



Compatibility Determination-Felsenthal National Wildlife Refuge-Non-motorized Boating Trail Through Shallow Lake and Grand Marais

USE: Non-motorized boating trail through Shallow Lake and Grand Marais

REFUGE NAME: Felsenthal National Wildlife Refuge (NWR)

DATE ESTABLISHED: 1975

ESTABLISHING AND ACQUISITION AUTHORITY:

- 16 U.S.C. 664 (Fish and Wildlife Coordination Act)
- 16 U.S.C. 460k-1 (Refuge Recreation Act)
- 16 U.S.C. 460k-2 (Refuge Recreation Act (16 U.S.C. 460k-460k-4), as amended)

REFUGE PURPOSES:

- "shall be administered by him [Secretary of the Interior] directly or in accordance with cooperative agreements ... and in accordance with such rules and regulations for the conservation, maintenance, and management of wildlife, resources thereof, and its habitat thereon" 16 U.S.C. 664 (Fish and Wildlife Coordination Act).
- "the Secretary ... may accept and use ... real ... property. Such acceptance may be accomplished under the terms and conditions of restrictive covenants imposed by donors" 16 U.S.C. 460k-2 (Refuge Recreation Act (16 U.S.C. 460k-460k-4), as amended).
- "suitable for (1) incidental fish and wildlife-oriented recreational development, (2) the protection of natural resources, (3) the conservation of endangered species or threatened species" 16 U.S.C. 460k-1 (Refuge Recreation Act).

NATIONAL WILDLIFE REFUGE SYSTEM MISSION:

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

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

DESCRIPTION OF USE:

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

The use is non-motorized boating trails through Shallow Lake and Grand Marais located in Felsenthal NWR. The intent of the trails is to provide visitors a designated area to paddle for the purpose of enhancing existing wildlife-dependent recreation opportunities. Non-motorized boating is not a priority public use of the National Wildlife Refuge System under the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-668ee), as amended by the National Wildlife Refuge System Improvement Act of 1997.

(b) Where would the use be conducted?

The non-motorized boating trails will be positioned through portions of Shallow Lake and Grand Marais in Felsenthal NWR. The Shallow Lake trail will begin at the Deep Slough boat ramp, follow Deep Slough into Fishtrap Lake and connect to Shallow Lake. Paddlers can exit the trail at Shallow Lake boat ramp. The trail's length is 3.6 miles. The Deep Slough boat ramp contains parking for up to 20 vehicles and boat trailers. The parking area is rarely used to capacity. The site has two concrete ramps; a single ramp used primarily for launching motorized boats, and a second single ramp, used for launching non-motorized boats.

Shallow Lake boat ramp contains parking for 30 or more vehicles and boat trailers. The parking area is rarely used to capacity. The ramp is wide enough to launch three boats simultaneously, which will eliminate any conflicts between launching motorized and non-motorized boats.

The Grand Marais Loop Trail is 3.7 miles and begins and ends at the Grand Marais Recreation Site. Grand Marais Recreation Site boat ramp also contains parking for 30 or more vehicles and boat trailers. The parking area is rarely used to capacity. The ramp is wide enough to launch three boats simultaneously, which will eliminate any conflicts between launching motorized and non-motorized boats.

(c) When would the use be conducted?

The non-motorized boating trail will be open during the hours and seasons identified for refuge public use programs, including hours specified by respective Refuge and State regulations. The use of the trail will likely be higher in spring, summer and fall when weather conditions and wildlife occurrences are optimal.

(d) How would the use be conducted?

Interested public would be provided the opportunity to paddle the non-motorized boating trails at their leisure. The trails will be designated with route markers and directional signs. The trails will be considered self-guided. Entrance/access points of the trails will be identified with a sign/kiosk that gives trail information and a map. In addition to published 50CFR regulations

and State regulations, refuge-specific regulations also apply for wildlife observation and photography, environmental education and interpretation. According to Refuge regulation, all users are required to have read the Felsenthal NWR Public Use Regulations and have a signed portion in their possession while visiting the Refuge. This insures all visitors are aware of current requirements, season dates, prohibited activities and other information that may impact their visit. Refuge specific regulations included:

- 1) Signed refuge permits are required.
- 2) The area may be closed on the refuge without warning.
- 3) All boaters are required to operate their craft in equipment in accordance with Arkansas State and U.S. Coast Guard regulations.

(e) Why is this use being proposed?

Hunting, fishing, wildlife observation and photography, and environmental education and interpretation are the six priority public uses of the Refuge System. Where these uses are determined to be compatible, they are to receive enhanced consideration over other uses. Non-motorized boating is considered a compatible use on Felsenthal NWR and is allowed as a means to facilitate these priority public uses. By allowing this use, the Refuge is providing opportunities and facilitating refuge programs in a manner and location that offer high quality, wildlife-dependent recreation while maintaining biological integrity.

Historically speaking, non-motorized boating was the most practical means of traversing the waterways throughout the Felsenthal basin. Currently, there is an increased potential for non-motorized boats to access the Refuge for wildlife-dependent recreation purposes. The shallow swamps and bottoms contain cypress knees and floating logs that create obstacles for motorized boats. Paddling through the sloughs and backwaters provides a less invasive and safer method of transportation. The proposed trail offers a designated area for interested public to explore while ensuring a safe and successful experience.

AVAILABILITY OF RESOURCES:

The Shallow Lake and Grand Marais Canoe trails are compatible with the resources available to administer our visitor services program. Compliance with refuge regulations is handled within the regular duties of the Station Law Enforcement Officer. Facilities or material needs to support this use include maintaining parking areas, signs, boat launching areas, the trail, and providing information through the use of refuge publications and website.

The Friends of Felsenthal, Inc. have secured a grant for maintaining the trails and are also coordinating with the Arkansas Water Trail program for additional funding. The State will provide the signs and kiosks.

Sufficient staff and maintenance funding within our base budget is available to meet annual maintenance requirements including publishing any refuge brochures.

ANTICIPATED IMPACTS OF THE USE:

Wildlife observation and photography and environmental education and interpretation can result in positive or negative impacts to the wildlife resources. A positive effect of allowing visitor access to the refuge will be the provision of additional wildlife dependent recreational opportunities and a better appreciation and more complete understanding of the wildlife and habitats associated with this refuge.

The water trail is expected to result in a modest increase in wildlife-dependent activities such as birding, nature photography and fishing. Visitor use is increasing over time as local residents and tourists become more aware of refuge opportunities. Over time, this has led to a greater appreciation of the Refuge by local communities and a better understanding of the ecological and recreational values of the Refuge. This appreciation will increase as the Refuge progresses in creating new opportunities and programs. The economic advantages of an increasing tourism base will also benefit the local community.

Impacts on other Refuge Users:

Motorized boating has already been established as compatible on the Refuge. The paddle trails will provide a new designated opportunity to the immediate area of Shallow Lake and Grand Marais. It is not anticipated that motorized boating in the area will be effected by the establishment of the trails. Non-motorized boats will launch at either a separate location or at ramps with ample room for launching both motorized and non-motorized boats. Currently, fishing and waterfowl hunting are the main recreational activities that occur near Deep Slough, Shallow Lake and Grand Marais. It is not anticipated that either of the current user groups will conflict with new paddlers. In the event of conflict, the paddle trail may be temporarily closed as per the Refuge Managers' decision during waterfowl hunting seasons.

Disturbance of Wildlife:

Though motorized boats generally have a greater impact on wildlife, even non-motorized boat use can alter distribution, reduce use of particular habitats by waterfowl and other birds, alter feeding behavior and nutritional status, and cause premature departure from areas (Knight and Cole 1995). However, compared to motorboats, canoes and kayaks appear to cause less disturbance to most wildlife species (DeLong 2002); and disturbance to birds in general is reduced when boats travel at or below the 5 mph speed limit.

PUBLIC REVIEW AND COMMENT:

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

DETERMINATION (CHECK ONE BELOW):

USE IS NOT COMPATIBLE

USE IS COMPATIBLE WITH FOLLOWING STIPULATIONS

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

Categorical Exclusion without Environmental Action Statement
516 DM 8, 8.5 (7) Minor changes in the amounts or types of public use on Service or State-managed lands, in accordance with existing regulations, management plans, and procedures.

Categorical Exclusion and Environmental Action Statement

Environmental Assessment and Finding of No Significant Impact

Environmental Impact Statement and Record of Decision

STIPULATIONS NECESSARY TO ENSURE COMPATIBILITY:

To ensure compatibility with refuge purposes and the mission of the National Wildlife Refuge System, wildlife observation, photography, environmental education, and interpretation can occur on the refuge if the refuge-specific regulations are followed and following stipulations are met:

- 1) This use must be conducted in accordance with state and federal regulations (50CFR), and special refuge-specific regulations published in the Public Use Regulations brochure.
- 2) The public use program will be reviewed annually to ensure that it contributes to refuge objectives in managing quality recreational opportunities and protecting habitats, and is subject to modification if on-site monitoring by refuge personnel or other authorized personnel results in unanticipated negative impacts to natural communities, wildlife species, or their habitats. Refuge Law Enforcement Officer(s) will promote compliance with refuge regulations, monitor public use patterns and public safety, and document visitor interactions. Refuge Law Enforcement personnel will monitor all areas and enforce all applicable State and Federal Regulations.
- 3) Boaters must abide by State boating regulations. The Service will monitor boating through our law enforcement program to protect Refuge resources and the visiting public. All Refuge users are required to have read the Public Use Regulations and have a signed portion in their possession while visiting the Refuge.

- 4) A “Paddle Trail” flyer will be developed by the Public Use staff of the South Arkansas Refuges Complex for Felsenthal National Wildlife Refuge. Information provided in this flyer will include a trail map, seasonal and specific area closures and an area description for safety awareness while paddling.

JUSTIFICATION:

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

Specific refuge regulations address equity and quality of opportunities for visitors and help safeguard refuge habitats. Impacts from this proposal, short-term and long-term, direct, indirect, and cumulative, are expected to be minor and are not expected to diminish the value of the refuge for its stated objectives. Conflicts between visitors are localized and are addressed through law enforcement, public education, and continuous review and updating to public use regulations. Conflicts are further reduced by the establishment of seasonal area closures.

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

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

REFERENCES CITED:

DeLong, A. 2002. Managing Visitor Use & Disturbance of Waterbirds. A Literature Review of Impacts and Mitigation Measures.

Knight, R.L. and D.N. Cole. 1995. Wildlife responses to recreationists. Pages 71-79 in R.L.Knight and K.J. Gutzwiller, ed. Wildlife and Recreationists: coexistence through management and research. Island Press, Washington, D.C. 372 pp.

**SIGNATURE: REFUGE
MANAGER:**_____

(Signature and date)

**REVIEW: REGIONAL COMPATIBILITY
COORDINATOR:**_____

(Signature and date)

**REVIEW: REFUGE
SUPERVISOR:**_____

(Signature and date)

**CONCURRENCE: REGIONAL
CHIEF:**_____

(Signature and date)

MANDATORY 10- OR 15-YEAR REEVALUATION DATE:
