

Compatibility Determination

Use: Irrigation Travelways on Waterfowl Management Wetland Easements and/or FmHA type “C” Wetland Easements.

Refuge Name: Big Stone Wetland Management District (WMD)

Establishing and Acquisition Authorities:

Waterfowl Management Wetland Easements - 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.

Fish and Wildlife Act of 1956 (16 U.S.C. § 742(a)(4)) and (16 U.S.C. § 742(b)(1)); Emergency Wetlands Resources Act of 1986 (16 U.S.C. § 3901(b), 100 Stat. 3583).

Refuge Purposes:

Waterfowl Management Wetland Easements - “...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 (NWRS) Mission:

The Mission of the 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:

Allow Wetland “Texas” crossing/irrigation travelways through wetland areas protected by an easement that prohibits burning, draining, filling, or leveling. More specific details for allowing this use are found in the U.S. Fish and Wildlife Service (Service) Midwest Region Easement Manual.

Is the use a proposed new use or an existing use?

This is not an existing use on the Big Stone WMD.

Is the use a priority public use?

Travelway construction is not a priority public use, as defined by the Refuge Improvement Act of 1997, of the NWRS.

Where would the use be conducted?

This use would occur on Service wetland and habitat easements. Sites where this use would be allowed will be determined on a case by case basis when no other option is available to the easement landowner.

When would the use be conducted?

Travelway construction shall be permitted during times of low wildlife use; that is, when the wetland is naturally dry or in late summer after the breeding and nesting seasons have ended (after August 1).

How would the use be conducted?

The landowner will be responsible for construction of the travelway. A Service representative will be present during construction to approve any maintenance or modifications of the travelway.

Examples of travelways that can be permitted to accommodate sprinkler irrigation equipment are:

- Placement of 4-foot to 5-foot-wide wooden beams placed together with cable in a railroad track style.
- Placement of 4-foot to 5-foot-wide metal mats made of corrugated, expanded or punched metal.
- Removal of the muck layer not to exceed 10 feet in width from the bottom of the wetland and replacing it with sand, gravel or small rock to the natural bottom contour of the wetland.
 - Spoil material must be placed outside the basin.
- Exposure of the hard substrate by removal of muck layer not to exceed 10 feet in width from the bottom of the wetland (only permitted in high water table wetlands).
 - Spoil material must be placed outside the basin.
 - In larger marshes where spoil deposition outside the basin is impractical, use other approved travelway types.

Why is this being proposed?

To assist landowners when their irrigation equipment is not capable of traversing the wetland in its natural condition.

Availability of Resources:

What resources are needed to properly and safely administer use?

Wetland and FmHA easements are currently administered by WMD staff and enforced by Service Federal Wildlife Officers via aerial and ground inspection to ensure landowners comply with the provisions of the easement document. The proposal, design and initial construction of the travelways will require the oversight of the WMD manager with concurrence by a Federal Wildlife Officer.

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

Individual station Comprehensive Conservation Plans detail the needed funds and staffing levels to properly monitor these easements.

Anticipated Impacts of the Use:

How do irrigation travelways on Waterfowl Management Wetland Easements and/or FmHA type “C” wetland easements affect WMD purposes and the NWRS mission?

This use is anticipated to have minimal effect on the WMD purposes and the NWRS mission. These effects are not expected to be significant or enduring after the construction phase of the project.

How do irrigation travelways on Waterfowl Management Wetland Easements and/or FmHA type “C” wetland easements affect fish, wildlife, plants, and their habitats; and the biological integrity, diversity, and environmental health of the WMD?

The construction phase of the project will cause temporary disturbance to wildlife using the wetland easement areas. Installation of properly constructed travelways will result in minimal long-term impacts to the wetlands or wildlife using them. Disturbance by the irrigation equipment itself is expected to be minimal due to the slow rate of movement and acclimatization by wildlife.

Public Review and Comment:

This compatibility determination is part of the 10-year review for Compatibility Determinations in the Big Stone WMD Comprehensive Conservation Plan. Public notification and review will include comment period from 13 February 2014 through 7 March 2014. Comments received and agency responses will be included in the final version of this Compatibility Determination.

Determination:

Use is Not Compatible

Use is Compatible with the Following Stipulations

Stipulations Necessary to Ensure Compatibility:

1. Before a permit is granted the following must be adhered to, and the landowner must demonstrate to the Project Leader’s satisfaction that:
 - Modifications to equipment and/or to the topography cannot be made if it disturbs the wetland.
 - Equipment is incapable of traversing the wetland(s) in their natural condition.
 - There will be no ground water impacts to protected easement wetlands.
 - If there are concerns over ground water related to easement wetlands, the Service will not issue a Special Use Permit (SUP) for travelways.
2. The term of the permit is ten (10) years.
 - The travelway permit is assignable to subsequent landowners and allows maintenance of the permitted facilities only under Service supervision.
 - All permits for irrigation travelways shall be issued by the Regional Director.
 - Permit distribution is as follows: original to landowner, copy to Project Leader, and copy to the Regional Director.
3. Region 3 requires the following stipulations when approving travelway construction:
 - Travelway construction shall be permitted during times of low wildlife use; that is, when the wetland(s) are naturally dry or in late summer after mating and nesting season (August 1).
 - The Service should be present during construction to approve any maintenance or modification of travelways.

Justification:

With the above pre-requisites and stipulations, impacts from this permitted use will be temporary during the construction phase and little-to-none during the operation. This use will not diminish the long-term productivity of the easement wetland(s) for waterfowl production or other migratory bird values. Thus, the use will not materially interfere with the waterfowl production or conservation purpose of the easement.

Signature: Project Leader

(Signature and Date)

Concurrence: Regional Chief

(Signature and Date)

Mandatory 10- or 15-year Re-Evaluation Date: 2024