

Upper Mississippi River Commission Notes

August 6, 2003

Motor Vessel Mississippi

Pool 7

Present: Bill Howe, Robin Grawe, Marc Schultz, John Wetzel, and Bill Burke.

The meeting was called to order at 12:20 PM by Vice-chair Bill Howe.

The next meeting was set for September 17, 2003 at the Lake City Yacht Club at 10:30 AM. Robin noted that John Campe had said a picnic lunch could be arranged. It was agreed to invite a representative from Congressman Kline's office to discuss his efforts regarding the Minnesota River.

Pool Plans: It was agreed that John Wetzel and Marc Schultz would attend the Fish and Wildlife Workgroup meeting on August 13. Robin reported that she was discussing with Congressional aides best methods of distribution to Congressional offices and would be preparing a report with Tim Schlagenhaft.

Recreation: John Wetzel reported that since recreation and recreational management funding was becoming more frequently discussed, he and Marc Schultz had prepared a rough draft of legislation to fund recreational management on the UMR through a partnership with the states. (See Appendix A). He and Marc recommended that from here the proposal be refined and then referred to other organizations such as area chambers of commerce, FUMMR chapters, boating clubs, the La Crosse County Conservation Alliance, and the like as well as to the agencies for comments and recommendations. Marc cited a need to pinpoint responsibility for managing recreation. Bill Burke noted the problems created by multiple jurisdictions.

Adjournment: The meeting adjourned at 12:30.

Respectfully submitted,

Robin Grawe, Secretary

Appendix A

CCP Write UP: Suggested Federal Legislation for Funding Recreational Management on the Upper Mississippi River—drafted by John Wetzel

What to do with recreational uses including camping on the Upper Mississippi River Refuge properties? (See Note)

1. There appears to be a basic contradiction with current Laws/Policies governing the U.S. Fish & Wildlife Service (FWS) and their ability to sanction, manage and patrol the various open recreational activities, including camping, that take place on Upper Mississippi River Wildlife and Fish Refuge property. The refuge even if the current policy review, triggered by the ongoing Comprehensive Conservation Planning process does approve camping, this basic contradiction will still exist and will undoubtedly trigger future reviews. (Refuges are primarily focused on the protection and management of wildlife species with human uses either designated by Law or required to meeting compatibility requirements. Camping is not a listed legal human use. No other Refuge of which we are aware, has the extensive recreational activities that occur on the Upper Mississippi River Refuge.)
2. There is also an apparent contradiction in Federal Law (or at least between Federal Agencies) as the U.S. Army Corps of Engineers (COE) is charged with providing open recreational opportunities on their project areas. (This needs to be further clarified but is another project case of the problems that are encountered when a Refuge and navigational project are imbedded within each other.)
3. In addition, neither the FWS nor COE is specifically charged with or has felt obligated to adequately manage the recreational activities on the Mississippi River including a request rfor adequate funding (actually no one has asked for any recreational funding) to manage and patrol such activities. In addition, each state bordering the Upper Mississippi River has expressed interest in providing recreational opportunities for their citizens on the River, but must work with one of the Federal Agencies (FWS or COE) to implement such activities as camping. Obviously it is difficult to work with agencies that do not specifically acknowledge or accept responsibility for the activity in question.

Note: Properties that are managed by the FWS as part of the Refuge are owned by either the FWS or COE. Properties owned by the COW are managed by the FWS.

- 4, Therefore, it is time to clarify which Federal Agency (FWS or COE) is in charge of the various recreational activities on the Upper Mississippi River Refuge properties, provide direction and funding and define involved partners.

Ideas on New Legislation Regarding Management of Recreational Activities on The Refuge

- 1. Federal Agency in charge: U.S. Fish and Wildlife Service (They are currently in charge of managing these properties).
 2. Partners that the FWS must coordinate with: COE and States of Illinois, Iowa, Minnesota and Wisconsin.

What the New Legislation should provide.

- 1. Provide specific authority for the FWS to manage, plan, develop and patrol a variety of recreational activities and opportunities, including camping, on lands owned or managed as part of the Upper Mississippi River National Wildlife and Fish Refuge. (Should Mark Twain Refuge be Included?)
 2. Designate that the FWS must coordinate with the listed Partners (COE, and States of Illinois, Iowa, Minnesota and Wisconsin to define acceptable recreational activities and provide rules and regulations that will govern such activities on The Refuge.
 3. Provide authority for the FWS to receive up to \$1,000,000 from the Federal gas tax fund to coordinate, plan, manage, develop and patrol recreational activities on the Refuge. Provide that a portion of these funds, no to exceed \$20,000, shall be provided to each Partner if they apply for and adequately document such expenditures. In addition, the FWS may contract with Partners or others to assist with patrol activities.

Brief List of Potential Expenditures of \$1 million Dollars from the Federal gas tax fund.

- 1, Partner Payments: \$ 100,000
2. Refuge Recreational Coordinator: \$80,000
3. District Management/Recreational Activities--\$10,000/District: \$40,000
4. Two District Recreational Managers: \$120,000
5. Patrol Officers Recreational Activities—
 - a. Refuge Coordination: \$10,000
 - Districts - \$20,000 Each: \$80,000
 - Yearly Equipment: \$20,000
 - \$110,000
6. Patrol Contracts with Partners, Counties, Etc: \$100,000
7. Yearly needs for development and/or reconstruction of recreational activities infrastructure including camping: \$200,000

\$750,000

Final Ideal

1. Refuge Understanding:

(Note) The Refuge, Description and Understanding:

The Upper Mississippi River National Wildlife and Fish Refuge (the Refuge) is unique within the Federal Refuge System. It encompasses 190,000 (?) acres stretching for 2600 miles from the Chippewa River (Wabasha, MN) in Wisconsin to the Quad Cities in Illinois/Iowa.

The Refuge has been designated a nationally significant ecosystem? In federal legislation. It coexists with a nationally significant navigation system that courses through the length of the Refuge ___? Jurisdiction of the COE. Portions of the Refuge's land base is owned by the COE and managed by the FWS under an Inter-Agency Memorandum of Understanding.

The Refuge is less than four miles wide throughout most of its length and borders four states, ___ counties, and multiple townships, villages and cities. Many of these governmental entities have legal jurisdiction that overlap the River proper or affect the River environment. Many of these jurisdictions also own land that lies within the River floodplain or has authority for zoning of the private property within the floodplain. All these properties coexist with and border Refuge property.

All of the above agencies and jurisdictions own and manage multiple boat landings and there are private and public marinas that are located along the length of The Refuge. These facilities provide access for tens of thousands of recreational boats of all sizes that utilize the Mississippi River each year. Open navigation is allowed on the Mississippi River and guaranteed by Federal Law and State Statutes. Many of these boats utilize the shoreline and beaches, especially along the main navigational channel, for such activities as picnicking, bank fishing, games (volleyball etc), camping, hunting and other activities. Most of these activities take place on Refuge property.

It would be impossible to restrict most of these uses as they can occur along out of the way shoreline/beach areas and at all hours. It would take a small army of law enforcement officers to stop such activities and the strong adverse reaction would soon put a stop to such efforts. It is thus better to be proactive and resolve the current legal problems that plague the FWS concerning these activities and the contradictions, mandates given to the FWS and COE.

It is time to address these inconsistencies on the Refuge through new legislation that designates either the FWS or COE as being the Federal Agency in charge of recreational activities on Refuge property and provide funding to adequately manage such activities.

