional guides in this pool it has been very difficult to find open spots and the hunting has been seriously hurt. Your consideration to ban or at least to limit these guides would be most appreciated.

I am writing to you to express my great support for the new proposed waterfowl guide regulations. I have hunted pool 9 with my father for over 30 years. This recreational sport has change severely over the years due to the competition with these guides. I hunt with my family for the sport and mainly to enjoy the time and experience spent with them. This is not a numbers game about killing ducks or geese. We mainly now hunt the afternoons till evening after the guides are done to prevent conflicts or altercations.

I am basically a local and have been hunting and fishing pool 9 my whole life. When I was a kid there were a lot of locals who would hunt waterfowl. Today the majority of the hunters are not local. The guides have pushed them off the river. I hope this changes for the future of my kids and someday there kids. This is a recreational sport on public property that some people are making a comfortable living off of, which is not right.

These are public birds on public land and should not sold.

I've read a couple of articles in the Wisconsin Outdoor News recently regarding the proposed rule changes affecting professional waterfowl hunting guides and wanted to write you to offer my opinion. I am in favor of any rules or restrictions that put guides like (name redacted) out of business, even if that's not the intent of the regulation. It's not a surprise that (name redacted) is so concerned about these new rules imposing on his normal way of doing things. He has quite a

negative reputation in duck hunting circles and isn't someone I'd be taking policy advice from. Several of my friends and I lost hundreds of dollars to him because of his poor business practices and lack of professionalism. I realize not all guides are like him but the Mississippi River will be a better place if he's not on it.

Regarding the specific rules:

- I think it's great that it will cost guides a little more money to utilize a Public Resource in order to make their money. It seems reasonable to me.

- I'm also in favor of the guide not being able to shoot or harvest waterfowl while hunting. They should be more focused on customer service anyway rather than shooting their clients crippled ducks.

- I think establishing guide use areas is a good idea to at least try. I've heard stories of how "entitled" feeling guides bully other hunters on the river. Perhaps in these areas there could be a lottery system for a particular hunting area that anyone would prevent such competition from occurring in the first place.

- I don't really have a comment about the number of assistants a guide can use unless it ties in somehow to the rule about allowing the guides to shoot / hunt as well.

- I also think you should disallow a guide from being able to have someone stay overnight in a public spot to hold it for the guide and his clients the next day.

I fully agree with the proposed restrictions for waterfowl guides. Every lousy incident I have had while waterfowl hunting with my sons in the last 10 years has involved a guide or an Airboat or both. One guide was scouting on a Friday, a day I had taken off work, and drove his airboat all over the marsh we were hunting, hazing every bird out. When I asked him about it at the landing, he replied "tough shit. I do this for a living. You are out goofing around."

We need regulations to give public hunting back to the public.

I do think that additional regulations are warranted. I say this while adding my concerns that I am always leery of additional regulations which could restrict use of public facilities and land

I think your proposed regulations will be a step in the right direction and I support the restrictions you've drafted with some concerns about the fee percentage.

I likewise feel it is incumbent upon USFWS to keep channels of communication open with waterfowl hunters so that they have an established way to lodge complaints/concerns if they have negative contacts with commercial guides and to identify the guides who they have concerns about.

In one word, I think the proposed changes to the Guide Regulations are "outstanding." My concerns are this: In the last ten years, the guide boats on Pool Nine have increased dramatically. I sometimes can observe four to six different guide boats just across from Ferryville in a single day.

I also want to thank you for coming up with the new Commercial Waterfowl Hunting Guide "Prospectus." I think this will help keep people in the sport.

The Friends of the Refuge Headwaters wishes to express our strong support for the proposed Rules for Commercial Waterfowl Guides (Rules) on the Upper Mississippi River National Wildlife and Fish Refuge (Refuge). The Refuge is an invaluable national resource that is managed for many purposes, and with the primary mission of providing a refuge for fish, wildlife, and plants, including migratory waterfowl. Millions of people use the Refuge for wildlife watching and photography, fishing, hunting, boating, paddling, trapping, environmental education, and more. But it is the responsibility of the U.S. Fish and Wildlife to ensure that these uses are compatible with the purposes of the Refuge.

These are serious problems and must be addressed. The proposed rules will do so, and in a fair, consistent, and efficient manner. In addition, the permit costs and requirements are reasonable given the size of typical commercial waterfowl guiding services now in operation on the Refuge.

I've had bad experiences with waterfowl guides. They can be very intimidating and pushy claiming spots. Also they routinely shoot birds for clients. Which is illegal. They should not be allowed to carry guns or shoot. They violate daily and possession limits.

The guides I have observed hunting pool 9 in WI the last few years are: 3 boats from Boscobel, 1 Boat from Ferryville, 1 Boat from DeSoto, 1 boat from Stoddard, 2 boats LaCrosse, 1 boat Platteville, 2 boats Appleton, 2 boats Decorah IA (hunting WI), 2 boats from WI that rent a house in New Albin seasonally. Those are the ones I have identified from my observations and others. The guides call themselves "local" even though none are from around here! I have noted at least 2 known guides from WI in past years hunting IA when the season extends longer in IA when WI closes.

I strongly feel that guides should NOT be allowed to carry shotguns. I think the temptation is there for the guide to shoot ducks and that is an additional harvest that is not needed and I see as unethical. A guide is a guide, NOT a hunter. I also support the guide having only one assistant and that person should be located nearby.

Response 14. Thank you for expressing your support for the draft "prospectus". When appropriately regulated, we believe commercial guiding is a compatible use of the Refuge and can provide opportunities to waterfowl hunters which might otherwise not exist.

Comment 15:

Since my objective is to promote out of state access and offer a service so every American who wants to, can enjoy this public water which their tax dollars fund "not just local recreational hunters". I would like to see the requirement for "minimum days guided" viewed in the manner of "minimum amount of clients guided". You can do this by lifting your proposed restriction of 4 clients. If I were to only guide 1 client per day with let's say 30 day min. that's only 30 clients served. This allows too much opportunity for animal rights groups to soak up our permits and falsify "days Guided". If it were looked at from a client's served manner, it would force them/us

to create more revenue and in return more money in your pocket via the 3% revenue tax proposed. This would also comply with the approved USCG and Homeland Security restriction of 6 clients, which is what my license is legally valid for. By doing so you will no longer be "further" restricting already on the books regulations and further restricting public access to the river.

Response 15: Thank you for thoughtfully considering the minimum use requirements as well as allowable number of clients. While we have made several revisions to the “prospectus”, the number of clients who can hunt during a guided hunt will remain at 4. This number is based on existing commercial waterfowl guiding regulations within other units of the National Wildlife Refuge System. We received feedback during public meetings that has led us to believe that many Upper Mississippi River guides typically do not guide parties larger than 4 because of safety concerns that may come into play in an overloaded boat in rough water. Also by limiting the number of clients in a guided party we are able to maximize a hunter’s experience and provide for a quality hunt.

Comment 16:

Your Draft document refers to Refuge "lands"-- does this also include "navigable waters" within Refuge boundaries. The reason I ask is Wisconsin has had a long history of defining navigable waters as having a right of public access; included in that right has always been public use for hunting, fishing and trapping. I'm not trying to make any point here, just curious if FWS rule-making authority supersedes the State's usual interpretation of access if one is in a boat, canoe or kayak and not actually touching land or the bottom of a pool as on the Mississippi. Don't feel you have to spend a lot of time responding to these comments--they just peaked my curiosity.

Response 16: The Service has the authority to regulate commercial hunting activities on the Refuge. The “prospectus” does not regulate the means of navigation with regards to the general public or recreational users of the Refuge and only applies to commercial waterfowl guides operating on the Refuge.

Comment 17:

I have seen these guides cut willows from the river banks and make boat blinds. They cut the willows from the river bank were people hunted. When they cut the willows they left sharp stubbles sticking out of the ground. I have cut my boats on them several times. I saw my cousin trip on one stub and fall landing on another stub cutting his face open. These areas in the brush around where the guides hunt is always full of litter and human waste. Everywhere you walk around there's toilet paper on the ground.

I have observed several disturbing sights. A small island, covered with over a hundred piles of toilet paper and human feces from a guide boat that hunts there daily. I pulled up to the Island and let my dog out, nice. I have seen a place out in the pool where a guide hunted with sparse vegetation to find submerged 5 gal buckets with vegetation planted in them to justify hunting in emergent vegetation I suppose. This must be why the new definition of “open water hunting” which has restricted more hunting areas which in the past was considered ok. I have seen in the

past, but not the last few years, bushels of empty shotgun hulls floating where a guide boat frequents.

Response 17: These observations are of concern and we suggest that concerned individuals who witness potential violations of Refuge, State, or Federal laws contact the Refuge's Hotline at 1-844-NWR-TIPS (1-844-697-8477).

Comment 18:

My dream for years now has been to own/operate a guide service on the Upper Mississippi Refuge. With these new restrictions and regulations it is basically cutting off any way and chance for someone like me to get into the business. I was at the informational meeting in Prairie Du Chien, Wisconsin. They stated that to be able to even be considered for the lottery system you had to add your "guiding experience" and many other criteria that a new guide wouldn't be able to add. These drastic changes are horrific, and in situations are unsafe and unethical.

Response 18: A new guide, with limited or no previous experience is still eligible to apply for a permit. Experience is not a screening factor for acceptance of a permit application. The Fish and Wildlife Service would like to ensure the quality of a guide operating on the Refuge. Providing a guiding history helps us with this assessment, but is not the only means for making this determination.

Comment 19:

A friend of my son was a student at UW La Crosse and was asked to be a guide's assistant. The young man told me he was asked to sit at a hunting spot from 10 pm 'til sunrise when the guide and his clients arrived.

Sometimes they have someone go out very early, maybe the night before and hold a spot for the guide boat that's coming.

I do have concerns if the guide were to have his/her assistant go out at very early times to "reserve" a spot until the guide comes out with his clients. Obviously if the guide and clients get out early, they are entitled to a space the same as anyone else. But with the loss of islands and crowding on good duck days, I feel the guide himself should be out and that he should not be able to have his assistant "reserve" a spot in the public area.

In this day and age, guides are buying or leasing private land that has any decent hunting on it, shutting out anybody of modest means to hunt it. It's beginning to be a rich-man's sport. Public land is what freelance hunters have left, and the guides are taking over here, too. I know many local people who have given up because of guide competition for spots. I personally have gone to a spot hours before shooting time only to find someone holding a spot for the guide to get there with his clients later.

Response 19: The "prospectus" provides for a guide to have one assistant who may operate a separate boat to assist the guided party with hunt related activities (e.g. setting or retrieving

decoys, retrieving cripples). The second boat must remain in contact with the guided party at all times. Employing additional individuals to occupy hunting spots in advance of the guided party's arrival is not allowed in the "prospectus". Current Refuge regulations currently prohibit use of the Refuge between the hours of 11 pm – 3am unless camping (defined by regulation) within sight of the main channel.

Comment 20:

One other major issue is the air boats here on pool 9. One person in particular comes down daily the latter half of the season. He systematically covers the pool with a daily route. He goes into every lake and pothole and if he finds a suitable number of ducks he hazed out, he will put up 3-4 spinners 8-10 floaters hunt usually less than 30 minutes each spot. This is a daily routine that drives the ducks out of all the resting places and out of the area. He even goes overland with the airboat to some places. He doesn't seem to care if you are hunting an area and will pass very close with no regard to other hunters and drive through scaring out all nearby ducks.

I would also like to voice a concern about a particular airboater who consistently hazes waterfowl off every little pothole on Pool Nine from New Albin to the Blackhawk Bridge. These ducks can find no place to rest because he pushes them out of every small area along the way on a daily basis. I have seen him run ducks out of Conway Lake, quick set up, and shoot them on the return, and leave, by going across the island with his airboat, and return after a few hours and do it again. I do not like to see rule changes because of a few bad apples, but this person should be talked to about his unethical hunting standards. He is ruining it for all the other waterfowl hunters by pushing ducks out of the area.

Also limiting airboat use is wrong. You currently have rules with respect to airboats and that should be enough.

Response 20: The "prospectus" prohibits the use of airboats by commercial waterfowl hunting guides.

Comment 21:

No Place on the Mississippi for waterfowl guides, too many "regular" hunters are negatively impacted.

I have studied the "Draft Prospectus" and find many reasons to support why this is a bad idea and that the commercialization of this activity associated with waterfowl hunting does not qualify as one of the six authorized public uses allowed under the National Wildlife Refuge System Improvement Act of 1997. To even consider authorizing a "Special Use Permit" before having a very comprehensive and public discussion about the purpose of this Refuge and how it relates to the mission of the entire Refuge system should be held. This is what the wording and intent of the NWRSA and the Comprehensive Conversation Plan say to the public. These documents insure that promoting positive hunting values and hunter ethics, reasonable harvest

opportunities, less crowding, less competition, fewer conflicts between hunters and should contribute to the tradition of hunting and the Refuge purposes, resources and management objectives. I believe that this type of commercial use does not do that. In fact it does the opposite.

To justify this Commercial Waterfowl Hunting Guide special use permit process by suggesting that it will support and contribute to these stated objectives for public use, is a travesty. I believe it will cause more conflict, rather than reduce it. The ability of a business with employees to preempt hunting locations, transport customers, perform many of the physical labor activities in place of the paying hunters to prepare the location, use wireless communication to notify onsite conditions and arrival specifics is going to cause conflict with the traditional hunting public that historically used the resource. The presence of firearms, darkness, difficult weather conditions and "another new unknown hunting regulation" is a recipe for more conflict, not less. I would also predict it to be a nightmare for the Wardens to properly regulate.

The very telling "true incident" that already points to the crux of the issue is that upon presenting draft rules to possible commercial guide applicants early in your process, they said they did not want to be mandated to put a identifying sticker on their vehicle at the boat landings, due to the damage or vandalism that would occur to their private property. I would guess that is based on prior experience. So the proposed sticker will be on the boat, hidden in the weeds, thus confusing any game warden as to who is who, guides or customers.

Having hunted waterfowl in the Refuge for over 50 years, my father and brothers for over 60 and my grandfather over 70 and even pre-refuge, our commitment towards the sport is based on respect for the resource and proper management of it for future generations. People selling ducks and hand-holding waterfowl hunting opportunities, to the highest bidder is going to hurt the sport, and not promote the mission of both the National Wildlife Refuge System and the U. S. Fish & Wildlife Service.

Response 21: Thank you for expressing your concerns about commercial waterfowl hunting guides. When appropriately regulated, we believe commercial guiding is a compatible use of the Refuge and can provide opportunities to waterfowl hunters which might otherwise not exist. The Refuge's compatibility determinations are due for review and updating in 2016.