

## **Compatibility Determination**

**Use:** Placement of new, small parking areas on Waterfowl Production Areas (WPAs)

**Refuge Name:** Big Stone Wetland Management District (WMD)

### **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).

### **Refuge Purposes:**

Waterfowl Production Areas (WPAs) - “...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 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:**

The construction of small parking areas on any WPA where the Project Leader considers it necessary to provide safe off-road parking and access for the following permitted activities: hunting of migratory birds and resident game animals, hiking, wildlife observation, photography, fishing, interpretation, and/or all priority public uses on NWRS lands. In addition, these parking areas will be used by U.S. Fish and Wildlife Service (Service) personnel in conducting management activities or biological surveys and assessments on each of the WPAs.

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

This is an existing use.

**Is the use a priority public use?**

Constructing small parking areas is not a priority use of the NWRS, however; these parking areas serve visitors who are involved in priority public uses.

**Where would the use be conducted?**

The use would be conducted in non-native grassland or sparse vegetation adjacent to roadways. This would allow visitors to safely get off of road surfaces in order to gain access to our lands that are open for public access.

**When would the use be conducted?**

Parking areas are typically constructed when the ground is not frozen, as they are primarily constructed by pounding or digging in posts. This could occur from March to November. Parking areas are usually constructed in one day but occasionally take two days, so the duration of the disturbance on the sites is very short. The lifespan of a parking area is typically 20+ years, so the need for major disturbance more frequently is unlikely.

**How would the use be conducted?**

Heavy equipment is used to construct parking areas. The disturbance involved in this development is typically limited to one day to install the area. In most cases the areas are mowed once per year in order to prevent wildfires from vehicles during major use times.

The parking areas will be less than an acre in size and will be relatively primitive facilities such as grass or gravel surfaced. Barriers to restrict motorized vehicles within the parking areas and to identify the parking area boundary generally will be constructed of wood posts, wire fence or rock barriers, appropriate and available on a site specific basis. In some cases small access trails are present to allow safe access to these units. Most areas will accommodate 5 – 15 vehicles, and thus the human impact from their use is minimal.

**Why is this use being proposed?**

The public has access to nearly all WPAs. The Service establishes parking areas to create access points where rules, regulations, guidelines, and information can be provided to those who access Service lands. Due to the accessible nature of the land, safety of the public and staff is a concern. The development of parking areas provides a location for users of a WPA to safely park off of the road and out of traffic.

**Availability of Resources:****What resources are needed to properly and safely administer use?**

A minimal amount of supplies, such as wood posts, steel posts, wire and gates are used for the construction of these parking areas. On an annual basis, stations only construct a handful of these areas, so the material cost is low. The annual labor involved with construction is typically less than one week's time for two staff members. Maintenance of the areas typically involves mowing once per year in order to prevent wildfires during high use times of the year. Law enforcement of rules and policies is probably the largest expenditure of time, but in the

enforcement of many other rules, policies and boundary compliance, parking area law enforcement does not significantly add to the work load.

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

WPAs are open to all priority public uses. Parking areas require a minimal effort of time and resources to construct so that the public and our staff have safe access to WPAs. Most of the time less than \$1,000 is spent annually on materials and one week of time is required for two staff members to do new installations. Parking areas require a fair amount of staff time to keep in compliance as well as about 2 weeks of one person's time to mow them and maintain them for public safety. Graveled parking lots are more costly; approximately \$2,000 per lot, but the annual mowing maintenance can be less. The staff time involved with installation, maintenance and compliance is completely acceptable for the safety provided to staff and the public.

**Anticipated Impacts of the Use:**

**How does the placement of new, small parking areas affect WMD purposes and the NWRS mission?**

Installation and use of these parking areas does not adversely affect WMD purposes and helps fulfill the mission of the NWRS by providing a designated area for users to park, encouraging priority usage.

**How does the placement of new, small parking areas affect fish, wildlife, plants, and their habitats; and the biological integrity, diversity, and environmental health of the WMD?**

Installation and use of these parking areas will result in minimal impacts to fish, wildlife, plants, and their habitats, as these parking areas are used infrequently during most of the year by either the public participating in authorized and permitted activities or by Service personnel. Peak use of these areas will generally occur during fall hunting seasons when minimal disturbance to nesting or young animals will result. Impacts to habitat will be minimal due to their relatively small size (<1acre) by comparison to the average size of the WPA (average < 200 acres). Impacts will be lessened by selection of sites away from any wetland or native prairie. Generally, parking areas will be constructed at or near abandoned farm sites utilizing existing gravelled driveways or previously constructed farm field approaches immediately off of public roadways. Parking lots constructed within the interior of a unit will be avoided whenever possible to minimize wildlife disturbance, impacts to unique or critical habitats and conflicts with other authorized public uses.

**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 a 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

  X   Use is Compatible with the Following Stipulations

**Stipulations Necessary to Ensure Compatibility:**

1. Parking areas must not be constructed in areas where wetland impacts will result.
2. Parking areas must not be constructed on native prairie habitat.
3. Location of parking areas within the interior of each unit should be avoided whenever possible.
4. An archaeological review of each selected site shall be made through the Regional Historic Preservation Officer prior to construction.

**Justification:**

This use has been determined compatible provided the above stipulations are implemented. This use is permitted as it is deemed necessary to provide safe off-road access by the public to participate in appropriate and permitted priority uses and will not diminish the primary purposes of waterfowl production and the conservation of migratory birds and other wildlife. This use will meet the mission of the NWRS by providing resources for the benefit of the American public while conserving fish, wildlife and plant resources on these lands.

**Signature:** Project Leader

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(Signature and Date)

**Concurrence:** Regional Chief

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(Signature and Date)

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