

Compatibility Determination

Use: Research, Scientific Collecting, and Surveys by Third Parties

- Research: Planned, organized and systematic investigation of a scientific nature.
- Scientific collecting: Gathering of refuge natural resources or cultural artifacts for scientific purposes.
- Surveys: Scientific inventory or monitoring.

Refuge Name: Fergus Falls Wetland Management District

Establishing and Acquisition Authorities:

Waterfowl Production Areas (WPAs)- 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).

District Purposes:

Waterfowl Production Areas -“...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 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:

District staff receive periodic requests from non-Service entities (e.g., universities, state or territorial agencies, other Federal agencies, nongovernmental organizations) to conduct research, scientific collecting, and surveys on Waterfowl Production Areas (WPAs). These project requests can involve a wide range of natural and cultural resources as well as public-use management issues including basic absence/presence surveys, collection of new species for identification, habitat use and life-history requirements for specific species/species groups, practical methods for habitat restoration, extent and severity of environmental contaminants, techniques to control or eradicate pest species, effects of climate change on environmental

conditions and associated habitat/wildlife response, identification and analyses of paleontological specimens, modeling of wildlife populations, bioprospecting, and assessing response of habitat/wildlife to disturbance from public uses. Projects may be species-specific, refuge-specific, or evaluate the relative contribution of the WPA lands to larger landscape (e.g. northern tallgrass prairie ecoregion, Prairie Pothole Region, flyway, national, international) issues and trends.

The Service's Research and Management Studies (4 RM 6) and Appropriate Uses (603 FW1.10D(4)) policies indicate priority for scientific investigatory studies that contribute to the enhancement, protection, use, preservation, and management of native wildlife populations and their habitats in their natural diversity. Projects that contribute to refuge-specific needs for resource and/or management goals and objectives will be given a higher priority over other requests.

Where would the use be conducted?

Sites for this use would depend on the particular action (research, collecting or survey) being conducted and could occur in a variety of habitat types on WPAs throughout Minnesota. Access would be restricted by Special Use Permit to the minimum sample size or study sites needed to meet stated objectives of the research, scientific collection or survey project.

When would the use be conducted?

The timing of research, collecting and survey activities would depend on the individual project, but currently most research occurs during day-light hours in the growing season (April – August). The Minnesota WPAs are open for research, collecting and survey activities throughout the year, day or night, as officially permitted via the issuance of a Special Use Permit. The timing, duration, number of staff and visits by permittees may be restricted by Special Use Permit at the discretion of the Project Leader.

How would the use be conducted?

Projects will adhere to scientifically defensible protocols for data collection, where available and applicable. Any research study site(s), collection and sampling location(s), and transect(s) can be temporarily marked by highly visible wooden or metal posts or other pre-approved method and must be removed when project is complete. Access to study sites is by foot, truck, all-terrain vehicle, boat, airboat, canoe, and other watercraft. Vehicle use is allowed on District roads, trails, and parking lots normally open to the public or other locations as specified by Special Use Permit.

Why is this use being proposed?

Research, scientific collecting, and survey activities conducted by non-Service entities that do not expand knowledge of natural systems or inform refuge management decisions are considered a refuge use and are therefore, subject to provisions of Appropriate Use and Compatibility policies. However, Refuge staffs recognize these activities may indirectly contribute to the enhancement, protection, use, preservation, and management of refuge wildlife populations and their habitats or directly expand the body of scientific knowledge of District wildlife populations and their habitats or directly advance scientific knowledge of a particular species or species-group or otherwise provide information beneficial to conservation.

Availability of Resources:

District staff responsibilities for projects by non-Service entities will be primarily limited to the following: review of proposals, preparation of SUP(s) and other compliance documents (e.g., Section 7 of the Endangered Species Act of 1973, Section 106 of the National Historic Preservation Act), and monitoring of project implementation to ensure impacts and conflicts remain within acceptable levels (compatible) over time. Additional administrative support, logistical and operational support may also be provided depending on each specific request. Facilities and staff are currently available to provide access, maintain roads, parking lots, secondary access roads, as well as to issue Special Use Permits for research, collecting and survey projects. Staff resources are deemed adequate to manage this use at anticipated levels.

Anticipated Impacts of the Use:

Impacts would be project- and site-specific, and will vary depending upon nature and scope of the field work. Data collection techniques will generally have minimal animal mortality or disturbance, habitat destruction, no introduction of contaminants, or no introduction of non-indigenous species. In contrast, projects involving the collection of biotic samples (plants or animals) or requiring intensive ground-based data or sample collection will have short-term impacts. To reduce impacts, the minimum number of samples (e.g., water, soils, vegetative litter, plants, macroinvertebrates, and vertebrates) will be collected for identification and/or experimentation and statistical analysis.

There also could be localized and temporary effects from vegetation trampling, collecting of soil and plant samples, or trapping and handling of wildlife. Impacts may also occur from infrastructure necessary to support a projects (e.g., permanent transects or plot markers, enclosure devices, monitoring equipment, solar panels to power unattended monitoring equipment). Some level of disturbance is expected with these projects, especially if investigator(s) enter areas closed to the public and collect samples or handle wildlife. However, wildlife disturbance (including altered behavior) will usually be localized and temporary in nature. Where long-term or cumulative unacceptable effects cannot be avoided, the project will not be found compatible. Project proposals will be reviewed by District staff and others, as needed, to assess the potential impacts (short, long-term, and cumulative) relative to benefits of the investigation to refuge management issues and understanding of natural systems.

If project methods impact or conflict with refuge-specific resources, priority wildlife-dependent public uses, other high-priority research and refuge habitat and wildlife management programs, then it must be 1) clearly demonstrated that its scientific findings will contribute to resource management and 2) that the project cannot be conducted off District lands, in order for the project to be compatible. The investigator(s) must identify methods/strategies in advance required to minimize or eliminate potential impact(s) and conflict(s). If unacceptable impacts cannot be avoided, then the project will not be compatible. Projects that represent public or private economic use of the natural resources of any national wildlife refuge (e.g., bioprospecting), in accordance with 16 U.S.C. 715s, must contribute to the achievement of the national wildlife refuge purposes or the National Wildlife Refuge System mission to be compatible (50 C.F.R. 29.1).

All permitted projects found compatible will be assessed by Service staff during implementation to ensure impacts and conflicts remain within acceptable levels per documented stipulations.

Public Review and Comment:

This compatibility determination is part of the 10-year review for Compatibility Determinations in the Minnesota Wetland Management Districts' Comprehensive Conservation Plan. Public notification and review will include a comment period from 14 April 2014 through 5 May 2014. Comments received and agency responses will be included in the final version of this Compatibility Determination.

Determination:

Research, Scientific Collecting and Surveys

Use is Not Compatible

Use is Compatible with the Following Stipulations

Stipulations Necessary to Ensure Compatibility:

1. Prior to conducting investigations, researchers will obtain Special Use Permit(s) from the Refuge that make specific stipulations related to when, where, and how the research will be conducted. Managers retain the option to prohibit research on the WPAs which does not contribute to the purposes of the WPAs or the mission of the Refuge System, or causes undue resource disturbance or harm.
2. Research applicants must submit a study plan to the Project Leader that includes:
 - a. justification and objectives of the study;
 - b. relevance to resource management
 - c. methods, schedule and personnel;
 - d. potential impacts on Refuge wildlife and/or habitat;
 - e. provisions to minimize disturbance, injury, or mortality and prevent the introduction of invasive or pest species;
 - f. compliance with established standards for proper animal care and use;
 - g. data standards and data management plan;
 - h. costs to District, if any; and
 - i. anticipated end products (i.e. reports, publications, recommendations)
3. Research plans will be reviewed by District staff. Evaluation criteria will include, but not be limited to, the following:
 - a. Research that has direct relevance to management will have higher priority than other requests
 - b. Research that conflicts with higher priority research, monitoring or management programs may not be granted.
 - c. Research that causes undue disturbance or is intrusive, will likely not be granted.

- d. If staffing or logistics make it difficult for District staff to monitor researcher activity in a sensitive area, this may be reason to deny the request.
 - e. The length of the project will be considered and agreed upon before approval. Projects will not be open-ended and at a minimum, will be reviewed annually.
4. Researchers must possess all applicable state and federal permits for the capture and possession of protected species, for conducting regulated activities in wetlands, and for other regulated activities. Researchers must demonstrate they have approval from the Animal Care and Use Committee, if such approval is required by their research institution.
 5. Archeological researchers must obtain an Archeological Resource Protection Act permit from the Regional Director prior to obtaining a special use permit from the Project Leader.
 6. Sampling equipment as well as investigator(s) clothing and vehicles (e.g., ATV, boats) will be thoroughly cleaned (free of dirt and plant material) before being allowed on WPA lands, to prevent the introduction and/or spread of pests and invasive species.
 7. Researchers, scientific collectors and surveyors will submit annual progress reports, a final report, and copies of publications (reprints) resulting from the work to the Project Leader.
 8. Researchers, scientific collectors and surveyors will submit an electronic copy of all raw data collected on WPA lands to the Project Leader with the understanding that the researcher will have the opportunity to produce publications based on the data.
 9. If unacceptable impacts to natural resources or conflicts arise or are documented by the District staff, the Project Leader can suspend, modify conditions of, or terminate an on-going project already permitted by SUP(s) on a WPA(s).

Justification:

Use of the Minnesota WPAs to conduct research, scientific collecting, and surveys will generally provide information that would benefit fish, wildlife, plants, and their habitats because they will expand scientific information available for resource management decisions. Scientific findings gained through these projects provide important information regarding life-history needs of species and species groups as well as identify or refine management actions to achieve resource management objectives in refuge management plans (especially Comprehensive Conservation Plans). Reducing uncertainty regarding wildlife and habitat responses to refuge management actions in order to achieve desired outcomes reflected in resource management objectives is essential for adaptive management in accordance with 522 DM 1.

It is anticipated that wildlife species which could be disturbed during the use would find sufficient food resources and resting places so their abundance and use of habitats will not be

measurably lessened on the WPA(s) when permitted under the stipulations described above. Additionally, it is anticipated that project oversight, as needed, will prevent unacceptable or irreversible impacts to fish, wildlife, plants, and their habitats. As a result, these projects will not materially interfere with or detract from fulfilling refuge purpose(s); contributing to the Mission of the National Wildlife Refuge System; and maintaining the biological integrity, diversity, and environmental health of refuge lands.

Signature: Project Leader _____ Date _____
(Project Leader Signature)

Concurrence: Regional Chief _____ Date _____
Charlie Blair

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