

COMPATIBILITY DETERMINATION

Use: Fruits of the Soil Harvest, Including Shed White-tailed Deer Antlers (e.g. nut, berry and mushroom picking)

Refuge Name: Upper Mississippi River National Wildlife and Fish Refuge (Refuge).

Establishing and Acquisition Authorities: The Upper Mississippi River National Wildlife and Fish Refuge was established by Public Law No. 268, 68th Congress on June 7, 1924. This act authorized acquisition of lands for Refuge Purposes. Additional lands acquired in fee title by the U. S. Army Corps of Engineers are managed as part of the Refuge under a 1963 Cooperative Agreement between the Department of the Army and Department of the Interior.

Refuge Purpose(s): The Refuge shall be established and maintained (a) as a refuge and breeding place for migratory birds included in the terms of the convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and (b) to such extent as the Secretary of the Interior by regulations, prescribed, as a refuge and breeding place for other wild birds, game animals, fur-bearing animals, and for the conservation of wild flowers and aquatic plants, and (c) to such extent as the Secretary of the Interior may, by regulations, prescribe a refuge and breeding place for fish and other aquatic animal life.

National Wildlife System Mission: The National Wildlife Refuge System mission is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of fish, wildlife and plant resources and their habitats within the United States for the benefit of present and future generations of Americans. (National Wildlife Refuge System Administration Act of 1966, as amended (16 U.S.C. 668dd-668ee).

Goals of the National Wildlife Refuge System:

- a. To fulfill our statutory duty to achieve refuge purpose(s) and further the System mission.
- b. Conserve, restore where appropriate, and enhance all species of fish, wildlife, and plants that are endangered or threatened with becoming endangered.
- c. Perpetuate migratory bird, interjurisdictional fish, and marine mammal populations.
- d. Conserve a diversity of fish, wildlife, and plants.
- e. Conserve and restore, where appropriate, representative ecosystems of the United States, including the ecological processes characteristic of those ecosystems.
- f. To foster understanding and instill appreciation of fish, wildlife, and plants, and their conservation, by providing the public with safe, high-quality, and compatible wildlife-dependent public use. Such use includes hunting, fishing, wildlife observation and photography, and environmental education and interpretation.

Description of Use:

What is the use? Allowing the public to collect fruits of the soil and shed deer antlers from the Refuge for personal use.

Some plants growing on the Refuge produce edible products such as fruits and nuts. Examples of these products include blackberries, raspberries, grapes, plums, choke cherries, hazelnuts, walnuts, pecans, and hickory nuts. Harvest is typically during a stretch of several days in summer and fall as particular fruits or nuts ripen. These foods are hand harvested by picking the products from the plant or gathering what has fallen to the ground. Mushrooms and asparagus are examples of plant parts that are collected and consumed. These are picked or cut by hand in the spring. Harvest is during daylight hours and generally involves individuals or small groups. Also included in this use is the collection of shed white-tailed deer antlers for personal use. This use was established in the final rule governing public access, use, and recreation regulations based on comments received and published in the Federal Register on April 24, 2008 (page 22255). Areas open for this use are the same as the rest of the uses in this determination. Antler collection is generally conducted in conjunction with wildlife observation, hiking, or other fruit harvest.

Where is the use conducted? Nearly all of the Refuge has been open to collecting of fruits of the soil since it was acquired. Exceptions include the following areas which are closed to all entry from October 1 through the close of the respective state duck hunting season; Spring Lake Closed Area (Pool 13), Guttenburg Ponds Closed Area (Pool 11) and Pool Slough Closed Area (Pool 9). Additionally, two areas are closed to the public year round due to safety concerns with unexploded ordinance (Lost Mound No Entry Area) and unstable soil conditions (Bertom Island)

Access to harvest sites is typically accomplished by walking from a parking area, boat landing, or public roadway. Access may also be by boat.

Areas open to the collection of white tailed deer shed antlers for personal use include all the areas mentioned above.

When is the use conducted? Mushrooms and asparagus are examples of plants/fungi that are harvested typically in the spring months. Harvest of nuts and berries are typically in the summer and fall months as fruits ripen.

White-tailed deer sheds are usually collected during the early spring months however individuals may collect antlers while participating in other uses such as wildlife observation.

How is the use conducted? Picking of berries, nuts, mushrooms and fruits is many times conducted while participating in other refuge activities such as boating, hiking or wildlife viewing. Some people will park at boat landings or parking areas and walk to sites for fruit and nut collecting, while others will use boats to access islands and other refuge areas. Individuals collecting antlers would be using similar access methods as those described above however they may be frequenting more traditional whitetail wintering areas.

Why is the use being proposed? For some people, this is a traditional, family-oriented activity which provides an opportunity for those participating to collect wholesome foods while enjoying the natural environment. It may also take place in conjunction with other activities that are wildlife-dependent such as wildlife observation while hiking, and photography.

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Availability of Resources: Access trails, parking lots, boat landings, signs, and other facilities are in place to support this use. Staff is also available to maintain these facilities, enforce Refuge regulations, and provide information to the public. Administering this use can thus be done with existing resources for on-going operations, maintenance and public information.

Anticipated Impacts of the Use: Historically, public participation in the collection of plant food products on the Refuge has been low, and future participation is also expected to be low. The quantity and frequency of plant food products removal is not expected to significantly diminish wildlife food sources or jeopardize wildlife survival. Likewise, the collection of shed deer antlers is expected to have low participation by the public due to the relatively low deer population, extensive floodplain conditions making access difficult, and lack of any concentrated wintering areas for deer. Removal of small numbers of deer antlers across 240,000 acres is expected to have no appreciable impact on the availability of nutrients to wild animals which consume antlers, and no impact on other recreational uses.

Disturbance to wildlife may occur from people engaged in these activities, but the disturbance will be local, short-term, and not affect overall feeding, resting, and reproduction activities of wildlife. Wildlife is expected to move to ample adjacent habitat during the activity, and return shortly thereafter. Thus, this activity should not result in long-term impacts that adversely affect fish, wildlife, and plant resources of the Refuge.

Public Review and Comment: This compatibility determination is a re-evaluation of an existing determination. The original compatibility determination was included in the Draft Comprehensive Conservation Plan and Environmental Impact Statement (EIS) released May 1, 2005 for a 120-day comment period. It was also available during a subsequent 90-day review period on a supplement to the EIS released December 3, 2005. Public notification included notices in the Federal Register, media announcements, and 31 public meetings and workshops attended by more than 3,700 persons. No comments specific to this use or determination were received.

A draft of this re-evaluation was released on August 5, 2016 for a 30-day comment period. Public notification of the availability of this CD included media announcements and posting on the Refuge's website. No comments specific to the draft re-evaluation were received.

Determination:

Use is not compatible.

Use is compatible with the following stipulations.

Stipulations Necessary to Ensure Compatibility:

1. No threatened or endangered species may be harvested or cut.
2. Digging of plants or their roots is prohibited.
3. Harvesting aquatic plants including seeds is prohibited, unless specifically authorized by Special Use Permit.
4. Introducing, planting or cultivation of plants for harvest is prohibited.
5. Plant products and shed antlers are for personal use only and cannot be sold or traded. Sale of plant products or shed antlers collected on the Refuge is a commercial activity which is prohibited.
6. Cutting down trees, damaging or removing branches of trees and shrubs, cutting or pulling vines out of trees or shrubs or damaging other vegetation while harvesting fruits of the soil are all prohibited.
7. Harvest of fruits, nuts, berries, mushrooms and asparagus is limited to 2 gallons per person per day.
8. Cutting or removing plants or their parts such as vines or blossoms for ornamental use, or uses other than human consumption of edible plants or plant parts, is prohibited unless specifically authorized by Special Use Permit.

Justification: The use has little impact to wildlife or habitat since it is non-motorized, involves few visitors, and disturbance is local and short-duration. Little harvest occurs in late fall which is the peak of the waterfowl migration. Due to the relatively small number of visitors for this activity and the personal-use-only stipulation, the amount of plants or parts harvested will not create any shortage of wild foods for any particular wildlife species.

Given the Refuge's size and habitat types, antler collection is expected to be scattered and sporadic as people "stumble across" a shed antler on the Refuge during other recreational activities. Allowing antler collection on this particular Refuge will not create any unforeseen biological problems, cause additive wildlife or habitat disturbance, or create a law enforcement issue (commercial collection).

Refuge infrastructure (parking areas, boat landings, etc.) and law enforcement staff already in place will be sufficient to facilitate and administer this use into the future.

In view of the above, fruits of the soil picking, with the stipulations previously described, will not materially interfere with or detract from the purposes of the Refuge or the mission of the Refuge System.

