

COMPATIBILITY DETERMINATION

Use: Gathering Antlers, Nuts, Berries, or Mushrooms

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 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:

Is the use a priority public use?

No. Gathering (antlers, nuts, berries, and mushrooms) is not a priority public use of the National Wildlife Refuge System.

Where would the use be conducted?

Gathering is permitted in any portion of the Refuge open to the public. Mushroom and berry gathering is typically concentrated along roadsides and foot paths and is limited to one gallon per person per day. Antler gathering does occur over the entire Refuge but is typically carried out during the first couple weeks of March and is limited to four antlers per person and restricted to shed antlers only (antlers that have been sawed or still attached to the skull are prohibited from being gathered).

When would the use be conducted?

Gathering of antlers, nuts, berries, or mushrooms would occur during daylight hours from early March (once the Refuge is opened to the public) through late October (when the Refuge is closed to public access).

How would the use be conducted?

Antlers, nuts, berries and mushrooms are seasonally collected on the Refuge for personal use. This occurs without ground disturbance along road sides, edges of fields, and bottomland

forests. Harvest of nuts, berries and mushrooms typically occurs during a stretch of several days in early spring and summer as particular items ripen. These foods are hand harvested by picking the products from the plant or gathering what has fallen to the ground. Mushrooms are picked by hand in the spring. Most antler collecting occurs in March after the Refuge opens to the public. Harvest is during daylight hours and generally involves individuals or small groups. Access to harvest sites is typically accomplished by walking from a parking area or along the side of Refuge roadways.

Why is this use being proposed?

This use has historically been allowed on the Refuge and has become a custom of the local community. The Refuge is open to the public during the time periods that the use is allowed so no additional disturbance is created by allowing this use. Gathering allows the public to build a connection to the Refuge through personal outdoor experiences that engage the senses and foster an appreciation of the outdoors. The Refuge along with Yellow Creek State Conservation Area and Fountain Grove State Conservation Area are the only public lands located in the area that provide the public this type of use. Otherwise opportunities exist on private lands where access is limited for the public.

Availability of Resources:

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

Staff is needed to post regulations regarding these activities, which is accomplished in conjunction with posting other Refuge regulations. Law Enforcement is needed to ensure access at allowed times is adhered to, which is done in conjunction with other Refuge access. Law Enforcement is also periodically necessary to check gatherers to ensure compliance with the restrictions placed on gathering limits.

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

Existing Refuge resources are adequate to ensure this activity is safely administered and carried out according to compatibility requirements.

Anticipated Impacts of the Use:

How does gathering affect Refuge purposes and the NWRS mission?

The Refuge was established to provide for the needs of migratory birds and other wildlife. Gathering does not adversely affect the ability of the Refuge to fulfill this purpose.

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

Wildlife disturbance and removal of wildlife foods are the direct impacts associated with this activity.

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 gathering would cause some or all of these effects to some degree on Refuge wildlife, but at present and expected future levels is not expected to adversely affect wildlife populations on the Refuge. A number of measures mitigate these effects.

Habitat

No adverse impacts to Refuge habitats are expected from this activity. Presently, the level of this use is estimated at 50 visits annually and is not expected to increase much above present rates in the future. The use occurs for short durations during spring and summer when nuts, berries, mushrooms, or antlers are most likely available. Gathering occurs in the same areas as other public uses and practiced at prescribed levels is not expected to harm Refuge habitats.

Biological Integrity, Diversity, and Environmental Health

Gathering of nuts, berries, mushrooms, or antlers conducted in accordance with Refuge regulations is not expected to adversely affect fish and wildlife populations or the biological integrity, diversity, and environmental health of the Refuge as it is defined in Service policy (USFWS 2001). Historically, public participation in the collection of nuts, berries, mushrooms, and antlers on the Refuge is estimated at about 50 visits per year, and future participation is also expected to be at or slightly above the current level. Individuals gathering wild edibles are limited to 1 gallon per day of mushrooms, 1 gallon per day of nuts or berries, and 4 shed antlers per day. This is not anticipated to adversely impact the biological integrity, diversity, or environmental health of the Refuge. Archeological evidence from within the Refuge shows it has been inhabited by humans for more than 12,000 years. Many of the early inhabitants relied heavily on wild plants for food. It is reasonable to conclude that individual gathering today is consistent with the historic conditions of the area.

Other Uses and Public Safety

Gathering is not expected to adversely affect other Refuge uses or public safety. As public use levels on the Refuge expand across time, unanticipated conflicts between user groups may occur. The Refuge's Visitor Services programs would be adjusted as needed to eliminate or minimize each problem and provide quality wildlife-dependent recreational opportunities which include promoting public safety. Experience on many National Wildlife Refuges has proven that time and space zoning (e.g., establishment of separate use areas, use periods, and restrictions on the number of users) is an effective tool in eliminating conflicts between user groups. Overall, the cumulative impact of gathering on priority wildlife-dependent recreation activities or public safety at Swan Lake NWR is expected to be minor.

Public Review and Comment: This compatibility determination was part of the Swan Lake NWR Draft Comprehensive Conservation Plan and Environmental Assessment. Public notification and review included a notice of availability published in the Federal Register, a

30-day comment period, local media announcements, and a public meeting at the Refuge. Comments received and agency responses are included in the final version of the Swan Lake NWR Comprehensive Conservation Plan.

Determination:

 Use is Not Compatible
 X Use is Compatible with Following Stipulations

Stipulations Necessary to Ensure Compatibility:

1. Digging of plants or their roots is prohibited.
2. Plant products are for personal use only and cannot be sold or traded.
3. Quantities are restricted to the gathering of 1 gallon per day of nuts, berries, or mushrooms and 4 shed antlers per day
4. Damaging trees, shrubs or any other vegetation is prohibited.
5. The host plant can not be destroyed or removed for berry picking.
6. Shed Antlers are only allowed to be gathered (those with a bur that indicates it was shed and not forcibly removed). Antlers that have been sawed or still attached to the skull are prohibited from being gathered.

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 the fall, which is the beginning of 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. Refuge infrastructure and law enforcement staff already in place will be sufficient to facilitate and administer this use into the future. In view of the above and with the stipulations previously described, gathering nuts, berries, mushrooms, and antlers will not materially interfere with or detract from the purposes of the Refuge or the mission of the Refuge System. These uses also foster an appreciation of our natural resources by the public and are a means of allowing the Refuge to more effectively connect people to nature as per the Region 3 “Lets Go Outside-Connecting People With Nature” Initiative.

Refuge Manager: Steve Whitton 2-3-11
(Signature and Date)

Concurrence:

Regional Chief: Rick Scholtz 2/15/11
(Signature and Date)

Mandatory 10- or 15-year Re-evaluation Date: 2021

References:

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). Dept. of the Interior, U.S. Fish and Wildlife Service, Region 1, Portland, OR. Available URL: <http://www.fws.gov/stillwater/litreview.pdf>

U. S. Fish and Wildlife Service. 2001. Biological integrity, diversity, and environmental health. 601 FW 3. National Wildlife Refuge System, Department of Interior. Available URL: <http://policy.fws.gov/601fw3.html>