

# Draft Compatibility Determination

## Title

Compatibility Determination for Fishing, Bear River Migratory Bird Refuge

## Refuge Use Category

Fishing

## Refuge Use Type(s)

Fishing (non-commercial)

## Refuge

Bear River Migratory Bird Refuge

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

Bear River Migratory Bird Refuge (Refuge) was established in 1928 and is located in Box Elder County in Utah. Currently, the Refuge encompasses 78,036 acres along the Wasatch Front, primarily in the valley between the Wellsville Range and the Promontory Range. The Refuge is comprised of deltaic wetlands that make up numerous wetland impoundments, wet meadows, and uplands. The Refuge is associated with the following Refuge purposes, and establishing and acquisition authorities:

... refuge and feeding and breeding grounds for migratory wild fowl; ... shall be maintained as a refuge and breeding place for migratory birds included in the terms of the convention between the United States and Great Britain for the protection of migratory birds, ...45 Stat. 448, dated Apr. 23, 1928. "... at no time shall less than 60 per centum of the total acreage of the said refuge be maintained as an inviolate sanctuary for such migratory birds." 45 Stat. 449, dated Apr. 23, 1928. "... for use as an inviolate sanctuary, or for any other management purpose, for migratory birds" 16 U.S.C. § 715d (Migratory Bird Conservation Act) "... for conservation purposes ..." 7 U.S.C. § 2002 (Consolidated Farm and Rural Development 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 the development, advancement, management, conservation, and protection of fish and wildlife resources ..." 16 U.S.C. § 742f(a)(4) "... for the benefit of the United States Fish and Wildlife Service, in performing its activities and services. Such acceptance may be subject to the terms of any restrictive or affirmative covenant, or condition of servitude ..." 16 U.S.C. § 742f(b)(1) (Fish and Wildlife Act of 1956) "... for the establishment and maintenance of migratory waterfowl refuge..." (Utah Code Annotated 23-21-6(1).

## 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?

Yes, this compatibility determination (CD) re-evaluates and replaces the 1994 CD for fishing. Fishing has occurred on the Refuge since 1994.

What is the use?

**Fishing (non-commercial)** - The harvest of fish, shellfish, or other aquatic organisms for recreational purposes and/or personal consumption (includes collection of bait for personal use).

The U.S Fish and Wildlife Service (Service) proposes to continue to allow fishing (non-commercial) on Bear River Migratory Bird Refuge. It is a priority public use of the National Wildlife Refuge System under the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-668ee) and the National Wildlife Refuge System Improvement Act of 1997 (Public Law 105-57).

Is the use a priority public use?

Yes

Where would the use be conducted?

Fishing may occur in designated areas including: along the Bear River Channel delta west of the Auto Tour Route gate within signed boundaries; along the south shore of the Bear River Channel on designated Refuge-owned lands east of the Auto Tour Route gate, and in designated areas accessible from West Forest Street along Reeder Canal, Whistler Canal, "O" Line Canal, Duckville Parking Lot, and the Auto Tour Route entrance, as indicated on the fishing brochure map (Figure 1). The refuge manager may modify designated fishing areas due to changing conditions. Closures may be required if annual fishing program assessments show unacceptable impacts to habitat or wildlife. Conversely, closed areas may be opened if conditions improve enough to allow fishing or if newly acquired property allows for the expansion of fishing opportunities. Future updates, changes, and additions to designated fishing areas will be reflected in the Refuge's fishing brochure map.

When would the use be conducted?

Fishing west of the Auto Tour Route gate is allowed in designated areas from sunrise to sunset. Fishing east of the Auto Tour Route is allowed 24 hours a day throughout the year.

Entry to individual Refuge areas may be temporarily restricted during occasions of unusual or critical conditions affecting land, water, vegetation, wildlife populations, or public safety. Additional changes to fishing access may occur if the Refuge determines that further restrictions are needed to maintain the compatibility of the Refuge fishing program.

How would the use be conducted?

To the greatest extent possible, fishing will be consistent with Utah State regulations for length, bag and possession limits and harvest methods for authorized species. However, the Refuge may enact additional regulations if annual fishing program evaluations demonstrate a need for further seasonal or area restrictions due to factors such as staffing deficiency; safety issues; fishing demand; effects to Refuge habitat management programs, and disturbance to waterfowl, wading birds, and shorebirds.

General guidelines, regulations, and prohibited activities currently include:

- (a) Fishing is allowed in accordance with Utah State regulations. See the Utah Fishing Proclamation available at the Refuge's Visitor Center and at [Fishing regulations & guidebook](#).
- (b) Parking is permitted in designated parking areas only. Parking in front of or blocking gates is prohibited.
- (c) Fishing may occur in designated areas including: along the Bear River Channel delta west of the Auto Tour Route gate within signed boundaries; along the south shore of the Bear River Channel on all Refuge-owned lands east of the Auto Tour Route gate, and in designated areas accessible from West Forest Street along Reeder Canal, Whistler Canal, "O" Line Canal, Duckville Parking Lot, and the Auto Tour Route entrance. Designated fishing areas may be modified due to changing conditions. Future updates, changes, and additions to designated fishing areas will be reflected in the Refuge's fishing brochure map.
- (d) Access to designated fishing areas is walk-in only. Driving off road is prohibited.
- (e) Fishing from Refuge bridges and water control structures is prohibited.
- (f) Fishing outside of designated areas is prohibited.
- (g) Littering is prohibited. Pack out all trash including bait, fishing line, and hooks.
- (h) Boating on the Refuge is allowed in accordance with Utah State regulations. Boat access is only allowed at designated boat ramps on the Bear River. The Refuge provides access to the Bear River from one boat ramp located at the site of the Historic Duckville Gun Club. This ramp is indicated on Refuge brochures, maps, and kiosks.

These regulations may be modified as conditions change. Specifics regarding fishing requirements and designated areas open to fishing can be found in the Refuge's fishing brochure.

A special use permit would not be required.

Why is this use being proposed or reevaluated?

Fishing is being reevaluated because pursuant to 603 FW 2 (Compatibility), the Service will "reevaluate compatibility determinations for existing wildlife-dependent recreational uses when conditions under which the use is permitted change significantly, or if there is significant new information regarding the effects of the use, or concurrently with the preparation or revision of a comprehensive conservation plan, or at least every 15 years, whichever is earlier."

The continuation of the Refuge's fishing program will be consistent with the visitor services goal from the Refuge's forthcoming Comprehensive Conservation Plan to: "provide welcoming, meaningful, educational and engaging nature-centric experiences for individuals of all abilities and cultural backgrounds on the Refuge and in the surrounding communities." It would also meet the Service's priorities and mandates as outlined by the National Wildlife Refuge System Improvement Act of 1997 (Improvement Act) to "recognize compatible wildlife-dependent recreational uses as the priority general uses of the Refuge System," and "ensure that opportunities are provided within the Refuge System for compatible wildlife-dependent recreational uses" (Improvement Act; 16 U.S. Code 668dd(a)(4)). This action also satisfies EO 13443 signed August 16, 2007, "Facilitation of Hunting Heritage and Wildlife Conservation"; Secretary's Order 3347 signed March 2, 2017, "Conservation Stewardship and Outdoor Recreation"; and Secretary's Order 3356, signed September 15, 2017, "Hunting, Fishing, Recreational Shooting, and Wildlife Conservation Opportunities and Coordination with States, Tribes, and Territories."

### **Availability of Resources**

To comply with the Refuge Recreation Act (Public Law 87-714), the Project Leader must determine whether sufficient resources—financial, staffing, facilities, or other infrastructure—are available to support the proposed use without materially interfering with the Refuge purpose(s) or the mission of the National Wildlife Refuge System. This determination should be informed by a review of current capacity and, where applicable, the Refuge's Comprehensive Conservation Plan (CCP).

Assessment of current resources and capacity

Monitoring and implementation of the Refuge fishing program will require a very

small percent of total Refuge staff time. Minor additional costs to improve signage infrastructure may be needed, but other improvements such as new parking lots, structures, or fencing will not be required. Refuge resources are adequate to implement the Refuge fishing program. Refuge staff anticipate that funding will be adequate to continue the Refuge fishing program in the future.

Law enforcement is the primary tool necessary to ensure proper and safe administration of this use. Of the hours Refuge staff dedicate to administering the fishing program 75% is law enforcement, 20% is management, and 5% is maintenance. The fishing program will require approximately 30% of Refuge law enforcement time to enforce regulations on the Refuge. The Refuge estimates that law enforcement activities to administer the fishing program would involve approximately 50 hours per month throughout the entire year. Enforcement of Refuge regulations normally associated with the management of a Refuge is the responsibility of commissioned federal wildlife officers. Other officers, special agents, state game wardens, and the local sheriff's department may assist the Refuge staff. Currently, there is a federal wildlife officer stationed at the Refuge.

The following methods will be used to control and enforce fishing regulations:

- The Refuge will provide a brochure that identifies fishing areas and fishing regulations.
- Refuge law enforcement staff will periodically check anglers for compliance with federal and state laws.

The Refuge fishing programs occur through the use of existing staff, funding, equipment, and facilities. There are no expected increased costs to maintaining infrastructure outside normal use of the access road and parking area. Installation of informative and boundary signage to facilitate fishing is a regular part of staff duties, thus no extra cost from their installation is additive. A onetime cost, perhaps every 5–8 years associated with purchasing, creating, replacing signage is part of the Refuge's expected budget and thus not additive.

### Impacts of changes to resources and capacity

The availability of resources is subject to change and the level of use provided may vary based on current staffing, partner support, funding, or infrastructure conditions. Costs may increase over time, in relation to changes in the costs for equipment, maintaining facilities, etc. A substantial increase to the number of requests may also create the need for additional resources to administer the use. The Project Leader will use sound professional judgment in evaluating whether the Refuge or its partners can develop, operate, and maintain the use in a compatible manner.

For priority public uses—including hunting, fishing, wildlife observation and

photography, or environmental education and interpretation—if resource conditions shift such that the Refuge can no longer sustain the use in a compatible manner, the Project Leader may temporarily modify or suspend the use pursuant to 50 CFR 25.21(E) (or for Alaska pursuant 50 CFR 36.42(D) for a period of up to one year). If it becomes apparent that insufficient resources will be sustained into the long-term, the Project Leader may re-evaluate the compatibility of the use and discontinue the use if necessary. The public will be notified of any changes to Refuge uses, including temporary modification or suspension, re-evaluation of compatibility and/or discontinuing Refuge uses.

### **Anticipated Impacts of the Use**

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

The effects and impacts of the proposed use to Refuge resources, whether adverse or beneficial, are those that are reasonably foreseeable and have a reasonably close causal relationship to the proposed use. This CD includes the written analyses of the environmental consequences on a resource only when the impacts on that resource could materially interfere or detract from the purpose for which a refuge was established and the mission of the Refuge System. Air quality, sound and noise, soil, topography, geology and soils, hydrology, cultural resources, greenhouse gas emissions, climate change, and threatened and endangered species will not be more than negligibly impacted by the action and have been dismissed from further analyses.

Access to the Bear River occurs through Refuge-managed lands. Accordingly, the Refuge considers the potential effects of boating and fishing activities—including disturbance to wildlife and the introduction of lost fishing tackle—on Refuge resources. This analysis pertains to the effects of uses facilitated by Refuge access, not to the management of the waterbody itself.

#### **Short-term impacts**

Fishing activities on the Refuge will result in some fish mortality; however, the populations of sport fish within the Bear River remain robust and healthy. Current monitoring and staff observations indicate that harvest levels are sustainable, and the removal of sport fish is not expected to cause any short-term or long-term negative impacts to target species and ensuring non-target species continue to benefit from this important food source on the Refuge. In fact, the abundance of common carp—an invasive species with detrimental effects on wetland habitats—means that their incidental or intentional capture during recreational fishing is environmentally beneficial, helping to improve the overall ecological health of the river system.

With regard to migratory birds and other wildlife, accommodating fishing as a wildlife-dependent recreational use is anticipated to result in only minor, short-term impacts. Activities associated with fishing, such as boating, bank fishing, and pedestrian access to fishing areas, may cause temporary disturbances to migratory birds, especially waterfowl. Extensive research, including studies by Korschgen and Dahlgren (1992) and Korschgen et al. (1985), has demonstrated that waterfowl are sensitive to rapid movements and noise, such as those generated by motorboats. In response, birds typically seek out undisturbed areas as refuge from such disturbances. However, on the Refuge, fishing is conducted almost exclusively from the banks and shores of the Bear River, with boating comprising only about 5% of all fishing activity. Boating is regulated by the State and not directly authorized by the Refuge, and the infrequent use of boats, combined with the availability of extensive undisturbed habitat, ensures that the impact on migratory birds is minimal. Most wildlife, including waterfowl, are able to disperse to adjacent areas, further reducing the potential for adverse effects.

Motor vehicle use by visitors is strictly limited to designated roads and parking areas, preventing habitat degradation and minimizing disturbance to terrestrial wildlife and vegetation. The Refuge's management practices—including regular monitoring, adaptive regulation, and temporary closures when necessary—are designed to proactively address any emerging concerns, ensuring that fishing activities remain compatible with the Refuge's conservation objectives and the long-term sustainability of its wildlife resources.

### Long-term impacts

Accommodating this wildlife-dependent use is expected to result in minor long-term impacts to migratory bird resources. The Refuge lies within the delta formed by the Bear River and other tributaries that flow into the Great Salt Lake. Aquatic habitat on the Refuge, which primarily includes deltaic wetlands, impounded areas, and the Bear River, supports a large number and wide diversity of migratory colonial waterbirds, waterfowl, and shorebirds. Boating during migration periods may create some minor negative long-term impact, particularly on species that utilize open or deep-water habitat. The Service's *Waterfowl Management Handbook* 13.2.15 summarizes research on human disturbance to waterfowl, including findings by Korschgen and Dahlgren (1992) that boating can increase energy expenditure in nonbreeding waterfowl by causing birds to flush more frequently and spend more time in flight. Diving ducks are noted as particularly vulnerable when disturbance limits their access to preferred feeding areas. Although several species of diving ducks occur on the Refuge—including common goldeneye, redhead, canvasback, common and redbreasted merganser, bufflehead, ruddy duck, and lesser scaup—they are not commonly observed using the Bear River itself. The river is a dynamic, fastmoving, and highly turbid system that likely does not provide the foraging or resting conditions these

species typically require. As a result, these birds primarily use Refuge impoundments and other stillwater habitats rather than the river channel. Given this habitat use pattern and the relatively low level of boating activity associated with fishing access, boating on the Bear River is expected to have minimal effect on these species.

Long-term impacts from fishing by boat are expected to be minor because boating is restricted to the Bear River and the use is infrequent. Long-term impacts from bank and shore fishing on the Refuge are also expected to be minor. In 2025, an average of only 15 anglers a day were fishing at the Refuge. Some fish-eating species of birds that congregate near water control structures, such as American white pelican, California gulls, and grebes, may experience some disturbance from bank fishing. Nesting waterfowl may be disturbed in the spring by visitors walking back and forth to fishing areas. However, large areas of adjacent habitat are present on and around the Refuge for any waterbirds that are displaced from boat and bank fishing disturbances. The Refuge will also minimize impacts by monitoring the use and may enact additional regulations or temporary closures to protect migratory birds and their habitat, if annual fishing program evaluations demonstrate a need.

Fishing will result in lead-based fishing tackle being deposited into the river from discard or accidental loss. Lead-based tackle deposited into the Refuge will remain in the environment for an extended period and will potentially be available to migratory birds. In particular, diving birds will be exposed to lead tackle as they forage in the river substrate and mistake lead based tackle for food or grit. If ingested, lead fishing tackle can poison waterbirds and may also expose predators or scavengers that consume affected individuals. Species most likely to encounter and ingest lead are diving ducks and other birds that forage by probing or picking items from the substrate. Because low numbers of diving birds use the areas where fishing occurs, any mortality associated with lost lead tackle is expected to be minimal and would not materially detract from the Refuge's ability to meet its migratory bird conservation purpose. Refuge staff responsible for management of the fishing program will further minimize impacts by encouraging anglers to recover and properly dispose of any used fishing gear and encourage the use of lead-free fishing tackle. The amount of lead entering the environment from fishing every year continues to decline as some anglers voluntarily switch to lead-free tackle. The low number of anticipated anglers is expected to result in fewer, if any, concerns for wildlife, environmental or human health.

While only occurring in a small percentage of the Refuge, walking paths along the riverbank will contribute to minor impacts to vegetation. To mitigate these concerns, access to fishing areas may be restricted on an "as-needed" basis

Fishing will also result in discarded fishing line and other fishing associated litter

being deposited into the river. Litter can entangle wildlife and cause injury or death. Additionally, litter impacts the visual experience of Refuge visitors. With periodic monitoring of angler access points, trash collection, and education, the physical and aesthetic effects of visitor-generated trash can be reduced if not eliminated.

Fishing will cause mortality of some fish; however, expected harvest will not detrimentally impact the long-term health of the river's fishery or the fishery of adjacent and interconnected water bodies. High populations of common carp persist in the Bear River and associated waterways. Incidental or intentional catch of these fish is considered beneficial due to their negative impact on wetlands. Fish provide a food resource for a variety of migratory birds; however, fish harvest from the river is not anticipated to have any impact on the food base for piscivorous migratory birds.

There may be conflicts with other public use activities, such as waterfowl hunting, as there will be overlapping use periods; however, user groups will generally utilize different areas of the Refuge.

The Service recognizes that fishing activities have given many people a deeper appreciation of wildlife and a better understanding of the importance of conserving their habitat, which has ultimately contributed to the Refuge System mission. A goal of the Refuge is to provide opportunities for quality wildlife-dependent recreation. The Refuge fishing program is designed and monitored to offer a safe and quality experience and to keep adverse effects within acceptable limits.

### **Public Review and Comment**

The draft compatibility determination will be available for public review and comment for 14 days from April 24, 2026 – May 8, 2026. The public will be informed of this comment opportunity through postings at the Refuge headquarters and on the Refuge website. A hard copy of this document will be posted at the Refuge Visitor Center at 2155 W Forest St. Brigham City, UT 84302. It will be made available electronically on the [Refuge website](#). Concerns expressed during the public comment period will be addressed in the final determination.

### **Determination**

Is the use compatible?

Yes

### **Stipulations Necessary to Ensure Compatibility**

1. Fishing is allowed in accordance with Utah State regulations. See the Utah Fishing Proclamation available at the Refuge's visitor center and at [Fishing regulations & guidebook](#).

2. Anglers must follow all Refuge-specific fishing regulations from the Refuge's fishing brochure.
3. Signage and brochures will be used to provide anglers with information on where and how to fish on the Refuge to ensure compliance with public use regulations.

### **Justification**

Recreational public fishing is a wildlife dependent use of the Refuge, and fishing is one of the priority public uses specified in the Improvement Act. One of the goals of the Refuge System is to provide opportunities, when found compatible, for the public to develop an understanding and appreciation for wildlife.

The stipulations outlined above would help ensure that the use is compatible at Bear River Migratory Bird Refuge. Fishing, 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 fishing at Bear River Migratory Bird Refuge, in accordance with the stipulations provided here, would not materially interfere with or detract from the fulfillment of the National Wildlife Refuge System mission or the purpose of the Refuge. Rather, appropriate and compatible fishing would be the use of the Refuge through which the public can develop an appreciation for wildlife and wild lands.

## **Signature of Determination**

Refuge Manager Signature and Date

## **Signature of Concurrence**

Assistant Regional Director Signature and Date

## **Mandatory Reevaluation Date**

2041

## **Literature Cited/References**

Korschgen, C. E., George, L. S., & Green, W. L. (1985). Disturbance of Diving Ducks by Boaters on a Migrational Staging Area. *Wildlife Society Bulletin (1973-2006)*, 13(3), 290–296. <http://www.jstor.org/stable/3782494>

Korschgen, C.E., and Dahlgren, R. (1992). Human disturbances of waterfowl: causes, effects, and management: Fish and Wildlife Leaflet 13.2.15, 8 p.

Rasmussen, H., & Simpson, S. (2010). Disturbance of Waterfowl by Boaters on Pool 4 of the Upper Mississippi River National Wildlife and Fish Refuge. *Society & Natural Resources*, 23(4), 322–331. <https://doi.org/10.1080/08941920801963541>

Figure(s)

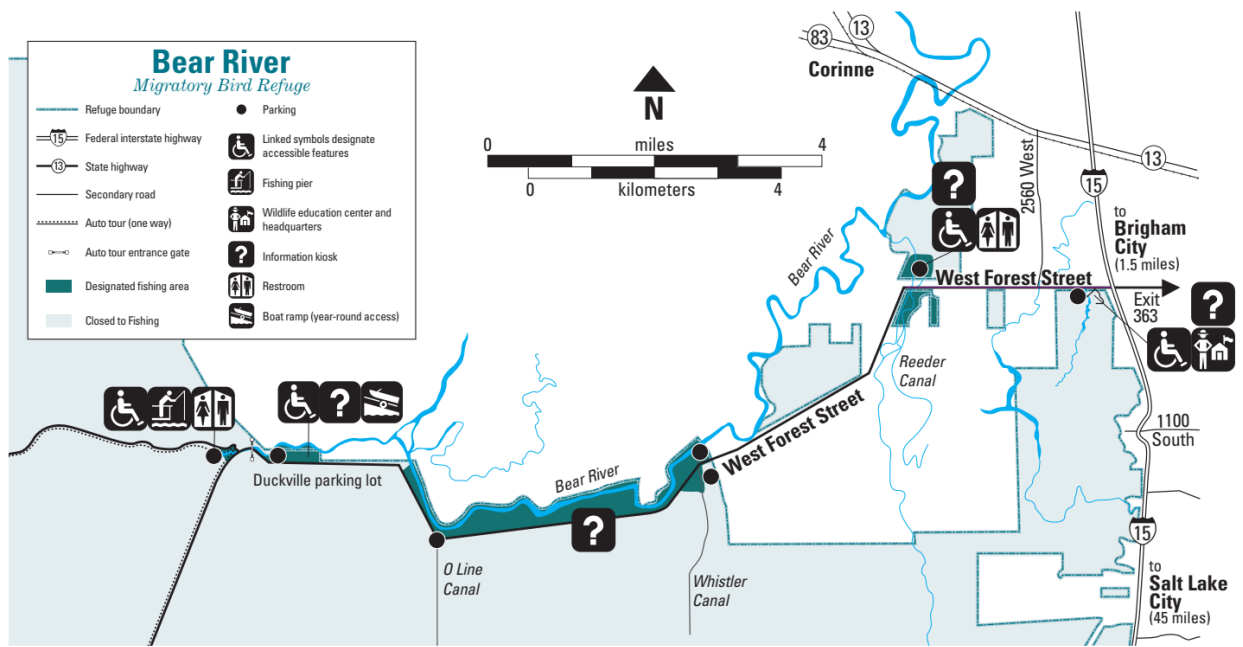


Figure 1. Fishing brochure map for Bear River Migratory Bird Refuge.