

# **Appendix E: Draft Compatibility Determinations**



## COMPATIBILITY DETERMINATION

### Use: HUNTING

**Refuge Name:** Kirtland's Warbler Wildlife Management Area

**Establishing and Acquisition Authorities:** Endangered Species Act 16 U.S.C 1531-1543

**Refuge Purpose(s):** Kirtland's Warbler Wildlife Management Area was established in 1980...

"... to conserve (A) fish or wildlife which are listed as endangered species or threatened species .... or (B) plants ..." 16 U.S.C. § 1534

**National Wildlife System Mission:** To administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of 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:

*What is the use?* The use is the hunting of game, an activity conducted by the general public under authority of the National Wildlife Refuge System Improvement Act. Hunting is currently allowed for all game species within the State of Michigan, in accordance with State regulations. However, we estimated that fewer than 200 people hunt on the Kirtland's Warbler WMA. Most hunting is incidental to hunting that occurs on adjacent State and privately owned land. Commonly hunted species include: Ruffed Grouse, American Woodcock, gray squirrel, snowshoe hare, and white-tailed deer

*Where is the use conducted?* The Kirtland's Warbler WMA consist of 125 parcels of land located in the counties of Clare, Crawford, Kalkaska, Montmorency, Presque Isle, Ogemaw, Oscoda, Roscommon, totaling 6,684 acres.

*When is the use conducted?* Hunting season traditionally runs from mid-September through the end of December for species typically hunted on Kirtland's Warbler WMA. The Regular Firearm season for white-tailed deer, which is the most popular hunting season in the State, runs from November 15-30th.

*How is the use conducted?* Hunting is conducted under regulations promulgated by the State of Michigan.

*Why is the use being proposed?* Hunting is identified as a priority public use in the National Wildlife Refuge Improvement Act of 1997 and it has traditionally occurred on lands within the Kirtland's WMA without adverse impacts to the purpose for which the Area was established. The hunt program is administered in accordance with sound wildlife management principles and the utmost concern for public safety.

*Availability of Resources:* Approximately \$5,000 is required annually to administer the hunting program on the Kirtland's WMA. This cost is for Law Enforcement patrol to insure compliance with hunting regulations. Based on a review of the current Refuge budget, there is enough funding to ensure administration of this program is compatible with the purpose for which Kirtland's Warbler WMA was established.

*Anticipated Impacts of the Use:* Hunting has not caused any adverse impacts to the WMA, its habitats, visitors or wildlife. Concerns over impacts to Kirtland's Warblers, other non-target wildlife and visitors are minimized by the seasonality of the hunts. Hunting occurs after the nesting season and after Kirtland's Warblers and many other non-target wildlife have migrated south. It is also the time when visitation is at its lowest. Hunters are required to follow all Michigan State hunting regulations and law enforcement patrols are conducted regularly to ensure compliance with regulations. The hunting program follows all applicable laws, regulations and policies; including, 50 CFR, National Wildlife Refuge System Manual, National Wildlife Refuge System goals and objectives. This activity is also compliant with the purpose of the Refuge and the National Wildlife Refuge System Mission. Conducting this program does not alter the Service's ability to meet habitat goals, provides for public safety and supports several primary objectives of the WMA.

*Public Review and Comment:* This compatibility determination was part of the Draft Kirtland's Warbler Wildlife Management Area Comprehensive Conservation Plan and Environmental Assessment, which was announced in the Federal register and available for public comment for 30 days.

**Determination:**

Use is not compatible.

Use is compatible with the following stipulations.

**Stipulations Necessary to Ensure Compatibility:** To ensure compatibility with National Wildlife Refuge System and Kirtland's Warbler WMA goals and objectives the activity can only occur under the following stipulations:

1. State and/or Tribal hunting requirements apply to all hunting on the Kirtland's Warbler WMA.
2. Annually review all hunting activities and operations to ensure compliance with all applicable laws, regulations and policies.

**Justification:** This use has been determined compatible provided the above stipulations are implemented. This use is being permitted as it is a priority public use and will not diminish the primary purposes of the WMA. This use will meet the mission of the NWRS by providing renewable resources for the benefit of the American public while conserving fish, wildlife and plant resources on these lands.

**Signature:**

Refuge Manager \_\_\_\_\_  
(Signature and Date)

**Concurrence:**

Regional Chief: \_\_\_\_\_  
(Signature and Date)

**Mandatory 10 or 15 year Re-evaluation Date:** 2013

## COMPATIBILITY DETERMINATION

**Use:** ENVIRONMENTAL EDUCATION and INTERPRETATION, WILDLIFE OBSERVATION, and PHOTOGRAPHY (including means of access)

**Refuge Name:** Kirtland's Warbler Wildlife Management Area

**Establishing and Acquisition Authorities:** Endangered Species Act 16 U.S.C 1531-1543

**Refuge Purpose(s):** Kirtland's Warbler Wildlife Management Area was established in 1980...

"... to conserve (A) fish or wildlife which are listed as endangered species or threatened species .... or (B) plants ..." 16 U.S.C. § 1534

**National Wildlife System Mission:** To administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of 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:

*What is the use?* Provide opportunities for the public to observe and photograph wildlife and engage in environmental interpretation and education. Environmental education consists of public outreach and onsite activities conducted by refuge staff, volunteers, teachers, and university professors. Interpretation occurs in less formal activities with refuge staff and volunteers or through exhibits, signs, and brochures. Under the National Wildlife Refuge Improvement Act of 1997, environmental education, interpretation, wildlife observation and photography are priority public uses.

*Where is the use conducted?* These activities are most likely to take place in or near areas where Kirtland's Warblers are nesting; specifically jack-pine habitat 5-20 years of age. Access would be along county roads by motorized vehicle, bicycle and on foot.

*When is the use conducted?* Visitation to the Kirtland's Warbler WMA is highest during the nesting season (May 15 – July 15).

*How is the use conducted?* The U S Fish and Wildlife Service, with assistance from the Michigan Audubon Society, and the U S Forest Service both

provide daily tours to observe and photograph Kirtland's Warblers. These tours typically begin during the week of May 15 and end the first week in July. Michigan DNR also provides tours during the Kirtland's Warbler Festival which is hosted annually by the Kirtland's Community College. All participants are given an interpretive brochure and the staff, who serve as guides, provide environmental education. Interpretive signs are also used to clarify why nesting areas are closed and explain management of the jack-pine ecosystem for Kirtland's Warblers. Annually nearly 1500 people participate in the tours. These tours may or may not visit Kirtland's Warbler WMA lands, depending upon where birds can be easily seen with minimal disturbance.

All wildlife observation and photography activities will be conducted with the Kirtland's Warbler WMA's goals, objectives and management plans as the guiding principles. Activities done under these restrictions allow the Fish and Wildlife Service to accomplish its management and provide for the safety of visitors. Entry on all or portions of individual areas may be temporarily suspended due to unusual or critical conditions affecting land, water, vegetation, wildlife populations, or public safety.

*Why is the use being proposed?* Environmental Education, Interpretation, Wildlife Observation and Photography are priority public uses on National Wildlife Refuge System Lands as identified in the National Wildlife Refuge Improvement Act of 1997. Allowing access to the Refuge for these activities is consistent with goals of the Kirtland's Warbler WMA and the National Wildlife Refuge System.

*Availability of Resources:* All of the cost associated with providing Environmental Education and Interpretation, Wildlife Observation and Photography are borne by other government agencies and non-government organizations.

*Anticipated Impacts of the Use:* Environmental Education and Interpretation and/or Wildlife Observation and Photography tours are designed to minimize disturbance to wildlife. Kirtland's Warblers quickly become accustomed to vehicles along designated routes and when people get out vehicles to set up cameras, the impact is negligible and temporary. People who do attempt to locate birds on their

own are restricted county roads. Overall, the disturbance is limited to a small portion of the entire Kirtland's Warbler WMA.

Environmental Education and Interpretation, Wildlife Observation and Photography are priority public uses listed in the National Wildlife Refuge System Improvement Act. By facilitating these activities on the Kirtland's Warbler WMA, we will increase visitors' knowledge and appreciation of endangered species, which will foster public stewardship of fish and wildlife and their habitats. Increased public stewardship will lead to support for Service activities and further the mission of the NWR System.

**Public Review and Comment:** this compatibility determination was part of the Draft Kirtland's Warbler Wildlife Management Area Comprehensive Conservation Plan and Environmental Assessment, which was announced in the Federal register and available for public comment for 30 days.

**Determination:**

- Use is not compatible.
- Use is compatible with the following stipulations.

**Stipulations Necessary to Ensure Compatibility:** To ensure compatibility with National Wildlife Refuge System and Kirtland's Warbler WMA goals and objectives, Environmental Education, Interpretation, Wildlife Observation and Photography can only occur under the following stipulation:

1. Visitors must adhere to seasonal closures issued by the Director of the Michigan DNR

**Justification:** This use has been determined compatible provided the above stipulations are implemented. It promotes public stewardship of natural resources and help the Service meet its goals and objectives. It does not materially interfere with or detract from the Services ability to meet the mission of the National Wildlife Refuge System.

The activities follow all applicable laws, regulations and policies; including Migratory Bird Conservation Act, Title 50 Code of Federal Regulations, National Wildlife Refuge System Manual, National Wildlife Refuge System Manual, National Wildlife Refuge System goals and objectives. These activities are compliant with the purpose of the Kirtland's Warbler WMA and the National Wildlife Refuge System Mission. Operating this activity does

not alter the Service's ability to meet habitat goals and it helps support several of the primary objectives of the Refuge System.

**Signature:**

Refuge Manager \_\_\_\_\_  
(Signature and Date)

**Concurrence:**

Regional Chief: \_\_\_\_\_  
(Signature and Date)

**Mandatory 10 or 15 year Re-evaluation Date:** 2018

## COMPATIBILITY DETERMINATION

### Use: RESEARCH

**Refuge Name:** Kirtland's Warbler Wildlife Management Area

**Establishing and Acquisition Authorities:** Endangered Species Act 16 U.S.C 1531-1543

**Refuge Purpose(s):** Kirtland's Warbler Wildlife Management Area was established in 1980...

"... to conserve (A) fish or wildlife which are listed as endangered species or threatened species .... or (B) plants ..." 16 U.S.C. § 1534

**National Wildlife System Mission:** To administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of 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:

*What is the use?* The use is research conducted by academic institutions, government agencies and private conservation organizations. Research projects will focus on better understanding jack-pine ecosystems and Kirtland's Warbler ecology. It will provide information that increases life history information on species of concern and improves adaptive management decisions.

*Where is the use conducted?* Research activities will occur throughout the Kirtland's Warbler WMA, which consists of 6,684 acres and adjacent state land.

*When is the use conducted?* Research may occur at all times of the year day or night. However, most research activity occurs during the summer months (May, June and July) and during daylight hours.

*How is the use conducted?* Prior to any research being conducted on the Kirtland's Warbler WMA, a research proposal must be approved by the Kirtland's Warbler Recovery Team. Strict guidelines will be placed on research activities and these guidelines will be incorporated into a Special Use Permit that will be issued by the Refuge Manager. Research may be carried out by professors, students, contractors, and agency staff and volunteers.

All research activities will be conducted in accordance with the Kirtland's Warbler Recovery Plan, the Endangered Species Act and the Kirtland's Warbler WMA's primary goals, objectives, and habitat management requirements as the guiding principles. Every effort will be made to minimize the impacts of research activities on wildlife and their habitats and avoid conflicts with public use and management activities.

*Why is the use being proposed?* Research and monitoring information are critical to making sound biological decisions in the restoration and management of ecosystems/landscapes for fish and wildlife communities occurring on national wildlife refuges. It is needed to measure the successes and failures of management efforts. This is an important use with long-term benefits that ensures we have the best information possible upon which to base management decisions.

**Availability of Resources:** Approximately \$5,000 is required annually to administer the research program at the Kirtland's Warbler WMA. Most of the research and monitoring is funded by grants, other government agencies, universities, or conducted by students and volunteers. FWS staff involvement includes reviewing research proposals, supervising or monitoring research activities, reviewing reports, providing some equipment and vehicles, and occasionally participating in field work. Based on a review of the current Refuge budget, there is enough funding to ensure administration of this program is compatible with the purpose for which the Kirtland's Warbler WMA was established.

**Anticipated Impacts of the Use:** Disturbance to wildlife and vegetation by researchers could occur through vegetation sampling, capture and handling of wildlife, observation activities, banding, and accessing the study area. It is possible that direct or indirect mortality could result as a byproduct of research activities. However, the overall impact of allowing well designed and properly reviewed research to be conducted by non-Service personnel is likely to have very little impact on wildlife populations. Research conducted in accordance with Special Use Permits will likely have no adverse impacts. Any negative impacts that occur will likely be out-

weighed by the knowledge gained and subsequent improvement in management of the jack pine ecosystem.

**Public Review and Comment:** This compatibility determination was part of the Draft Kirtland's Warbler Wildlife Management Area Comprehensive Conservation Plan and Environmental Assessment, which was announced in the Federal register and available for public comment for 30 days.

**Determination:**

Use is not compatible.

Use is compatible with the following stipulations.

**Stipulations Necessary to Ensure Compatibility:** To ensure compatibility with National Wildlife Refuge System and Kirtland's Warbler WMA goals and objectives the activity can only occur under the following stipulations:

1. Each research proposal is evaluated to insure the least invasive techniques are used, and preference is given to projects that focus on better understanding of jack-pine ecosystems, and Kirtland's Warbler ecology.
2. Any research that involves the handling of Kirtland's Warblers must be approved by the Kirtland's Warbler Recovery Team.
3. The Kirtland's Warbler Recovery Team will be kept apprised on all research activities.
4. Conditions of Special Use Permits must be followed.

Research activities are evaluated annually to ensure that their collective impacts do not compromise the goals or objectives of Kirtland's Warbler WMA.

**Justification:** This use has been determined compatible provided the above stipulations are implemented. Research and monitoring information is critical to making sound biological decisions in the restoration and management of ecosystems/landscapes for fish and wildlife communities occurring on lands within the National Wildlife Refuges system. It is needed to measure the successes and failures of management efforts. This is an important use with long-term benefits that ensures we have the best information possible upon which to base management decisions.

**Signature:**

Refuge Manager \_\_\_\_\_

(Signature and Date)

**Concurrence:**

Regional Chief: \_\_\_\_\_

(Signature and Date)

**Mandatory 10 or 15 year Re-evaluation Date:** 2018