

Draft Compatibility Determination

Title

Draft Compatibility Determination for Wildlife Observation and Photography,
Kootenai National Wildlife Refuge

Refuge Use Category

Wildlife Observation and Photography

Refuge Use Type(s)

Photography, video, filming, or audio recording (non-wildlife-dependent, non-commercial). Recreational photography, videography, filming, or other recording of sight or sound, the subject matter of which is not refuge natural or cultural resources, or associated public uses, and is not for commercial, news, or educational purposes

Wildlife observation. Viewing of fish, wildlife, plants, or their habitats by refuge visitors.

Refuge

Kootenai National Wildlife Refuge

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

“... for use as an inviolate sanctuary, or for any other management purpose, for migratory birds.” 16 U. S. C 715 et. seq. (Migratory Bird Conservation Act of 1929).

“... suitable for (1) incidental fish and wildlife-oriented recreational development, (2) the protection of natural resources, (3) the conservation of endangered species or threatened species ...” 16 U.S.C. 460k-1 (Refuge Recreation Act [16 U.S.C. 460k-460k-4], as amended)

“... the Secretary ... may accept and use ... real ... property. Such acceptance may be accomplished under the terms and conditions of restrictive covenants imposed by donors ...” 16 U.S.C. 460k-2 (Refuge Recreation Act [16 U.S.C. 460k-460k-4], as amended)

“... 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. 99 742f(b)(1) (Fish and Wildlife Act of 1956).

National Wildlife Refuge System Mission

The mission of the National Wildlife Refuge System, otherwise known as 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) reviews and replaces the 2011 CD for Wildlife Observation and Photography, Interpretation, and Environmental Education with a minor change. The 2011 CD included Interpretation, Environmental Education, Snowshoeing, Cross-Country Skiing, and Bicycling. These uses are being evaluated concurrently for renewal in separate CDs.

What is the use?

We are proposing to allow wildlife observation and photography to take place in areas open to the public during normal operating hours and therefore would not require a Special Use Permit (SUP). Photography use would typically involve taking still photographs or filming wildlife or scenery for personal use. Wildlife observation would involve the viewing of fish, wildlife, or plants, or their habitats by Refuge visitors in areas open to the public during normal operating hours. Wildlife observation and photography also includes means of access, such as by vehicle, hiking, biking, boating, cross country skiing, as well as incidental uses that facilitate wildlife observation and photography (e.g. picnicking), and the use of infrastructure such as trails, blinds, or observation decks.

Is the use a priority public use?

Yes

Where would the use be conducted?

Wildlife Observation and Photography occur on areas open to public access at Kootenai NWR. The majority of the visits for wildlife observation and photography occur along the Refuge's 4.5-mile Auto Tour Route and public use facilities associated with it.

The Auto Tour Route, developed hiking trails, paved paths, overlooks and photo observation blind were designed to provide visitors optimum viewing opportunities for Refuge wildlife, as well as allowing them to experience the different habitats and scenic points found on the Refuge. This CD covers all existing public use facilities

developed for wildlife observation and photography.

Entry on to all or portions of the Refuge may be temporarily suspended and posted closed due to unusual or critical conditions affecting land, water, vegetation, wildlife populations or public safety.

When would the use be conducted?

Wildlife observation and photography can occur throughout the year, although the majority of the visits for these uses occur during the spring, summer and fall seasons.

The Auto Tour Route is closed to vehicles when conditions make the roadway unsafe to drive, usually during winter months. However, visitors can still access this road on foot, snowshoes, cross-country skis, or bicycle, unless otherwise posted. Bicycling on Kootenai NWR is addressed in a separate CD.

How would the use be conducted?

Wildlife observation and photography will be self-conducted and facilitated through the availability of the Auto Tour Route, trails, parking areas/pullouts, observation/photography blinds, and informational materials. Roads and their open/closure status can be found in Refuge brochures and on the Refuge website, <https://www.fws.gov/refuge/kootenai/>.

This compatibility determination does not include organized or special events or commercially guided activities. Organized groups and/or special events and all commercial activities may be considered for a Special Use Permit (SUP) by the Refuge Manager on a case-by-case basis. The Refuge Manager, at his/her discretion, may issue a Special Use Permit for groups less than 25. Groups with 25 participants or more must obtain a Special Use Permit.

Each request for a SUP (if warranted) will be evaluated for impacts to wildlife, habitats, and other Refuge resources; and priority wildlife-dependent public uses. Conditions may be added to the SUP on a case-by-case basis to minimize the anticipated impacts to resources, and to ensure that any impacts which cannot be avoided, minimized, or mitigated remain temporary and negligible. Some requests may require further analysis of the impacts of the proposed activity on special status species or cultural resources, which may require additional compliance with the National Environmental Policy Act (NEPA), and consultation under any other relevant laws.

If the use conflicts with Refuge resources, Refuge management programs, or priority wildlife-dependent uses, the participant(s) must identify in advance the methods/strategies required to minimize or eliminate the potential impact(s) and conflict(s). If unacceptable impacts cannot be avoided, then an SUP would not be issued.

Why is this use being proposed or reevaluated?

Wildlife observation and photography at the Refuge were previously determined to be compatible (USFWS 2011). These uses are being re-evaluated to comply with updated national standards for compatibility determination templates at the Refuge Manager's discretion in accordance with Service policy, 603 FW 2.11H(2).

Availability of Resources

The administration requirements to manage the current wildlife observation and photography programs can be done with existing staff resources. Annual maintenance of existing facilities, including roads and trails, incurs costs, but costs are not directly related to wildlife observation and photography since facilities are shared with other priority public uses. Maintenance of current public use facilities costs approximately \$20,000 per year.

A new interpretive wildlife observation and photography project is being planned for the current grassy lawn around the Refuge office. This project will replace the lawn with pollinator habitat, a walking path, and associated interpretive signage. This project is estimated to cost \$25,000, and funding has already been secured through grants and donations.

Anticipated Impacts of the Use

This CD includes the written analyses of the environmental consequences on a resource only when the impacts on that resource could be more than negligible and therefore considered an "affected resource." Air quality, water quality, cultural resources, and socioeconomics will not be more than negligibly impacted by the action, and have been dismissed from further analyses.

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

Wildlife observation and photography are priority public uses as defined by the Refuge System Administration Act of 1966, as amended by the Refuge System Improvement Act of 1997. If compatible, these priority public uses are to receive enhanced consideration over other general public uses on national wildlife refuges.

Wildlife observation and photography are popular activities and are expected to continue into the future. This use is conducted to provide compatible educational and recreational opportunities for visitors to enjoy the Refuge's resources, and to gain or increase their understanding of and appreciation for fish, wildlife, wildlands ecology, the relationships of plant and animal populations within the ecosystem, and wildlife management. This use will provide opportunities for visitors to directly observe and learn about wildlife and habitats at their own pace in an unstructured environment. This use will enhance the public's understanding of natural resource management

programs and ecological concepts to enable them to better understand the problems facing natural resources and to realize what impact the public has on wildlife resources. Additionally, the public can learn about the Service's role in conservation and better understand the biological facts upon which Service management programs are based, consequently fostering an appreciation for the importance of wildlife and habitats. Participation in this use is expected to contribute to a more informed public, with an enhanced stewardship ethic and greater support for wildlife conservation. Furthermore, this use will provide an intrinsic, safe, outdoor recreational opportunity in a scenic setting, with the realization that those who come strictly for recreational enjoyment will be enticed to participate in the more enhanced facets of the visitor use program and can then become informed supporters for wildlife conservation. By allowing this use, we will provide opportunities and facilitate programs in a manner and at locations on the Refuge that offer high quality, wildlife-dependent recreation while maintaining the current levels or increased levels of natural resource values.

Therefore, use of Kootenai National Wildlife Refuge for wildlife observation and photography is expected to benefit and promulgate the Refuge's purpose and the Refuge System's mission.

Short-term impacts

The principal impacts associated with wildlife observation and photography are loss of vegetation, soil compaction, and erosion from trampling in localized areas, and the displacement or habituation of wildlife due to human presence and activities.

Periodic maintenance or upgrades performed by Service staff or volunteers to existing supporting facilities (public roads and trails) also have the potential to cause short-term impacts to fish and wildlife in the form of visual disturbance, noise, vegetation loss, soil manipulation, runoff, and dust and vehicle emissions.

Immediate responses by wildlife to human activity can range from behavioral changes including nest abandonment, altered nest placement, and change in food habits to physiological changes such as elevated heart rates, increased energetic costs due to flight or flushing, or even death (Belanger and Bedard 1990; Kight and Swaddle 2007; Miller and Hobbs 2000; Miller et al. 1998; Morton et al. 1989). According to Cole and Knight (1990), there are three wildlife responses to human disturbance: avoidance, habituation, and attraction. The magnitude of the avoidance response may depend on a number of factors including the type, distance, movement pattern, speed, and duration of the disturbance; the time of day, time of year, weather; and the animal's access to food and cover, energy demands, and reproductive status (Fernández-Juricic et al. 2007; Gabrielsen and Smith 1995; Cole and Knight 1990). Habituation is defined as a form of learning in which individuals stop responding to stimuli that carry no reinforcing consequences for the individuals that are exposed to them (Alcock 1993). A key factor for assessing how wildlife will respond to disturbance is the predictability of the use. Often, when a use is predictable—following a trail or boardwalk or at a viewing deck—wildlife will habituate to and accept human presence

(Oberbillig 2000).

The impact of wildlife observation and photography, and the use and periodic maintenance of existing roads and trails and support facilities is expected to be adverse, but minor and localized, due to the relative low-level of anticipated use, the size of the Refuge, and stipulations imposed on the use. With stipulations described below, this use generally would result in negligible animal mortality; minor, short-term wildlife disturbance; localized compaction of soil and loss of vegetation; and no introduction of contaminants.

Long-term impacts

General Effects from Wildlife Observation and Photography:

Wildlife observation and photography activities have both direct and indirect impacts on wildlife distribution, behavior, and habitats. The most frequent impacts are disturbances to large birds and mammals from people approaching too close and from vehicle presence (Forman and Alexander 1998). These impacts are most severe during periods of mating, nesting, and fawning. However, because people participating in wildlife observation and photography generally do not venture far from roads and trails, impacts from these visitors are only a portion of the overall wildlife disturbance. Access for wildlife observation and photography is provided by motorized vehicle routes and several established routes and trails on the Refuge. Roads and vehicle use can cause a number of impacts to soils, water, habitat, fish, and wildlife (Trombulak and Frissell 2000). Vehicle use is allowed on routes within the Refuge where these impacts are anticipated to be minimal, or where planned management actions such as re-routing, realignment, and seasonal closures would acceptably minimize impacts.

Potential Impacts to Habitat:

Habitat effects associated with vehicle use on roads opened to the public are primarily vegetation loss and soil erosion. Seasonal vehicle restrictions on most unimproved roads within the Refuge mitigate impacts to fish, wildlife and road conditions and ensure the wildlife-dependent uses which these road support remain compatible with the purposes for Kootenai Refuge.

The primary impact to habitat by visitors engaged in wildlife observation and photography is walking off road and the subsequent trampling of vegetation and the potential creation of social trails. Pedestrians can cause structural damage to plants and increase soil compaction and erosion (DeLuca et al. 1998; Whittaker 1978). However, over the past, no adverse long-term impacts have been observed.

Most invasive plants need some form of transportation to reach new areas (Trombulak and Frissell 2000). Several potential modes of transportation, or “vectors,” continually travel throughout Kootenai National Wildlife Refuge in the form of vehicle traffic on roads, people, pets, wildlife, and tools and equipment taken onto the Refuge. However, such an impact to the Refuge by participants engaged in wildlife

observation and interpretation would be considered minor.

Monitoring of public use in identified sensitive wildlife habitats would be used to determine if impacts from wildlife observation and photography could impact the health, vigor, or productivity of fish, wildlife, or their habitats in these areas. If such potential for impact is identified, the Refuge would increase public notification and education regarding those impacts and/or close the areas to public use for critical periods or longer if necessary.

Potential Impacts to Wildlife in General:

The long-term effects of wildlife disturbance are more difficult to assess but may include altered behavior, vigor, productivity or death of individuals; altered population abundance, distribution, or demographics; and altered community species composition and interactions. However, while impacts of the use can be serious for individual plants and animals and perhaps localized rare populations, they are generally of little significance to populations or species, landscape integrity or regional biological diversity. Moreover, unless a localized, rare population is impacted by a single impacted site, the intensity, size, and distribution of impacts are not relevant to the significance of impacts assessed at large spatial scales (Cole 1989).

Potential Impacts to Cultural and Other Resources:

Only a portion of the Refuge is currently opened to public use, including hunting, fishing, wildlife observation, wildlife photography, environmental education, and interpretation. All recreation uses and activities are regulated and managed to avoid significant effect to biological integrity, diversity, and environmental health. The most noticeable disturbance effects occur along the network of maintained roads and trails which support recreation uses and activities within the Refuge. Due to the seasonality of visitors at a given time in these locations, we presume impacts to non-target wildlife, such as disturbance, displacement, and habituation, which have been well documented and studied in other areas (Cole, 2004; Cole & Knight, 1990), to be minor and short-term in nature from this activity. As such, it is also unlikely that this relatively low-use activity would negatively affect cultural resources. The possible threat of inadvertent collection of prehistoric or historic artifacts would be further mitigated through outreach, education, and enforcement of Refuge regulations.

Mitigation of Potential Impacts:

To prevent or minimize these potential long-term impacts, Refuge staff would work to ensure that visitors follow stipulations through law enforcement, Refuge and volunteer presence, and various forms of outreach. Refuge staff and law enforcement would regularly assess roads, trails, and campgrounds for safety and quality of visitor experience, wildlife disturbance, cultural resources, and impacts to soil and vegetation. The Refuge would monitor roads and trails for non-native invasive species and implement appropriate control measures. If use levels are resulting in unacceptable impacts to wildlife, habitat, visitor experience, cultural resources, or public safety, the use may be modified or relocated to prevent additional impacts and

restore habitat.

Public Review and Comment

The draft compatibility determination will be available for public review and comment for 14 calendar days to provide comments following the day the notice is published. The public will be made aware of this comment opportunity through our social media outlets and letters to potentially interested parties. A hard copy of this document will be posted at the Refuge Headquarters at 287 Westside Road, Bonners Ferry, ID 83805. It will be made available electronically on the Refuge website at <https://www.fws.gov/refuge/kootenai/> . Please let us know if you need the documents in an alternative format. Concerns expressed during the public comment period will be addressed in the final Compatibility Determination.

Determination

Is the use compatible?

Yes

Stipulations Necessary to Ensure Compatibility

1. Organized groups and/or special events and all commercial activities require Special Use Permit.
2. Groups with 25 participants or more must obtain a Special Use Permit.
3. The permittee and all associated personnel agree to conduct activities in a safe manner, in compliance with all Refuge regulations and policies, and with precaution to avoid damage to resources, property, or personnel. Refuge staff will not be held responsible for loss of, or damage to, equipment.
4. A copy of Special Use Permit must be in the permittee or associate's possession at all times while exercising the privileges of the Permit. A copy of the Permit must be shown to any USFWS employee or Federal law enforcement officer upon request.
5. Failure to abide by any part of the Special Use Permit; violation of any Refuge-related provision or Code of Federal Regulations; or violation of any pertinent State regulation (e.g., fish or game violation) will, with due process, be considered grounds for revocation of the permit and could result in denial of future permit requests for lands administered by the USFWS. This provision applies to all persons working under the authority of the permit
6. Activities associated with the proposed uses are restricted to the auto tour, trails, observation blinds/platforms, photography blinds, parking lots/pullouts, and educational study sites during daylight hours throughout the year.

7. Activities requiring off road/trail access or access between sunset and sunrise or any collection of plants and animals would require a Special Use Permit or be managed by Refuge staff.
8. Directional, informational, and interpretive signs and publications will be posted and maintained to keep visitors on roads and trails as well as help educate the public on minimizing wildlife and habitat disturbance.
9. Refuge staff and volunteers will monitor uses to ensure compatibility, refine user estimates, and evaluate compliance. Potential conflicts between user groups will also be evaluated. The Refuge will maintain an active law enforcement presence to ensure visitor compliance with all Refuge rules and regulations.
10. Regulations will be available at information kiosks on site and through a Refuge brochure, and will be posted on the Refuge website. Regulations are also available by contacting Refuge staff for information.
11. Regular maintenance of Auto Tour Route and environmental education and interpretation facilities will occur to ensure safety and productive intended uses.

Justification

The National Wildlife Refuge System Administration Act of 1966 (as amended) identifies wildlife observation and wildlife photography as two of six priority public uses on national wildlife refuges. The law states that, when managed in accordance with principles of sound fish and wildlife management and administration, wildlife observation and photography, and the other priority wildlife-dependent recreational uses “have been and are expected to continue to be generally compatible uses.” The Act further states that these priority public uses should receive enhanced consideration over other general public uses in refuge planning and management, and directs the USFWS to provide increased opportunities for the public to safely engage in traditional outdoor activities.

Based on the stipulations outlined above, it is anticipated that wildlife populations will find sufficient food resources and resting places such that their abundance and use of the Refuge will not be measurably lessened as a result of allowing wildlife observation and photography on Kootenai NWR. The relatively limited number of individual animals expected to be adversely affected as a result of these uses will not cause wildlife populations to materially decline, the physiological condition and production of species present will not be impaired, their behavior and normal activity patterns will not be altered dramatically, and their overall welfare will not be negatively impacted. Based on available science and best professional judgement, the Service has determined that wildlife observation and photography at Kootenai NWR, in accordance with the stipulations provided here, will not materially interfere with or detract from the National Wildlife Refuge System mission or the purposes of the

Refuge. Rather, appropriate and compatible wildlife observation and photography would be a use of the Kootenai National Wildlife 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

2038

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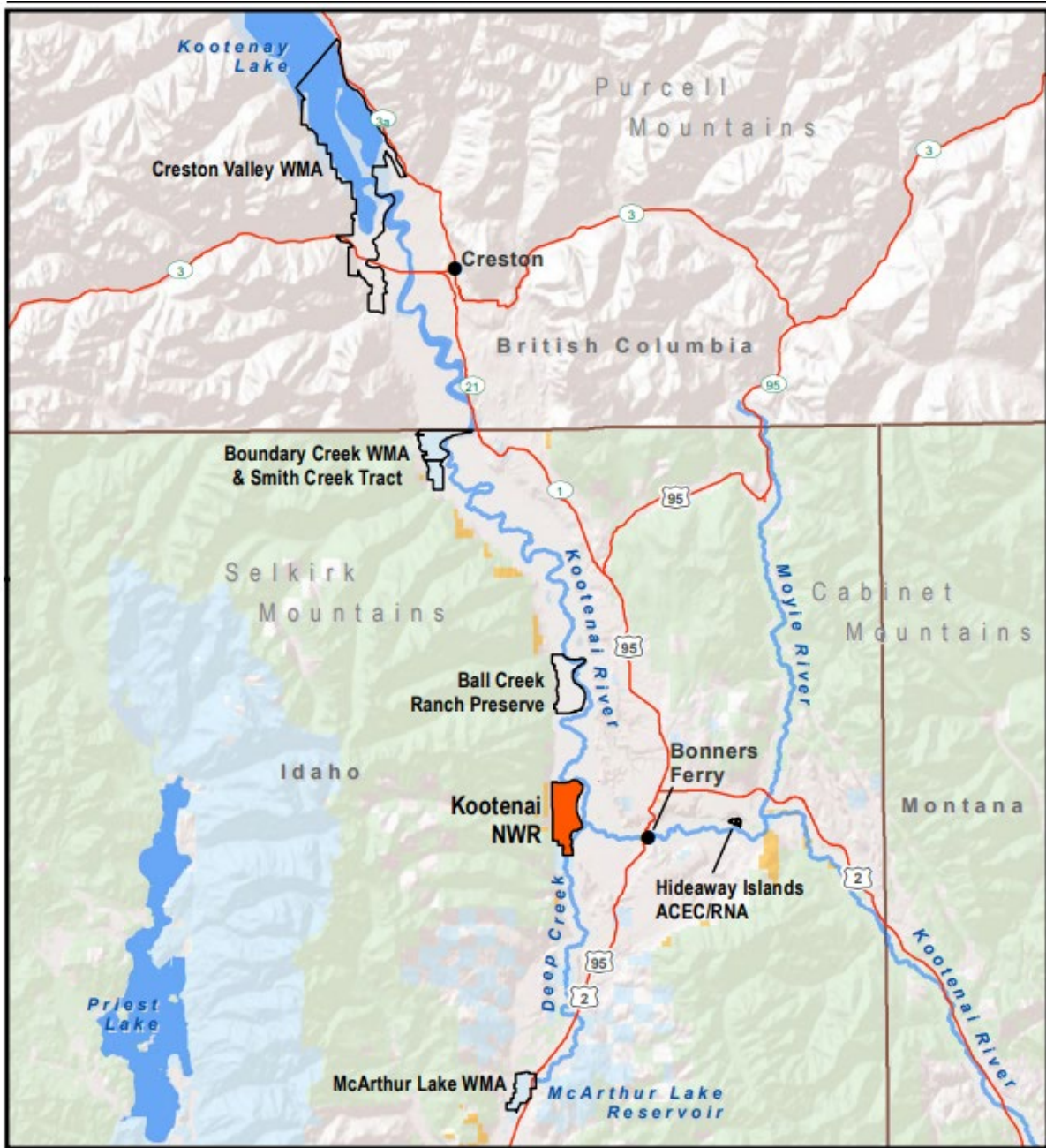
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Figure(s)

Map of Kootenai National Wildlife Refuge.



Map Date: 9/20/2011 File: 11-071-8.mxd
 Data Source: ESRI StreetMap North America, ShadedRelief_World_2D, BLM Surface Ownership