

COMPATIBILITY DETERMINATION

Use: Commercial Filming

Station Name: St. Croix Wetland Management District

Waterfowl Production Areas - The Migratory Bird Hunting and Conservation Stamp Act, March 16, 1934, (16 U.S.C. Sec. 718-718h, 48 Stat. 452) as amended August 1, 1958, (P.L. 85-585; 72 Stat. 486) for acquisition of Waterfowl Production Areas; the Wetlands Loan Act, October 4, 1961, as amended (16 U.S.C. 715k-3 - 715k-5, Stat. 813), funds appropriated under the Wetlands Loan Act are merged with duck stamp receipts in the fund and appropriated to the Secretary for the acquisition of migratory bird refuges under provisions of the Migratory Bird Conservation Act, February 18, 1929, (16 U.S.C. Sec. 715, 715d - 715r, as amended.

FmHA fee title transfer properties - Consolidated Farm and Rural Development Act 7 U.S.C. 2002.

Refuge Purpose(s):

Waterfowl Production Areas - "...as Waterfowl Production Areas" subject to "...all of the provisions of such Act [Migratory Bird Conservation Act]...except the inviolate sanctuary provisions...." and "...for any other management purpose, for migratory birds"

FmHA fee title transfer properties - "for conservation purposes...."

National Wildlife Refuge System Mission:

...To administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.

Description of Use:

What is the use? Commercial photography, videography, filming, and audio recording (recording) are considered a commercial use in this compatibility determination (CD). Because of their commercial nature, these activities are not priority wildlife-dependent recreational uses identified in the National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997. Therefore, they do not enjoy the special considerations in planning and management accorded to those six wildlife-dependent uses. These activities for noncommercial purposes are considered under separate CDs (Environmental Education and Interpretation, and Wildlife Observation and Photography). This CD does not apply to bona fide news media activities.

Commercial recording typically involves creating a documentary film, taking still photographs, or recording wildlife sounds that are intended to be sold for income or revenue or traded for goods or services. Commercial recording of natural, historic, or cultural subjects are covered under this CD.

Where is the use conducted? The use will be conducted on WPAs throughout the District.

When is the use conducted? WPAs are open throughout the year. The majority of filming would most likely occur between spring and fall but some may occur during the winter.

How is the use conducted? Filming will be conducted on WPAs. Vehicle access will be restricted to parking lots and WPA service trails.

Why is the use being proposed? Wildlife observation and photography are priority public uses on National Wildlife Refuges. Allowing appropriate commercial filming on WPAs will allow a greater segment of the public to enjoy the wonders of WPAs while promoting the entire National Wildlife Refuge System. Quality films and still photos can be an excellent educational and inspirational medium and commercial filming within this context is consistent with the goals of the St. Croix WMD and the Refuge System.

Availability of Resources: The District will provide personnel to review proposals related to this use and to prepare a special use permit. District parking lots and maintenance trails/roads are maintained for public and Service access and there is enough funding and staffing available at this time to administer these facilities and provide opportunities for this activity. The District will not directly supply personnel or equipment to complete proposed commercial filming conducted by non-district personnel. The district manager reserves the right to assign a staff member to accompany permittee(s) during times of audio and/or visual production.

Anticipated Impacts of the Use: Any commercial filming will be allowed via a Special Use Permit. Special conditions in the permit will include, but not be limited to, minimum distances to species, timing within the lifecycle of the flora/fauna, limits on size of film crews, number of visits to specific sites, equipment, etc. Stipulations will be adapted to individual requests to minimize impacts to vegetation and wildlife and ensure that use is consistent with goals of St. Croix WMD and the National Wildlife Refuge System.

Public Review and Comment:

Determinations:

_____ Use is not compatible

_____ Use is compatible with the following stipulations:

To ensure compatibility with the National Wildlife Refuge System and St. Croix WMD goals and objectives and to minimize or exclude adverse impacts as described above, the activity can only occur under a number of stipulations:

1. Videographer/photographer must follow all conditions of Special Use Permit.
2. Alterations to vegetation are prohibited.
3. Permittee will be required to minimize potential impacts to district visitors.
4. The district manager or designee can suspend/modify conditions/terminate photography/recording that is already permitted and in progress should unacceptable, unforeseen, or unexpected impacts or issues arise or be noted.
5. Permittee will be required to minimize potential impacts to the resources of St. Croix WMD.
6. Permit conditions will limit impacts to nesting waterfowl or birds during the spring nesting season.

Justification:

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

Signature: District Manager _____
(Signature and Date)

Concurrence: Regional Chief: _____
(Signature and Date)

Mandatory 10 or 15 year re-evaluation date: 2024