

**Minnesota Valley National Wildlife Refuge and Wetland Management District**  
**Established 1976**  
**Compatibility Determination**

**Use:** **Commercial Recording** (photography, videography, filming, and audio recording)

**Refuge Name:** Minnesota Valley National Wildlife Refuge & Wetland Management District

**Establishing and Acquisition Authorities:**

Minnesota Valley National Wildlife Refuge (refuge) was established by Public Law No. 94-466, 94<sup>th</sup> Congress on October 8, 1976. The Minnesota Valley National Wildlife Refuge Act authorized acquisition of lands for refuge purposes.

**Refuge Purpose(s):**

The purposes of the refuge “are to (1) provide habitat for a large number of migratory waterfowl, fish, and other wildlife species; (2) to provide environmental education, wildlife recreational opportunities, and interpretive programs for hundreds of thousands of Twin City residents; (3) to protect important natural resource areas from degradation; and to (4) protect the valley’s unique social, educational, and environmental assets.”

**Wetland Management District (district) Purpose(s):**

The purposes of the district are to (1) “administer a complex of wetlands, grasslands, and limited amount of forests that provide good habitat for waterfowl, grasslands nesting birds, and associated species”; and (2) provide “wildlife-dependent recreation, wildlife interpretation, and environmental education to area citizens.” Additionally, the district “contributes to the restoration and protection of the Minnesota River watershed as well as the Cannon River in the Mississippi River drainage basin” through “the restoration of wildlife habitats on fee, easement, and private lands.”

**National Wildlife Refuge System Mission:**

Managed by the U.S. Fish and Wildlife Service (Service), 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:**

This compatibility determination (CD) evaluates the photography, videography, filming, and audio recording (collectively referred to as “recording”) on the refuge and district, conducted of natural, historic, or cultural subjects for commercial use. Commercial recording typically involves creating a documentary film, taking still photographs, or recording wildlife sounds that are intended to be sold for

income or revenue or traded for goods or services. This CD does not apply to bona fide news media activities or developing news stories.

Recording will be restricted to areas determined by the refuge manager and managed via a special use permit (SUP). Special needs will be considered on a case-by-case basis and are subject to the manager's approval.

**Is the use a wildlife-dependent public use?**

Yes, the recording of flora and fauna is a wildlife-dependent public use.

**Where would the use be conducted?**

Recording of natural, historic, or cultural subjects could occur on any lands or waters of the more than 14,000- acre refuge and associated district. Locations of recording would be restricted seasonally to avoid impacts to sensitive wildlife, closed areas, no hunting zones, sanctuaries and other specially designated areas where human disturbance through recording could be detrimental.

**How and when would the use be conducted?**

The use will typically be conducted by a recording crew (generally less than five people) who may or may not be accompanied by a refuge or other government employee (Service, U.S. Geological Survey, or state Department of Natural Resources). Recording may take place day-or-night from a vehicle, on foot, from a boat (non-motorized) or from aircraft. All times of recording and forms of transportation will require pre-approval from the refuge manager and stipulations regarding refuge entry, access locations, and other required coordination will be articulated in the SUP under special conditions.

**Why is this use being proposed?**

The location of the refuge in relation to the Minneapolis/St. Paul metro area attracts news media and a large number of professional photographers and videographers to the natural landscapes. Wildlife observation and wildlife photography are priority public uses on national wildlife refuges. Allowing commercial recording on the refuge when and where deemed appropriate by the refuge manager, will allow a greater segment of the public to enjoy the refuge and associated district while promoting the National Wildlife Refuge System. Quality commercial recordings can be excellent educational and inspirational media. This is consistent with the goals of the refuge.

**Availability of Resources:**

There is sufficient staffing and funding available at this time for the refuge to provide personnel to review proposals related to this use and to prepare a SUP. The refuge manager reserves the right to assign a staff member to accompany permittee(s) during times of recording and assist with transportation if deemed advantageous to the refuge.

**Anticipated Impacts of the Use:**

Commercial filming activities could cause temporary disturbance to bald eagles, water birds, waterfowl, fish, and other wildlife. Disturbance is expected to be localized and of short duration. Wildlife disturbed generally has abundant cover and food on adjacent areas of the refuge and disturbance is likely to have impacts (fright and flight) of short duration.

Any commercial filming will be allowed via SUP which will include specific special conditions. These special conditions will be adapted to individual requests to minimize impacts to vegetation and wildlife and ensure that the use is consistent with goals of the refuge and the National Wildlife Refuge System. These special conditions may include, but not be limited to, minimum distances to species, timing within the lifecycle of the flora/fauna, limits on size of recording crews, number of visits to specific sites, equipment, fees etc.

**Public Review and Comment:**

This CD was widely released to the news media and posted for 14 days at all refuge offices (Bloomington and Rapids Lake) as well as on the refuge website.

**Determination:**

Use is not compatible

Use is compatible with the following stipulations

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

To ensure compatibility with National Wildlife Refuge System and refuge goals and objectives and to minimize or exclude adverse impacts as described above, the activity can only occur under a number of stipulations:

1. All applicable state and federal regulations apply. The permittee is responsible for acquiring or renewing any necessary State and Federal permits prior to beginning or continuing their project.
2. A SUP will be issued to the commercial recording crew. Conditions within the SUP will minimize disturbance to refuge resources.
3. The refuge manager will provide requirements to reduce impacts to plants, wildlife, or other refuge visitors and address these in the special conditions of the SUP.
4. The permittee will provide five (5) copies in an approved format of the final production for use in interpretive and educational programs on the refuge. Copies should be sent to the headquarters address at the end of the production.
5. No blinds, scaffolding, or other structures may be built on the refuge without refuge manager approval.
6. No clearing, removal, or other damage of trees or vegetation is authorized.
7. Permittee and crews must follow public use regulations for the refuge and restricted areas as defined by signs and on maps unless specified otherwise in the SUP.
8. Videographer/photographer(s), designated representatives, and associates shall comply with all refuge regulations and conditions of the SUP as provided by the refuge manager. Person(s) operating under this permit shall carry a copy of the SUP when conducting recording or related activities on the refuge, and display it upon request of refuge officials.
9. Permittee(s) will contact the refuge manager prior to commencement of work, preferably two weeks in advance to identify sensitive areas/wildlife species.
10. The refuge manager or designee can suspend, modify or terminate any recording that is already permitted and in progress should unacceptable, unforeseen, or unexpected impacts or issues arise.
11. All commercial recordings on the refuge or district must reference the fact that they were collected on "Minnesota Valley National Wildlife Refuge" or "Minnesota Valley Wetland Management District."
12. Commercial portrait images filmed on refuge lands, such as wedding parties and high school graduates, shall not be used to promote or sell a product or services to parties other than those whom are the subject of such images.

