

# Aghaming Park Management Plan

City of Winona, MN

U.S. Fish and Wildlife Service

Upper Mississippi River National Wildlife and Fish Refuge

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## Introduction

This Aghaming Park Management Plan is intended to provide guidance for the management of Aghaming Park for the 25 year duration of the current lease between the Upper Mississippi River National Wildlife and Fish Refuge (Refuge) and the City of Winona, MN (City) which expires in 2044 (Appendix I). Item 1 of the lease allows for the automatic renewal of the agreement for an additional 25 years (2069).

The lands which are encompassed by Aghaming Park were donated to the City by John Latsch Jr. in 1928. While a valuable asset, an inherent and constant issue for the past 90 years has been the lack of jurisdiction available to a municipality in Minnesota to manage and police lands within another State. Faced with possible wetland and floodplain violations from the State of Wisconsin, the City turned to the Refuge for assistance. Being a Federal government entity, the Refuge has jurisdiction in both states and has managed lands and waters adjacent to Aghaming Park since 1924. Under the lease agreement, the City maintains ownership of all lands within Aghaming Park while the Refuge provides management of the natural resources and public uses, as well as law enforcement support for 1,139 acres of the park. The lease does not include the John A Latsch Historical Wagon Bridge (Wagon Bridge), Concrete Road, boat houses, or any lands north of the Concrete Road. The final lease was signed in March 2018.

The Management Plan is written in broad generalities to ensure the ability to adapt and evolve as new management practices and information become available. Much of the information regarding resources and management direction for Aghaming Park are from two major reports. The first being *Aghaming Park: A Community Resource Plan* which was completed in 1998 by the Aghaming Park Planning Team with funding from a McKnight Foundation grant. This document will be referred to as the “1998 Report” going forward. The second document, *Aghaming Park Trail System Plan* by Barr Engineering Company, was completed in 2005. This report will be referred to as the “Barr Report.” A third report, *Winona Comprehensive Parks, Open Space, and Recreation System Plan*, was drafted in 2018 and references Aghaming Park but does not include specific management recommendations to address at this time.

Natural resource and public uses will be guided primarily by three documents, the *Upper Mississippi River National Wildlife and Fish Refuge Comprehensive Conservation Plan (CCP)* which was completed in 2006, the *Upper Mississippi River National Wildlife and Fish Refuge Habitat Management Plan (HMP)* which was completed in 2019, and the *Code of Federal Regulations 50 Parts 18 to 199 (Wildlife and Fisheries)* (50 CFR). The CCP provides broad-based management objectives and specific goals for the entirety of the 240,000 acres encompassed within the Refuge boundary. While the CCP contains a great deal of guidance, it does not contain the necessary detail on every future action to adequately present and evaluate all physical, biological and socioeconomic impacts. Therefore, while the CCP provides overarching guidance, it will remain the responsibility of Refuge Management to ensure any actions taken on Aghaming Park lands meet the National Environmental Policy Act (NEPA), Endangered Species Act (ESA), archeological and cultural resources protection, as well as U.S. Fish and Wildlife Service regulations on compatibility of uses.

## **1. Communication**

Management Plan development was accomplished by an Aghaming Park Citizen Task Force appointed by the City, one City employee (Community Services Director), and Refuge staff. To ensure transparency with the public and effective communication within the development team, a general list of working rules was adopted. First and foremost, all points outlined in the Lease agreement will serve as guiding principles (Appendix I). Under the lease agreement, the City maintains ownership of all lands within Aghaming Park while the Refuge provides management of the natural resources and public uses, as well as law enforcement support for 1,139 acres of the park. The lease does not include the Wagon Bridge, Concrete Road, boat houses, or any lands north of the Concrete Road (Appendix II).

As Aghaming Park will be managed as part of the National Wildlife Refuge System, all activities, uses, and management will be under the umbrella of the Refuge's CCP, HMP, and 50 CFR to ensure consistency with surrounding Refuge lands and waters.

Upon completion and adoption of this plan by the City Council, the Task Force shall disband and communication will continue between the appointed City Official and Refuge Management staff. There shall be, at a minimum, one annual meeting to discuss management actions, issues, and other pertinent Aghaming information between the City and Refuge. Each party shall provide a yearly report outlining their activities and expenditures at Aghaming during the preceding year. These reports are due March 1 and will be made available to the public for review and comment.

General habitat or specific flora/fauna monitoring will occur at the Refuge's discretion as needed to make informed habitat management decisions. Either party may request specific research studies be conducted and will coordinate regarding the execution of such studies.

The Refuge will serve as the first point of contact for other State and Federal Agencies (Wisconsin Department of Natural Resources (DNR), Minnesota DNR, U.S. Army Corps of Engineers (USACE), etc) regarding management activities on Aghaming lands and waters. The Refuge will evaluate recommendations and present those to the City which enhance the management objectives of Aghaming. Any projects or actions requesting City funding will be presented to City Council for consideration after the vetting process. It will be the responsibility of the Refuge to oversee the implementation of any management recommendations that are agreed upon by the City and Refuge.

As with all waters within the Refuge boundary, fisheries monitoring and management recommendations will be the responsibility of the appropriate state DNR, which, in this situation shall be Wisconsin. WIDNR will coordinate with the Refuge on any fisheries management recommendations and the Refuge will then coordinate with the City.

Large scale Refuge management recommendations will be presented to the City prior to implementation. Examples of these include timber sales, construction of public use facilities, rip-rap placement, dredging, etc. These projects will generally require specific compliance with the NEPA as well as Refuge Compatibility Policy. All NEPA compliance, Compatibility, and permit requirements will be accomplished by the Refuge in conjunction with City concurrence.

In areas pertaining to recreational uses, if inconsistencies are found between Refuge regulations and City ordinances, the Refuge and City shall review Refuge regulations to determine if any deviation can be granted. If no process for a deviation is outlined in 50 CFR, the Federal regulation will be upheld. If, however, an alternative is present in 50 CFR, the Refuge and City can negotiate a solution that is amenable to both parties and does not detract from refuge purposes. If no resolution can be found, per the lease agreement item 19; "In the event of a dispute, the Regional Chief of Refuges and a designated representative of the Lessor shall attempt to negotiate an amicable solution. If an issue cannot be resolved definitively, the Regional Chief of Refuges and a designated representative of the Lessor can either mutually agree to third party mediation or individually elect to withdraw from the Lease and terminate it."

## **2. Abridged Aghaming Park History**

An extensive historic description of Aghaming Park can be found in the 1998 Report (pp 25-38). Following are consolidated facts regarding Aghaming Park as well as a summary of how the City and Refuge came together to manage this property.

It was an eccentric Winona grocery man, John Latsch Jr., who had an encounter one stormy day with an angry farmer who was tired of trespassers on his Mississippi River bank that led to the City of Winona owning land in the State of Wisconsin. Latsch was a man of considerable means and unswerving determination and eventually purchased nearly all the islands and bottomland forest from Minneiska to Homer, MN. He also purchased large tracts of bluffs on both sides of the river. In all, he purchased over 18,000 acres at a cost of over \$2,000,000 and then, gave it all away for parks, playgrounds, and wildlife habitat (Winona Post 1997).

One of the properties that Latsch purchased was the 1,800 acre Aghaming Park which he donated to the City of Winona in 1928. Aghaming as interpreted from the Ojibway Language means "On the other side of a river or lake." This cluster of braided streams and islands was an anglers dream and included the now named Sam Gordy's Slough. Unfortunately, the lands of Aghaming lie on the Wisconsin side of the river which posed considerable problems for a city located in Minnesota. The City has no jurisdiction to enforce laws in another state and squatters eventually built camps on the property, of which at least one remains today.

The lack of jurisdiction became center stage when the WIDNR presented the City with letters (January 8, 2007 and May 8, 2009; Appendix III) warning of wetland violations that were occurring by off-road use on the lands of Aghaming. The WIDNR notified the City that citations would be issued if steps were not taken to control off-road use and the subsequent destruction of wetlands.

At the June 10, 2009 meeting of the Aghaming Park Advisory Committee, it was "suggested that consideration be given to discussing park management issues with the U.S. Fish and Wildlife Service (FWS). Through this idea it was suggested that such an agency would be better positioned to manage the area as envisioned in the Aghaming Park Resources Plan, approved by Council a number of years ago." (Appendix IV).

Following meetings between the Refuge and the City of Winona's Aghaming Park Committee, and subsequent public meetings, the City Council approved the motion to pursue a Cooperative Agreement with the Refuge for management of Aghaming Park (March 2010). Several iterations of

the agreement were drafted over the following years but the issue of squatter camps continued to be a point of contention. It was finally agreed upon by both parties that the agreement would not include a portion of Section 16 designated as the “Abandoned Personal Property Area” Exclusion within Tract 1014LS1 on the official Tract Map. This area will be excluded from the lease agreement for as long as the abandoned personal property remains. Once the abandoned personal property is removed, the “Abandoned Personal Property Area” Exclusion shall be included for management with the rest of the described lands (Lease page 4).

The final lease was signed on March 27, 2018 for a period of 25 years with an option to extend an additional 25 years. In June of 2019, the Mayor established a new Aghaming Task Force which was given the responsibility to work with the Refuge to develop a management plan as was called for in the lease. The Task Force will disband once City Council and Refuge have approved the plan.

### **3. Habitat Monitoring and Management**

The 1998 Report includes a number of resource monitoring programs which will serve as baseline data for future monitoring and management recommendations. During spring and summer 1998 a vegetation study was undertaken with two primary goals: identify and delineate the major vegetative habitats; and begin to develop a listing of plants found at Aghaming. It was estimated that approximately 35 hours were spent on the vegetation project which identified 31 species of trees; 13 species of bushes; 6 species of vines; 65 species of herbs and several unidentified grasses; and 25 species of aquatics. A winter 1993 vegetation study found 45 woody species. Reports can be found in the 1998 Report, Appendix A – Vegetative Sampling.

A breeding bird survey of Aghaming was conducted in 1998 utilizing three standard methods including point-counts, area searches, and rail and bittern surveys using call play-backs. The survey documented 73 species of birds utilizing Aghaming during the month of June, three species are known non-breeders to the area (American white pelican, herring gull, and common merganser) which left 70 species considered to be breeding. The complete report can be found in the 1998 Report, Appendix B – Breeding Birds.

Appendix C – Environmental Studies of the 1998 Report includes information on several surveys. Twelve species of mammals were documented during a 216 night live trap study in seven locations across the park. Thirty-two species of fish were documented through electroshocking, trap-netting, and minnow trapping in Sam Gordy’s Slough, Boat House Harbor, and No-name Lake. Seventeen species of invertebrates were documented through Ponar samples and by searching rocks and woody snags in Sam Gordy’s Slough. Six turtle species were collected in baited trapnets and observed basking. Three frog species and one snake were also documented.

It is likely that many additional surveys have been conducted at Aghaming over the past 20 some odd years. It would be expected that the WIDNR and U.S. Geological Survey have conducted fisheries, avian, and potentially terrestrial surveys at some point in time. It is also likely that students from Winona State University have completed surveys for classes or even as a graduate thesis and that private individuals and clubs or groups have documented fish, birds, or plants over the years. Prior to the Refuge expending resources to conduct surveys, (with one exception described below) an inquiry will be made to various organizations as to the availability of any survey data which can be used to build upon.

In the summer of 2018, the Refuge began conducting forest inventory (FI) on Aghaming Park utilizing standardized protocol. Completed and planned inventory points can be found in Appendix V. The Refuge and USACE have conducted FI on all lands encompassed by the Refuge since the early 2000's. This inventory will help managers make informed decisions regarding maintaining and/or establishing a healthy forest on Aghaming. Examples of how this monitoring can be used include: mapping of ash stands to determine where Emerald Ash Borer may open the tree canopy by killing ash trees; locating desirable hard mast trees and determining recruitment within these stands; selecting desirable areas for forestry actions such as under-planting; locating invasive species for treatment and/or control; etc.

The Refuge will also immediately begin to implement and enforce management recommendations for bald eagles and red shouldered hawks to the extent possible. The Refuge uses a 660-foot set-back rule from January 15 – June 15 for a number of activities that could potentially disturb active eagle nests. These activities are generally related to large scale dredging projects or habitat restoration projects like timber sales. The Refuge will also follow the WIDNR Red-Shouldered Hawk Species Guidance which limits disturbance within 720 feet of a nest tree from March 15 – July 31. A full description of WIDNR Red-Shouldered Hawk Species Guidance can be found in Appendix V.

#### **4. Public Use, Interpretation, and Environmental Education**

Aghaming Park has long been seen as a wild place to invite people to explore. It has also been viewed as a place in need of enhanced development to increase visitation by school groups and other environmental educators. As such, many recommendations regarding development can be found in both the 1998 Report and Barr Report.

Several recommendations in the 1998 Report encompass Environmental Learning, Recreation, and Youth Mentoring outlined in four distinct Goal statements: 1) Increase the public awareness and the costs and benefits of future development, 2) Solicit and provide support for broad-based community involvement in all potential dimensions of future park programming, 3) Promote community involvement in the ongoing monitoring and maintenance of the site, 4) Build an accessible library or clearinghouse of information, including but not limited to, the natural history of Aghaming and means by which the site can be managed and maintained through citizen programs.

Given current guidance on developing natural spaces and changes in technology since the development of the 1998 Report, the majority of recommendations are no longer warranted. Those that remain viable include developing an "Adopt a Park" program, development and installation of on-site facilities (for example kiosks) which identify and explain ongoing monitoring and maintenance projects, and Citizen Science which can play a role in monitoring a variety of species and habitats in the future.

Both the City and Refuge will reach-out to area schools to make them aware of field trip opportunities at Aghaming Park. However, given current limitations, the Refuge will not provide personnel or funding to lead school groups on-site. This may be an additional area where citizens can play an important role in promoting Aghaming within the community.

The Refuge and City will continue to support river cleanups, community tours, and other activities that occur on and around Aghaming to the extent possible.

As a unit within the Refuge, Aghaming will be open to all uses that are available to the public on surrounding refuge lands. These uses and rules can be found in the Refuge Public Use Regulations brochure (Appendix VI), in Part 26.34 of 50 CFR, and the Refuge CCP. During the public scoping of the lease, it was noted that five public use regulations available on refuge lands were not in unison with City park rules, these included regulations regarding alcohol, camping, campfires, pets, and vehicle access. A Regulation Fact Sheet was compiled during the early negotiating phase and was re-visited by the current Task Force with the following recommendations:

- It was agreed that the intent of both parties alcohol regulations were to eliminate glass bottles and discourage large parties. It was determined that the Refuge regulation regarding alcohol use was sufficient to achieve these goals.
- It was agreed that camping on beaches along Aghaming land shorelines, with the exception of the beach located directly downstream of the Wagon Bridge, could be allowed as permitted by refuge regulation.
- It was agreed that fires utilizing dead/down wood in conjunction with camping or on the ice while ice fishing per Refuge regulations could be allowed.
- It was agreed that pets should be leashed when on Aghaming lands except when engaged in hunting activities.
- It was agreed that vehicles (including bicycles) will not be allowed to cross lands managed as part of Aghaming per Refuge regulation.

Aghaming Park will continue to be open to fishing as well as hunting as outlined in the Refuge Hunting Regulations brochure (Appendix VI), Part 32.42 of 50 CFR, and CCP. Furbearer trapping is currently allowed and will continue as such, however, trappers will be required to obtain a Refuge Special Use Permit for trapping per refuge regulation. Guidance on the refuge trapping program can be found in the September 2007 Furbearer Management Plan and Environmental Assessment which was completed as part of the Refuge CCP.

## **5. Infrastructure**

Both the 1998 Report and Barr Report were weighted heavily toward infrastructure development. While the intention of both reports to open the park to more users was commendable, conventional wisdom dictates that development in the floodplain is not a wise investment and leads to considerable maintenance costs.

The 1998 Report recommends the following facilities which will be discussed individually: 1) ground, bike and canoe trails with interpretive stations and observation decks; 2) floodplain interpretive learning center; 3) parking and boat landing facilities; 4) maintenance yard.

- 1) *Ground, bike and canoe trails with interpretive stations and observation decks.* The Refuge developed and signed a canoe trail around and through parts of Aghaming and constructed a kiosk near the Wagon Bridge with informational signage and brochures (Appendix VII). A public “grand opening” was held on June 13, 2012 to commemorate the first City/Refuge partner project. In December 2012, the kiosk was destroyed by arson, however the arsonist was later arrested, convicted, and made to pay restitution. The Refuge replaced the kiosk in June 2013

and has been maintaining the canoe trail signs and offering free public paddling events on the trail.

Ground trails for walking/hiking are viable on Aghaming, however, they are best reserved for locations that are not frequently flooded and require minimal maintenance. These trails will be “rustic” or without top-dressing such as wood chips and will be minimally maintained. Future discussions to explore the development of interpretive signage along trails can be undertaken following the completion of larger infrastructure projects (listed below) and safety issues.

Off-road bicycling is not allowed on refuge lands per 50 CFR 26.34 (7) which in part states “we prohibit all vehicle use on or across refuge lands at any time except on designated routes of travel or on the ice over navigable waters accessed from boat landings.” Bicycles are considered “vehicles” due to the camming action created by the gears.

An observation deck is a viable option but will require future discussions regarding location, access, funding, and maintenance.

- 2) *Floodplain Interpretive Learning Center.* It would not be advisable to construct any type of interpretive center on lands such as those in Aghaming given the frequent flooding and unique ecosystems of the area. Facilities such as these also require a disproportionate amount of maintenance and staff, which neither the City nor Refuge has available. It is advisable to partner with an existing facility to tell the story of Aghaming Park. Perhaps the Winona History Center or future Refuge Contact Station could provide space for an Aghaming exhibit.
- 3) *Parking area and Boat Landing.* The lands within the lease are nearly exclusively floodplain. The City and Refuge can explore the possibility of providing a parking area for a limited number of vehicles on or around the Concrete Road. However, developing a boat launch is expensive, requires maintenance, and is not needed as there are a number of landings within one-mile of the Wagon Bridge including; Dick’s Marina, Latsch Island, Winona Yacht Club, St. Charles Street Landing, Mertes’ Slough Landing, and East End Boat Ramp and Harbor.
- 4) *Maintenance Yard.* It is unlikely that approval would be granted to construct this type of facility on the lands of Aghaming as most are floodplain. It is also unlikely that either the City or Refuge would have interest or funding to construct and maintain this type of facility.

The Barr Report recommends an extensive system of trails including board walks and bridges. Given the acknowledgement within the plan that “all of Aghaming Park is considered wetland according to the National Wetland Inventory maps,” and the current extent and duration of Mississippi River flooding, establishing trails that include boardwalks would not be a responsible investment and would likely not be permitted.

The Barr Report also makes eight phased recommendations: 1) install gate to regulate access to Xcel Road, and install poles or flags every 50 feet to define Xcel Road for winter access; 2) install gate to regulate access to River Road; 3) barricade access routes off Highway 54; 4) repair ruts in the south loop of the Forest Trail and relocate trail; 5) improve River Road; 6) install elevated walkway; 7) make improvements to Swamp White Oak Trail; 8) construct North Forest Loop Trail.

It is clear that the River Road is the most contentious issue regarding access to Aghaming Park. This access has been a constant and continuous burden to the City as it is often the site of illegal dumping, provides access for illegal off-road vehicle use which damages sensitive areas, and is in violation of Wisconsin State Wetland/Endangered Species Laws. Per the letter from WIDNR dated May 8, 2009 the current violations regarding River Road include: §23.095 (1g) Damage or unreasonably waste Natural Resources; §29.604 Violation of protected endangered and threatened species; §30.19 grade or remove topsoil from the bank of any navigable waterway where the grading or removal will exceed 10,000 square feet; §30.29 Operation of motor vehicles in waters prohibited; and §283.91 (2) failure to implement and maintain construction site erosion control measures for land disturbance activities greater than one acre in size.

Provided the acknowledgement that the majority of the River Road is within areas classified as wetland, the continued dumping and littering, the documented off-road abuse, the refuge regulation regarding the limitation of vehicles crossing refuge lands, and the current violations outlined by the WIDNR, the recommendation will be made by the Refuge to the City that the River Road be closed to all vehicular traffic year round but remain open as a walking access.

Part of this recommendation is acknowledging that the climate is changing and influencing this area through warmer winters causing the lands to remain wet for much longer than in the past which makes setting dates of “frozen ground” of December 1 – March 15 of each year unrealistic. Checking the status of frozen ground and continually opening and closing a gate when conditions change is impractical. This recommendation also acknowledges the observed trend of increased flood waters and increased flood duration, which will continue to impact the River Road.

**Recommended infrastructure projects (Appendix VIII):**

- 1) As previously mentioned, in 2012 the Refuge in coordination with the City, developed and implemented a canoe trail which included the construction of a small kiosk on the Concrete Road. The Refuge has and will continue to maintain this structure.
- 2) There is currently a large-scale project to extend the Marshland Bike Trail into Winona. This plan includes using the Concrete Road as a connector between the old and new trails. While off-road bicycling is not permitted on Aghaming Park lands, bicyclists will be encouraged to explore Aghaming on foot. It will be recommended that a bicycle rack be placed along the Concrete Road with interpretive or directional signage to encourage this activity.
- 3) As with all lands managed as part of the Refuge, the perimeter of all Aghaming lands will be posted with refuge boundary signs. The Refuge will absorb all costs of materials and labor to complete this task.
- 4) The lease outlines the need for an entrance sign that acknowledges the partnership at Aghaming Park. The Refuge will coordinate the wording and placement of this sign with the City.
- 5) As recommended in the Barr Report, a gate will be installed at the entrance to River Road to regulate access. The Refuge and City will coordinate on construction and installation.

- 6) Explore the opportunity to provide parking at the Winona Boat Club.
- 7) All existing infrastructure (Death Road, River Road, little concrete bridge, kiosk) will be added to the FWS Real Property inventory which will make them eligible for federal funding when repairs are needed. Adding inventory requires inspections of the property to determine current condition which will be accomplished by FWS staff trained in facilities design, repair, and safety. The little concrete bridge will also require inspection to determine its working load limits and need for guard/hand rails.
- 8) Per the lease agreement item #14, the City shall remain responsible for all maintenance and repair of the Wagon Bridge and the Concrete Road. The City shall also place vehicle barricades on the River Road as requested by the Refuge.

## **6. Safety**

Visitor safety is the highest priority for both the City and Refuge. With this in mind, both parties will work together to address safety concerns which are found through professional inspections and/or reported by the public. The Refuge will coordinate with Xcel Energy to ensure they are aware of the Refuge's role at Aghaming. Future right-of-way (ROW) activities conducted by Xcel will require a Special Use Permit from the Refuge.

Federal Wildlife Officers (FWO) will provide law enforcement coverage of all lands included within the lease. They will also coordinate with WIDNR Conservation Officers and Buffalo County Sheriff Department Deputies. Violations will be processed through the Assistant United States Attorney's Office in Madison, WI.

To better expedite emergency response, the Refuge will work with Buffalo County to establish a 911 address for the park which will be posted at the entrance. The Refuge will also pursue the establishment of a "Slow No Wake" area for Sam Gordy's Slough to assist with minimizing user conflicts between paddle sport users and motorboats as well as reduce shoreline erosion of the islands adjacent to the slough.