

## Draft Compatibility Determination

**Use:** Research

**Refuge Name:** Port Louisa National Wildlife Refuge

### **Establishing and Acquisition Authority(ies):**

The Mark Twain National Wildlife Refuge (NWR), including the land area now managed as Port Louisa NWR, was established under the provisions of a Secretarial Order signed on August 1, 1958. Individual districts of the Mark Twain NWR were designated as separate National Wildlife Refuges in a reorganization change as part of the Comprehensive Conservation Plan (CCP) in 2004. Much of the refuge consists of lands acquired in fee title by the U.S. Army Corps of Engineers that are managed as part of the refuge under a Cooperative Agreement between the Department of the Army and the Department of the Interior.

#### Establishing Authorities:

Refuge Recreation Act (16 U.S.C. 460k-1)

Migratory Bird Conservation Act (16 U.S.C. 715d)

Fish and Wildlife Coordination Act (16 U.S.C. -664)

Emergency Wetland Resources Act of 1986 (16 U.S.C. -3901(b) 100 Stat. 3583)

1985 Food Security Act

In addition, Port Louisa NWR includes the Iowa River Corridor Project (IRCP) which is a partnership between the U.S. Fish and Wildlife Service (Service); Iowa Department of Natural Resources (IDNR); and the USDA Natural Resources Conservation Service (NRCS). The partnership was established in 1993 following the great Midwest flood. As part of the IRCP, National Wildlife Refuge lands along the Iowa River in Benton, Iowa, and Tama Counties are managed by the IDNR through a Memorandum of Understanding. Authority for land acquisition for the IRCP is provided under the Emergency Wetland Resources Act of 1986 (P.L. 99-645).

Authority for this partnership is provided under Chapters 107.24 and 107.30, Code of Iowa; the Migratory Bird Conservation Act of 1929 as amended (16 U.S.C. 715-715r); Migratory Bird Hunting and Conservation Stamp Act of 1934 (48 Stat. 451), as amended (16 U.S.C. 718 et seq.); the Fish and Wildlife Act of 1956 (708 Stat. 1119), as amended (16 U.S.C. 742a-742j); the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460 et seq.); National Wildlife Refuge System Administration Act of 1966, as amended (16 U.S.C. 668dd – 668ee); the Emergency Wetland Resources Act of 1986 (PL 99-645); the Emergency Supplemental Appropriations Act of 1994; and the National Wildlife Refuge System Improvement Act of 1997 (PL 105-57).

### **Refuge Purpose(s):**

- "...for use as an inviolate sanctuary, or for any other management purpose, for migratory birds." 16 U.S.C. -715d (Migratory Bird Conservation Act)
- "...shall be administered by (Secretary of the Interior) directly or in accordance with cooperative agreements...and in accordance with such rules and regulations for the

conservation, maintenance, and management of wildlife, resources thereof, and its habitat thereon,..." 16 U.S.C. -664 (Fish and Wildlife Coordination Act)

- "...suitable for - (1) incidental fish and wildlife-oriented recreational development, (2) the protection of natural resources, (3) the conservation of endangered species or threatened species..." 16 U.S.C. 460k-1 (Refuge Recreation Act)
- "... the conservation of the wetlands of the Nation in order to maintain the public benefits they provide and to help fulfill international obligations contained in various migratory bird treaties and conventions ..." 16 U.S.C. -3901(b), 100 Stat. 3583 (Emergency Wetlands Resources Act of 1986)
- "... for conservation purposes", (1985 Food Security Act in conjunction with the transfer of Farm Service Agency, formerly Farmers Home Administration, property)

IRCP refuge purposes:

Under the acquisition authority of the Emergency Wetland Resources Act, the primary purposes of IRCP refuge lands are the conservation of the wetlands of the nation in order to maintain the public benefits they provide and to help fulfill international obligations contained in various migratory bird treaties and conventions.

The 1995 Environmental Assessment and Finding of No Significant Impact (USFWS) for land acquisition in the Iowa River Corridor Project noted four management purposes: (1) Providing habitat for migratory birds and endangered species; (2) Improving the natural diversity of the ecosystem through restoration and protection of floodplain habitat; (3) Providing an alternative to levee reconstruction and reclaiming damaged farmland; and (4) Increasing public opportunities for outdoor recreation, such as hunting or fishing, and environmental education compatible with the preceding purposes.

#### **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:**

Research is the planned, organized, and systematic gathering of data to discover or verify facts. In principle, research conducted on the refuge by universities, cooperative units, nonprofit organizations, and other research entities furthers refuge management and wildlife management and serves the purposes, vision, and goals of the refuge. The refuge hosts research from a variety of research institutions, including various universities and private research groups. All research activities, whether conducted by governmental agencies, public research entities, universities, private research groups, or any other entity, shall be required to obtain special use permits from the refuge. Approved refuge special use permits will contain conditions under which researchers must operate to help minimize negative impacts to refuge resources such as timing of access, means of access, avoiding closed areas, etc. Refuge staff will oversee all research activities. Priority

consideration will be given to projects that are fish and wildlife management-oriented and that provide needed information for refuge operation and management or provide information on wildlife dependent recreation. Studies that may not answer a specific refuge management question, but add to the scientific literature will also be considered if they do not interfere with refuge purposes.

Research could occur on any parts of the refuge or any time of year depending what the subject of the research is. The locations and timing would be controlled through special use permit to avoid conflicts with refuge purposes.

Research programs are an existing use of the refuge and were previously determined compatible in 2004. This compatibility determination is a mandatory renewal. Research programs are not a priority public use of the Refuge System.

**Availability of Resources:**

Needed resources include the administration of associated special use permits and oversight by refuge staff. These resources are available for the anticipated amount of research needs.

**Anticipated Impacts of the Use:**

Disturbance is expected with some research activities, especially where researchers are entering sensitive habitats and/or working with species of concern. Researcher disturbance would include altering wildlife behavior, temporarily displacing wildlife, collecting soil and plant samples, or trapping and handling wildlife. However, most of these effects would be short-term, and only the minimum number of samples (e.g., water, soils, vegetative litter, plants, and wildlife) required for identification, experimentation, and statistical analysis would be permitted. Captured and marked wildlife would be released. It is possible that direct or indirect mortality could result as a by-product of research activities. Mist netting, for example, can cause mortality directly through the capture method, in trap predation, and indirectly through capture injury or stress caused to the organism. Overall, allowing well designed and properly reviewed research by trained personnel is likely to have very little impact on refuge wildlife populations. The refuge does not anticipate adverse impacts on non-target species or other resources from research activities as these activities are typically geared towards benefiting refuge management of trust resources.

Negative impacts to public use activities are not expected, and no adverse socioeconomic impacts are anticipated. The proposed use will cause only minor and short-term disturbances to some wildlife and little or no disturbance to refuge visitors. Potential conflicts can be managed through the special use permits. News releases or other outreach will be conducted when necessary to inform the public of ongoing field work related to research.

The continuance of research projects is an important management tool that can have considerable beneficial effects on refuge lands and waters. Research findings will assist refuge staff in providing quality wildlife and habitat management and enhance the primary purposes for which the refuge was acquired. Furthermore, research can allow refuge staff to meet management goals at a modest cost to the refuge and provide scientific information for use by other refuges. This use should not result in short-term or long-term impacts that adversely affect the purpose for this refuge or the mission of the Refuge System. The cumulative impacts are minor, as evidenced by the durability of

the terrain, the resiliency of vegetation, and the number and diversity of wildlife that remains in the area with refuge management and public use.

**Public Review and Comment:**

Research was previously determined compatible in 2004 and is now being revised under the mandatory re-evaluation time period. The IRCP was not included in the 2004 Compatibility Determination, but is included here.

A draft of this Compatibility Determination will be available for public review and comment for 14 days at the Refuge Office in April 2016. The document will also be available for public review on the Refuge's webpage, through local media outlets, and notices posted at libraries.

**Determination:**

Use is Not Compatible

Use is Compatible with Following Stipulations:

**Stipulations Necessary to Ensure Compatibility:**

To ensure compatibility with the National Wildlife Refuge System mission and Port Louisa National Wildlife Refuge purposes, goals and objectives, the activity can only occur with the following stipulations:

All research conducted on the refuge must further the purposes of the refuge and the mission of the Refuge System. All research will adhere to established refuge policy on research and policy on collecting specimens (Directors Order Number 109). To ensure that research activities are compatible, the refuge requires that a special use permit be obtained before any research activity may occur. Research proposals and/or research special use permit applications must be submitted in advance of the activity to allow for review by refuge staff to ensure minimal impacts to the resources, staff, and programs of the refuge. Each special use permit may contain conditions under which the research will be conducted. Each special use permit holder will submit annual reports or updates to the refuge on research activities, progress, findings, and other information. Further, each special use permit holder will provide copies of findings, final reports, publications, and/or other documentation at the end of each project. The refuge may deny permits for research proposals that are determined not to serve the purposes of the refuge and the mission of the Refuge System. The refuge will also deny permits for research proposals that are determined to negatively impact resources, or that materially interfere with or detract from the purposes of the refuge. All research activities are subject to the conditions of their special use permits.

**Justification:**

There is a continuing need for research for the conservation of federal trust and focal species and their habitats that occur on Port Louisa NWR. The Service encourages scientific research to further the understanding of refuge natural resources. Many research needs, if undertaken, would support refuge conservation and management efforts. Some of these research needs are to meet the objectives found in various plans and federal mandates. Priority will be given to research projects

that can be applied to current wildlife management or conservation issues, thereby contributing to adaptive refuge management practices and management decisions that are based on the best available science. There will be no notable, permanent negative impacts to any refuge wildlife. This use will not diminish the primary purpose for the refuge and will help meet the mission of the Refuge System by sustaining natural resources for the benefit of the American public and conserving fish, wildlife, and plants on these lands. Scientific research on Port Louisa NWR is consistent with the refuge and refuge system objectives and thus compatible.

**Refuge Manager:** \_\_\_\_\_  
Catherine J. Nigg Date

**Concurrence:** \_\_\_\_\_  
Sabrina Chandler, Refuge Supervisor Date

**Regional Chief:** \_\_\_\_\_  
Charles Blair, Refuge Chief Date

**Mandatory 10 or 15 year Re-evaluation Date: 2026**