

## **Draft Compatibility Determination**

**Use:** Friends Fish Fry and Food Provided During Special Events

**Refuge Name:** Swan Lake National Wildlife Refuge (NWR)

**Establishing and Acquisition Authorities:** Executive Order 7563 established Swan Lake National Wildlife Refuge on February 27, 1937.

### **Refuge Purposes:**

“... as a refuge and breeding ground for migratory birds and other wildlife: ...” Executive Order 7563, dated Feb. 27, 1937

“... for use as an inviolate sanctuary, or for any other management purpose, for migratory birds.” 16 U.S.C. § 715d (Migratory Bird Conservation Act)

“... particular value in carrying out the national migratory bird management program.” 16 U.S.C. § 667b (An Act Authorizing the Transfer of Certain Real Property for Wildlife)

**National Wildlife Refuge System Mission:** The Mission of the National Wildlife Refuge System (NWRS) 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:** This use involves the Friends of Swan Lake NWR (Friends) conducting a Fish Fry and/or providing food to participants at special events as identified in the Friends Partnership Agreement.

### **Is the use a priority public use?**

This use is not a priority public use, but is conducted to provide support for priority public uses.

### **Where would the uses be conducted?**

This use is conducted in the area around the Visitor Center. This area is the area we typically host Refuge special events.

### **When would the use be conducted?**

This use is conducted in conjunction with Refuge special events. Typically it is done in conjunction with a First Fridays at the Refuge event. These events typically occur in the evenings or Saturdays and during the summer months.

### **How would the use be conducted?**

This is an event that is conducted by the Friends of Swan Lake.

Food at Refuge events is provided by the Friends free of charge to participants. The Friends do have a donation box at the food booth. A sign is on the donation box stating that all donations are used to support programs, such as First Friday's at the Refuge or other specific Refuge project or programs. The Friends often partner with various local community organizations such as the Lions Clubs and American Legion, in which they donate the food and provide volunteers to assist the Friends in operating the booth. The food items typically consist of hot dogs, chips and drinks.

The Friends host a Fish Fry once a year as a fundraiser. This is typically done in conjunction with a *First Fridays at the Refuge* event. The Friends provide fried filleted catfish, and serve it to Refuge visitors. They sometimes set a fee for each meal or sometimes just take donations. They do the hot dog booth mentioned above in conjunction with the Fish Fry, so if they are charging a fee people still have an option for a free meal at the hot dog booth. A sign is placed at the booth stating that all funds raised go to support Refuge programs, such as *First Fridays at the Refuge* or other specific Refuge project or programs. All preparation and cooking occurs in an enclosed area that is not accessible by visitors.

### **Why is this use being proposed?**

This use is being proposed because it supports both Service and Refuge-specific objectives. This activity generates a revenue source that will support Refuge visitor services programs. The Friends group leverages the revenue generated to offset the expenses related to the *First Fridays at the Refuge* program, as well as activities related to school tours on the Refuge.

Because funds generated from this activity are put toward visitor services and conservation education by the Friends group, this activity directly supports Swan Lake NWR's ability to promote priority public uses. Consequently, it allows Swan Lake NWR to achieve both objectives 2 (a) and 3(d) of Executive Order 12996 (1996), and the objectives outlined in Section 2.2 and 2.6 of the National Wildlife Refuge System Improvement Act of 1997 (U.S. Congress 1997) that address environmental education through public use.

The proposed use enhances partnerships with other organizations and members of the public who already are or who could become partners in conservation. The proposed use also supports various components of the National Wildlife Refuge System Volunteer and Community Partnership Enhancement Act of 1998, Executive Order 12996 (1996) and the National Policy Issuance #96-09 (U.S. Fish and Wildlife Service 1996). Specifically, Section 3 of the National Policy Issuance #96-09 reads:

Partnerships: America's sportsmen and women were the first partners who insisted on protecting valuable habitat within wildlife refuges. Conservation partnerships with other Federal agencies, State agencies, Tribes, organizations, industry, and the general public can make significant contributions to the growth and management of the Refuge System (U.S. Fish and Wildlife Service 1996).

This proposed use encourages conservation partnerships by building relationships with: future partners in conservation (children), current partners (volunteers), and private organizations, which support available programs.

The proposed use also allows Swan Lake NWR to achieve its objectives as defined in the approved Comprehensive Conservation Plan (CCP) (U.S. Fish and Wildlife Service 2011). Specifically, this use helps to foster the Refuge volunteer program and achieve strategies outlined in the CCP Strategy 1 & 4 of Objective 3-8 (pg. 45). It also supports the Refuge conservation education program by generating funds, through the Friends, to achieve strategies outlined in the CCP Strategy 6 of Objective 3-6 (pg. 44).

### **Availability of Resources:**

#### **What resources are needed to properly (considering quality and compatibility) and safely administer the use?**

Refuge staff will be needed to help coordinate this activity, to ensure that it does not interfere with other Refuge activities. This requires pre-planning several months in advance to schedule activities and coordinate with individuals who are carrying them out. It will require time of the Refuge Manager to issue a Special Use Permit. Event preparation requires staff time to set up and take down for the event, as well as coordination of volunteers to help with these efforts.

Adequate facilities are necessary to carry out this event such as water, buildings, trash cans, parking, and tables for people to eat on.

Necessary supplies and equipment are necessary to prepare the food items, such as fryers, grills, and other ordinary utensils.

#### **Are existing Refuge resources adequate to properly and safely administer the use?**

The activities cited in the “How Would This Use Be Conducted” section of this CD require Refuge staff or qualified Refuge volunteers. If none are available, these activities cannot be carried out for that particular event.

The Refuge Visitor Center area provides adequate space to carry out this event. The Friends provide the volunteers necessary to carry out this activity. The Refuge has adequate water sources, restrooms, trash cans, and tables to carry out this event.

The Friends will provide all the necessary supplies and equipment are necessary to prepare the food items, such as fryers, grills, and other ordinary utensils.

**Accessibility:** The Visitor Center meets accessibility standards requirements. There is accessible parking located in the visitor center parking lot. The serving areas for this activity are on level terrain and easily utilized by people in wheel chairs. The picnic tables that are provided are wheel chair accessible on each end.

### **Anticipated Impacts of the Use:**

#### **How does the Activity affect Refuge purposes and the NWRS mission?**

The Refuge was established to provide for the needs of migratory birds and other wildlife. Educational programs and events such as this do not adversely affect the ability of the Refuge to fulfill this purpose. The activity allows the Refuge and Friends to work together to

build broader constituencies of users who will learn more about the mission of Swan Lake NWR and the National Wildlife Refuge System by coming to Swan Lake NWR to participate in this event and future activities supported by the Friends. Consequently, it helps to broaden partnerships and build overall Refuge support, as identified in the Refuge CCP Strategy 1-4 of Objective 3-8 (pg. 45). This use also generates a source of funds through the Friends to help support future Refuge visitor use programs. Consequently, the use supports the mission of the NWRS and Swan Lake NWR both during its occurrence and the subsequent priority public uses it supports.

**How does this activity affect fish, wildlife, plants, and their habitats; and the biological integrity, diversity, and environmental health of the Refuge/NWRS?**

Migratory Birds

These activities are not expected to adversely affect migratory bird populations that occur on the Refuge. There is no take involved, and the activities occur in developed areas that provide little habitat benefit to migratory birds.

Disturbance

In *Managing Visitor Use and Disturbance of Waterbirds: A Literature Review of Impacts and Mitigations* DeLong (2002) includes a summary of effects on wildlife from disturbance from various forms of recreation. The author documents that disturbance can alter behavior (e.g. foraging time), population structure, and distribution patterns of wildlife. It is probable that these activities would cause some or all of these effects to some degree on Refuge wildlife. A number of measures mitigate these effects, and they are not expected to occur at levels that would interfere with the purposes of the Refuge. The area most directly impacted would be the Refuge Visitor Center, which is a highly developed area intended for use by visitors. Other areas adjacent to access roads would be affected, but these roads are already open to the public. Consequently, there would be minimal increased impacts from this use.

Habitat

Activities from these uses would cause little or no habitat disturbance since they will take place in areas already developed and open to public use.

Biological Integrity, Diversity, and Environmental Health

Activities from these uses are not expected to adversely impact the biological integrity, diversity, and environmental health of the Refuge. These activities occur just a few times a year, and for just a few hours. Further, they occur in developed areas that are not heavily used by Refuge wildlife. An Intra-Service Section 7 Biological Evaluation for listed Endangered Species present on the Refuge has been conducted for the site where this use will occur. Species and determinations include Least Tern (*Stemula antillarum*), Indiana Bat (*Myotis sodalis*), and Piping Plover (*Charadrius melodus*) with a “No Effect” determination. A “Not Likely to Jeopardize candidate or proposed species/critical habitat” determination was made for the Proposed Northern Long-Eared Bat (*Myotis spetentrionalis*) found in the areas around the Refuge.

### Other Uses and Public Safety

Public safety issues are addressed by the placement of this activity in areas that have been set up for these types of activities. Safe and adequate parking is available, and volunteers are available to ensure proper parking. All parking volunteers are provided with orange safety vests. There is a first aid station clearly identified at the Visitor Center. The Visitor Center is staffed with a Refuge volunteer during the event. That volunteer is briefed by Refuge staff prior to the event on what to do in emergency situations.

This use will be evaluated each time they are utilized to make sure unforeseen changes don't cause negative impacts upon other uses or safety issues for Refuge visitors.

Overall, the cumulative impact of this activity on other wildlife-dependent recreation or public safety at Swan Lake NWR is expected to be minor, since it is concentrated in a developed location, under a controlled situation, and only occurs occasionally on the Refuge.

### **Public Review and Comment:**

Public notification and review includes a 30-day comment period with local media announcements and postings at the Refuge Visitor Center, Sumner Post Office and Chillicothe Public Library. Comments received will be included with this document in the final Compatibility Determination.

### **Determination (check one below):**

- Use is Not Compatible  
 Use is Compatible with Following Stipulations

### **Stipulations Necessary to Ensure Compatibility:**

1. A Special Use Permit will be issued by the Refuge Manager unless addressed in the Friends Partnership Agreement.
2. The Friends will have an adequate number of volunteers to ensure these activities are carried out safely in a timely and orderly fashion.
3. All cooking areas for fish and hot-dogs will be partitioned off and only accessible to volunteers helping with the preparation and serving of the food items.
4. All funds received by the Friends are handled in accordance with the Friends Partnership Agreement (Melius, Whitson, and Stanley 2009) or future Friends Partnership Agreements.
5. The Friends will ensure all state, county, and local permits/licensing required for providing food at an event are obtained.

### **Justification:**

In view of the above and with the stipulations previously described, the Friends Fish Fry and food booth at special events will not materially interfere with or detract from the NWR's mission or purposes of the Refuge. Working with partners such as the Friends of Swan Lake National Wildlife Refuge is a priority for the National Wildlife Refuge System. These activities carried out by the Friends help to enhance Refuge events and enrich visitor experiences at these events. Further, this is an activity that helps maintain a strong Friends

organization capable of supporting the mission of the NWRS and Swan Lake NWR. As noted above, not only are numerous generalized USFWS objectives supported, but so too are objectives at Swan Lake NWR.

**Signature:** Refuge Manager \_\_\_\_\_  
(Signature and Date)

**Concurrence:** Regional Chief \_\_\_\_\_  
(Signature and Date)

**Mandatory 10- or 15-year Re-Evaluation Date:** \_\_\_\_\_

### References

- 16 U.S.C. *United States Code, 2010 Edition: Title 16 – Conservation, Chapter 7 – Protection of Migratory Game and Insectivorous Birds*. The U.S. Government Printing Office. Retrieved February 6, 2014 (<http://www.gpo.gov/fdsys/pkg/USCODE-2010-title16/html/USCODE-2010-title16-chap7.htm>)
- Delong, A. K. 2002. “Managing Visitor Use and Disturbance of Waterbirds—a Literature Review of Impacts and Mitigation Measures.” Prepared for Stillwater National Wildlife Refuge. Appendix L (114 pp.) in *Stillwater National Wildlife Refuge Complex Final Environmental Impact Statement for the Comprehensive Conservation Plan and Boundary Revision (Vol. II)*. Department of the Interior, U.S. Fish and Wildlife Service, Region 1, Portland, OR. Available online ([www.fws.gov/stillwater/litreview.pdf](http://www.fws.gov/stillwater/litreview.pdf)).
- Exec. Order No. 7563. 1937. Retrieved February 6, 2014 (<http://www.presidency.ucsb.edu/ws/index.php?pid=61216>)
- Exec. Order No. 12996. 1996. Retrieved February 6, 2014 (<http://www.fws.gov/refuges/policiesandbudget/EO12996.html>)
- Melius, Tom, Steve Whitson, and Darrell Stanley. 2009. Cooperative Agreement between the U.S. Fish and Wildlife Service, Department of the Interior, and Friends of the Swan Lake National Wildlife Refuge. Department of the Interior, U.S. Fish and Wildlife Service, Region 3, Bloomington, MN.
- U.S. Congress. 1997. *National Wildlife Refuge System Improvement Act of 1997*. Passed October 9, 1997. Retrieved February 6, 2014 (<http://www.fws.gov/northeast/planning/downloads/NWRSystemImprovementact.pdf>)
- U.S. Congress 1998. *National Wildlife Refuge System Volunteer and Community Partnership Enhancement Act of 1998*. Passed October 5, 1998. Retrieved February 6, 2014 (<http://www.gpo.gov/fdsys/pkg/PLAW-105publ242/pdf/PLAW-105publ242.pdf>)
- U.S. Fish and Wildlife Service. 1996. *National Policy Issuance #96-09: Subject: Executive Order 12996—Management and General Public Use of the National Wildlife Refuge System*. By Bruce Blanchard. Released December 30, 1996. Effective March 25, 1996. Retrieved February 6, 2014 ([http://www.fws.gov/policy/npi96\\_09.html](http://www.fws.gov/policy/npi96_09.html))
- U.S. Fish and Wildlife Service. 2011. *Swan Lake National Wildlife Refuge: Comprehensive Conservation Plan and Environmental Assessment*. Department of the Interior, U.S. Fish and Wildlife Service, Region 3, Bloomington, MN.