

Draft Compatibility Determination

Title

Draft Compatibility Determination for Cultural Resource Use (Plant Collection)
Bosque del Apache National Wildlife Refuge

Refuge Use Category

Natural Resource Collection

Refuge Use Type(s)

Plant gathering (non-commercial)

Refuge

Bosque del Apache National Wildlife Refuge

Refuge Purpose(s) and Establishing and Acquisition Authority(ies):

Bosque del Apache National Wildlife Refuge (NWR or refuge) was established on November 22, 1939, by Executive Order No. 8289, as a refuge and breeding ground for migratory birds and other wildlife. The refuge is managed by the U.S. Fish and Wildlife Service (Service).

REFUGE PURPOSE(S):

A primary purpose for the establishment of Bosque del Apache is “...for use as an inviolate sanctuary, or for any other management purposes, for migratory birds” (Migratory Bird Conservation Act of 1929 (16 U.S.C. 712d).

Furthermore, the Wilderness Act of 1964 provides the following purposes for the Chupadera, Indian Well, and Little San Pascual Wilderness Areas of the refuge:

“...to secure for the American people of present and future generations the benefits of an enduring resource of wilderness... Wilderness areas ... shall be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness, and so as to provide for the protection of these areas, the preservation of their wilderness character, and for the gathering and dissemination of information regarding their use and enjoyment as wilderness.”

National Wildlife Refuge System Mission

The mission of the National Wildlife Refuge System (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 (Pub. L. 105-57, 111 Stat. 1252).

Description of Use

Is this an existing use?

No.

What is the use?

This compatibility determination (CD) addresses plant gathering and collection for ceremonial, religious, medicinal, educational and traditional uses. More specifically, this use covers the collection of berries, fruits, grasses, marsh plants (e.g., cattails), mushrooms, nuts, roots, wild rice or other plants, plant parts, or plant products for non-subsistence, non-research purposes, and non-commercial purposes.

Culturally important plants that naturally grow in the wetlands, marshes, riparian and forested areas have been collected by people for generations. Plant collection involves taking cuttings from live plants or plants that have reached senescence (dead or dying). Species identified for potential use would include cattail (*Typha spp.*) and corn (*Zea Mays*). Other specific use requests will be coordinated with requesting individuals or groups and the Refuge Manager. Plant collections would not be permitted for listed threatened or endangered species, species of special concern, or state listed species.

Non-commercial plant gathering would require an individual or group to submit a formal application for a Special Use Permit (SUP) to Bosque del Apache National Wildlife Refuge.

Is the use a priority public use?

No

Where would the use be conducted?

The use will be refuge-wide on fee-title lands which currently totals about 51,000 acres. Refuge staff and the permit applicant will discuss and agree on areas and units that will be allowed if off-trail access is requested for plant collection. The persons engaged in these activities will use existing access points, parking lots, signage, and refuge roads to access collection sites.

The refuge will allow plant gathering where this activity will not significantly impact either wildlife or wildlife habitat, which may vary from year to year depending on current and recent climatic conditions.

When would the use be conducted?

The use will be year-round, or during times which the refuge is generally open to the public, one hour before sunrise to one hour after sunset. Extended times may be requested and considered through the SUP process. There are occasions when the use would not be permitted in certain areas such as during active research and monitoring activities, when on-the-ground management is being implemented (e.g., prescribed fire, tree thinning, etc.), and during special events. Timeframe and other restrictions may vary from year to year and will be addressed in the individual SUPs.

How would the use be conducted?

Non-commercial plant gathering would require an individual or group to submit a formal application for a Special Use Permit (SUP) to Bosque del Apache National Wildlife Refuge. Evaluation of a SUP application would consider this use on a case-by-case basis to prevent impacts to important refuge resources (threatened and endangered species, cultural resources, etc). Interested parties will be granted reasonable access to refuge lands and waters to gather plants for ceremonial, religious, medicinal, educational, and traditional purposes when the activity approved through the SUP process. This compatibility determination does not authorize the propagation of any new species on the refuge.

When an individual or group requests to conduct natural resource collection or gathering on the refuge, the applicant must formally request such use from the Refuge Manager (through a Special Use Permit application). The Refuge Manager then issues the applicant a SUP with specific restrictions on timing, duration, seasonality, and location of the use, plants and items that can be collected, and the amount of collection permissible that the gatherer(s) must follow relative to activity, to ensure continued compatibility. The SUP must be carried on person by the individual or group while conducting the use on the refuge. Permits will only be issued when the proposed plant gathering and collection is used for ceremonial, religious, medicinal, educational or traditional uses. This use is not allowed for commercial purposes. All refuge rules and regulations must be followed unless otherwise provided in writing by refuge management.

Why is this use being proposed or reevaluated?

Plant collection is proposed on the refuge because it is a traditional cultural use of the area, and plant parts and products may be valuable for traditional use or cultural understanding. In addition, this use supports interpretation of the area by expanding the appreciation and understanding of refuge resources. Specifically, this use is being evaluated in response to current inquiries of surrounding Tribes.

Availability of Resources

We do not anticipate significant resources being needed to administer this activity. Current refuge staffing is sufficient to provide review and administration of SUPs for this use. If the number of SUPs per year greatly increases, then SUPs may be limited or additional staffing may be needed.

Anticipated Impacts of the Use

Potential impacts of a proposed use on the refuge's purpose(s) and the Refuge System mission

While both positive and negative effects stemming from this use could occur, the negative effects are likely short-lived and will have no or negligible impact on refuge resources. Positive impacts include the potential for heightened visitor engagement. Introducing this plant collection use could bring new visitors to the refuge that might not otherwise visit.

Short-term impacts

Short-term impacts resulting from plant collection would be caused by visitation and the specific plant collection methods approved in an SUP. Minor trampling of vegetation, soil compaction, and wildlife disturbance would result from visitor foot traffic and vehicle noise. Vegetation will recover quickly from minor trampling, soil compaction should be minor with low enough visitation rates, and wildlife has plenty of nearby habitat to retreat into. SUP applications will be carefully evaluated to protect ecologically sensitive areas, species, and cultural resource sites. Visitors will be advised to stay on roads and trails when possible.

Long-term impacts

There are no anticipated adverse long-term impacts resulting from plant collection. Ultimately, this activity will add to the diversity of public use opportunities on the refuge, which, in combination, will result in beneficial long-term impacts on the human environment.

Public Review and Comment

This compatibility determination is being made available for public comment for 30 days from March 1 through April 1 which will be announced on the refuge's website. Comments received will be addressed in this section and updated within this document, if applicable. Letters will be sent to parties who have indicated interest in this use. Comments will be accepted through this email R2_plancomments@fws.gov.

Determination

Is the use compatible?

Yes

Stipulations Necessary to Ensure Compatibility

To ensure compatibility with refuge purposes and the mission of the Service, all individuals interested in plant collection related to plant gathering and collection for ceremonial, religious, medicinal, educational and traditional uses must receive a Special Use Permit prior to actively participating in this use. The permit will indicate when, where, and how the permit holder may participate in plant collection.

Stipulations necessary to ensure compatibility that will be included in special conditions of the SUPs include:

1. Plant material collection will occur during regular refuge hours and will avoid overlap or interference with refuge operations (e.g. habitat management, biological data collections, public events, hunt dates), and avoidance of other SUP-holders' locations/study areas to ensure the safety of all permit holders while actively engaged in plant collections.
2. Valid for a specific period of time, but not longer than 1 year;
3. Permit holders must provide at least 48 hours' notice prior to conducting activities within the boundaries of the refuge to ensure safety relative to refuge operations, removal of any equipment or trash from the refuge at the end of every day; ensure minimal disturbance of collection areas;
4. Permit holders provide the Refuge Manager with a short summary of the plants collected annually to assist with monitoring of the use.
5. This use is not allowed for commercial purposes.
6. All refuge rules and regulations must be followed unless otherwise provided in writing by refuge management.

Justification

The stipulations outlined above would help ensure that the natural resource collection- plant gathering (non-commercial) is compatible at the refuge. Plant gathering (non-commercial) as outlined in this compatibility determination, would not conflict with the national policy to maintain the biological diversity, integrity, and environmental health of the refuge. Based on available science and best professional judgement, the Service has determined that the plant gathering (non-commercial) at the refuge, in accordance with the stipulations provided here, would not materially interfere with or detract from the fulfillment of the Refuge System mission or the purpose of the Bosque del Apache NWR.

Signature of Determination

Refuge Manager Signature and Date _____

Signature of Concurrence

Assistant Regional Director Signature and Date _____

Mandatory Reevaluation Date

2034

Literature Cited/References