

Findings of Appropriateness and Compatibility Determinations

Overview of Findings of Appropriateness and Determination of Compatibility of Refuge Uses

An appropriate use finding is the initial decision process a refuge manager follows when first considering whether or not to allow a proposed use on a refuge. As part of the Refuge's LPP, interim appropriate use findings were provided as the initial step when land is first acquired and continuing until such time as a management plan is developed so that ongoing public use activities can continue during the interim period. The refuge manager must find that a use is appropriate before undertaking a compatibility review of the use. The process is intended to clarify and expand on the compatibility determination process by describing when refuge managers should deny a proposed use without determining compatibility. If a proposed use is not appropriate, it will not be permitted and a compatibility determination will not be undertaken.

Except for the uses noted below, the refuge manager must decide if a new use is an appropriate refuge use. If an existing use is not appropriate, the refuge manager will eliminate or modify the use as expeditiously as practicable. If a new use is not appropriate, the refuge manager will deny the use without determining compatibility. Uses that have been considered and administratively determined to be appropriate or not appropriate are listed.

- Six wildlife-dependent uses as defined by the National Wildlife Refuge System Improvement Act of 1997. The six wildlife-dependent uses include hunting, fishing, wildlife observation, wildlife photography, environmental education, and environmental interpretation are determined to be generally appropriate on refuges. However, a particular refuge may have some, none or all of these uses and the refuge manager must also determine if these uses are compatible. In the case of the Refuge all six wildlife dependent uses occur.
- Take of fish and wildlife under state regulations. States have regulations concerning the take of wildlife that includes hunting, fishing, and trapping. The Service considers take of wildlife under such regulations appropriate, however, the refuge manager must determine if the activity is compatible. In the case of the Refuge take as listed above would be considered compatible.

Appropriate use determinations were conducted for the following uses listed below and further detailed on the respective forms:

USE	APPROPRIATE?
Beekeeping	No
Berry collecting (including palmetto)	No
Bicycling	Yes
Boating	No
Camping	Yes
Commercial Recording	Yes
Commercial Tours	Yes
Dog field trials/commercial/organized dog training	No
Drones	No
Environmental education and Interpretation, Wildlife Observation and Photography	Yes
Fishing (including frogging)	Yes
Hiking/backpacking/jogging	Yes
Horseback riding	Yes
Hunting	Yes
Off-road vehicles (recreational)	No
Off-road vehicle use for hunting and fishing	Yes
Pets on leash (for purposes other than hunting)	Yes

FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: Everglades Headwaters NWR and Conservation Area_____

Use: ___ Beekeeping_____

This form is not required for wildlife-dependent recreational uses, take regulated by the State, or uses already described in a refuge CCP or step-down management plan approved after October 9, 1997.

Decision Criteria:	YES	NO
(a) Do we have jurisdiction over the use?	√	
(b) Does the use comply with applicable laws and regulations (Federal, State, tribal, and local)?	√	
(c) Is the use consistent with applicable Executive orders and Department and Service policies?		√
(d) Is the use consistent with public safety?	√	
(e) Is the use consistent with goals and objectives in an approved management plan or other document?		√
(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?		√
(g) Is the use manageable within available budget and staff?		√
(h) Will this be manageable in the future within existing resources?		√
(i) Does the use contribute to the public's understanding and appreciation of the refuge's natural or cultural resources, or is the use beneficial to the refuge's natural or cultural resources?		√
(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D, 603 FW 1, for description), compatible, wildlife-dependent recreation into the future?		√

Where we do not have jurisdiction over the use ("no" to (a)), there is no need to evaluate it further as we cannot control the use. Uses that are illegal, inconsistent with existing policy, or unsafe ("no" to (b), (c), or (d)) may not be found appropriate. If the answer is "no" to any of the other questions above, we will **generally** not allow the use.

If indicated, the refuge manager has consulted with State fish and wildlife agencies. Yes ___√___ No ___

When the refuge manager finds the use appropriate based on sound professional judgment, the refuge manager must justify the use in writing on an attached sheet and obtain the refuge supervisor's concurrence.

Based on an overall assessment of these factors, my summary conclusion is that the proposed use is:

Not Appropriate ___√___

Appropriate_____

Refuge Manager:_____

Date:_____

If found to be **Not Appropriate**, the refuge supervisor does not need to sign concurrence if the use is a new use.
If an existing use is found **Not Appropriate** outside the CCP process, the refuge supervisor must sign concurrence.
If found to be **Appropriate**, the refuge supervisor must sign concurrence.

Refuge Supervisor:_____

Date:_____

FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: Everglades Headwaters NWR and Conservation Area_____

Use: _Berry Collecting (including palmetto)_____

This form is not required for wildlife-dependent recreational uses, take regulated by the State, or uses already described in a refuge CCP or step-down management plan approved after October 9, 1997.

Decision Criteria:	YES	NO
(a) Do we have jurisdiction over the use?	√	
(b) Does the use comply with applicable laws and regulations (Federal, State, tribal, and local)?		√
(c) Is the use consistent with applicable Executive orders and Department and Service policies?		√
(d) Is the use consistent with public safety?	√	
(e) Is the use consistent with goals and objectives in an approved management plan or other document?		√
(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?	√	
(g) Is the use manageable within available budget and staff?		√
(h) Will this be manageable in the future within existing resources?		√
(i) Does the use contribute to the public's understanding and appreciation of the refuge's natural or cultural resources, or is the use beneficial to the refuge's natural or cultural resources?		√
(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D, 603 FW 1, for description), compatible, wildlife-dependent recreation into the future?		√

Where we do not have jurisdiction over the use ("no" to (a)), there is no need to evaluate it further as we cannot control the use. Uses that are illegal, inconsistent with existing policy, or unsafe ("no" to (b), (c), or (d)) may not be found appropriate. If the answer is "no" to any of the other questions above, we will **generally** not allow the use.

If indicated, the refuge manager has consulted with State fish and wildlife agencies. Yes _√_ No ____

When the refuge manager finds the use appropriate based on sound professional judgment, the refuge manager must justify the use in writing on an attached sheet and obtain the refuge supervisor's concurrence.

Based on an overall assessment of these factors, my summary conclusion is that the proposed use is:

Not Appropriate__√__

Appropriate_____

Refuge Manager:_____

Date:_____

If found to be **Not Appropriate**, the refuge supervisor does not need to sign concurrence if the use is a new use.

If an existing use is found **Not Appropriate** outside the CCP process, the refuge supervisor must sign concurrence.

If found to be **Appropriate**, the refuge supervisor must sign concurrence.

Refuge Supervisor:_____

Date:_____

FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: Everglades Headwaters NWR and Conservation Area_____

Use: _____Bicycling_____

This form is not required for wildlife-dependent recreational uses, take regulated by the State, or uses already described in a refuge CCP or step-down management plan approved after October 9, 1997.

Decision Criteria:	YES	NO
(a) Do we have jurisdiction over the use?	√	
(b) Does the use comply with applicable laws and regulations (Federal, State, tribal, and local)?	√	
(c) Is the use consistent with applicable Executive orders and Department and Service policies?	√	
(d) Is the use consistent with public safety?	√	
(e) Is the use consistent with goals and objectives in an approved management plan or other document?	√	
(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?	√	
(g) Is the use manageable within available budget and staff?	√	
(h) Will this be manageable in the future within existing resources?	√	
(i) Does the use contribute to the public's understanding and appreciation of the refuge's natural or cultural resources, or is the use beneficial to the refuge's natural or cultural resources?	√	
(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D, 603 FW 1, for description), compatible, wildlife-dependent recreation into the future?	√	

Where we do not have jurisdiction over the use ("no" to (a)), there is no need to evaluate it further as we cannot control the use. Uses that are illegal, inconsistent with existing policy, or unsafe ("no" to (b), (c), or (d)) may not be found appropriate. If the answer is "no" to any of the other questions above, we will **generally** not allow the use.

If indicated, the refuge manager has consulted with State fish and wildlife agencies. Yes √ No

When the refuge manager finds the use appropriate based on sound professional judgment, the refuge manager must justify the use in writing on an attached sheet and obtain the refuge supervisor's concurrence.

Based on an overall assessment of these factors, my summary conclusion is that the proposed use is:

Not Appropriate_____

Appropriate √

Refuge Manager:_____

Date:_____

If found to be **Not Appropriate**, the refuge supervisor does not need to sign concurrence if the use is a new use.
If an existing use is found **Not Appropriate** outside the CCP process, the refuge supervisor must sign concurrence.
If found to be **Appropriate**, the refuge supervisor must sign concurrence.

Refuge Supervisor:_____

Date:_____

A compatibility determination is required before the use may be allowed.

Refuge Name: Everglades Headwaters NWR and Conservation Area

Decision Criteria: Bicycling

(a) Do we have jurisdiction over the use? Yes, the proposed use would occur within the Refuge boundary.

(b) Does the use comply with applicable laws and regulations (federal, state, tribal, and local)? Yes, and the biking public must adhere to federal, state, tribal and local laws.

(c) Is the use consistent with applicable Executive orders and Department and Service policies? Yes. This use is consistent with applicable Executive Orders, Department and Service policies. If this use is deemed appropriate, it must be found compatible analyzed through the U.S. Fish and Wildlife Service's Compatibility Determination Policy, 603 FW 2.

(d) Is the use consistent with public safety? Yes, signage and enforcement will be used to create conditions that keep the public safe.

(e) Is the use consistent with goals and objectives in an approved management plan or other document? Yes, this use was found to be compatible in the 2012 Land Protection Plan for the Refuge (USFWS 2012).

(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed? This use was found to be compatible in the 2012 Land Protection Plan for the Refuge (USFWS 2012).

(g) Is the use manageable within available budget and staff? Yes, the Refuge believes that current staff and budgets are capable of overseeing this activity.

(h) Will this be manageable in the future within existing resources? Yes, due to the minimal Refuge resources necessary to manage this activity, the Refuge believes it will be able to manage this resource in the future with existing resources.

(i) Does this use contribute to the public's understanding and appreciation of the refuge's natural or cultural resources, or is the use beneficial to the refuge's natural or cultural resources? Yes, bicycling to observe wildlife facilitates public uses of the Refuge, and providing this opportunity contributes toward fulfilling provisions of the Improvement Act. Visitors participating in biking are educated about the mission, habitats, and the ecosystem in such a manner as to leave them with a better understanding of resources. The experience can instill an appreciation for future stewards of the environment. Biking can be an excellent recreational activity, exposing visitors to the beauty of nature and the unique setting of the Refuge.

(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality compatible wildlife-dependent recreation into the future? Yes, through limiting access to designated roads and trails, the Refuge believes it can accommodate this use without impairing current wildlife-dependent recreation.

FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: Everglades Headwaters NWR and Conservation Area

Use: Boating (airboat, motorboat, self-propelled)

This form is not required for wildlife-dependent recreational uses, take regulated by the State, or uses already described in a refuge CCP or step-down management plan approved after October 9, 1997.

Decision Criteria:	YES	NO
(a) Do we have jurisdiction over the use?		√
(b) Does the use comply with applicable laws and regulations (Federal, State, tribal, and local)?		
(c) Is the use consistent with applicable Executive orders and Department and Service policies?		
(d) Is the use consistent with public safety?		
(e) Is the use consistent with goals and objectives in an approved management plan or other document?		
(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?		
(g) Is the use manageable within available budget and staff?		
(h) Will this be manageable in the future within existing resources?		
(i) Does the use contribute to the public's understanding and appreciation of the refuge's natural or cultural resources, or is the use beneficial to the refuge's natural or cultural resources?		
(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D, 603 FW 1, for description), compatible, wildlife-dependent recreation into the future?		

Where we do not have jurisdiction over the use (“no” to (a)), there is no need to evaluate it further as we cannot control the use. Uses that are illegal, inconsistent with existing policy, or unsafe (“no” to (b), (c), or (d)) may not be found appropriate. If the answer is “no” to any of the other questions above, we will **generally** not allow the use.

If indicated, the refuge manager has consulted with State fish and wildlife agencies. Yes √ No

When the refuge manager finds the use appropriate based on sound professional judgment, the refuge manager must justify the use in writing on an attached sheet and obtain the refuge supervisor's concurrence.

Based on an overall assessment of these factors, my summary conclusion is that the proposed use is:

Not Appropriate √ Appropriate

Refuge Manager: _____ Date: _____

If found to be **Not Appropriate**, the refuge supervisor does not need to sign concurrence if the use is a new use.
If an existing use is found **Not Appropriate** outside the CCP process, the refuge supervisor must sign concurrence.
If found to be **Appropriate**, the refuge supervisor must sign concurrence.

Refuge Supervisor: _____ Date: _____

FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: Everglades Headwaters NWR and Conservation Area_____

Use: _____Camping_____

This form is not required for wildlife-dependent recreational uses, take regulated by the State, or uses already described in a refuge CCP or step-down management plan approved after October 9, 1997.

Decision Criteria:	YES	NO
(a) Do we have jurisdiction over the use?	√	
(b) Does the use comply with applicable laws and regulations (Federal, State, tribal, and local)?	√	
(c) Is the use consistent with applicable Executive orders and Department and Service policies?	√	
(d) Is the use consistent with public safety?	√	
(e) Is the use consistent with goals and objectives in an approved management plan or other document?	√	
(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?	√	
(g) Is the use manageable within available budget and staff?	√	
(h) Will this be manageable in the future within existing resources?	√	
(i) Does the use contribute to the public's understanding and appreciation of the refuge's natural or cultural resources, or is the use beneficial to the refuge's natural or cultural resources?	√	
(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D, 603 FW 1, for description), compatible, wildlife-dependent recreation into the future?	√	

Where we do not have jurisdiction over the use ("no" to (a)), there is no need to evaluate it further as we cannot control the use. Uses that are illegal, inconsistent with existing policy, or unsafe ("no" to (b), (c), or (d)) may not be found appropriate. If the answer is "no" to any of the other questions above, we will **generally** not allow the use.

If indicated, the refuge manager has consulted with State fish and wildlife agencies. Yes √ No

When the refuge manager finds the use appropriate based on sound professional judgment, the refuge manager must justify the use in writing on an attached sheet and obtain the refuge supervisor's concurrence.

Based on an overall assessment of these factors, my summary conclusion is that the proposed use is:

Not Appropriate_____

Appropriate √

Refuge Manager:_____

Date:_____

If found to be **Not Appropriate**, the refuge supervisor does not need to sign concurrence if the use is a new use.
If an existing use is found **Not Appropriate** outside the CCP process, the refuge supervisor must sign concurrence.
If found to be **Appropriate**, the refuge supervisor must sign concurrence.

Refuge Supervisor:_____

Date:_____

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Refuge Name: Everglades Headwaters NWR and Conservation Area

Decision Criteria: Camping

(a) Do we have jurisdiction over the use? Yes, the proposed use would occur within the Refuge boundary.

(b) Does the use comply with applicable laws and regulations (federal, state, tribal, and local)? Yes, and the camping public must adhere to federal, state, tribal and local laws.

(c) Is the use consistent with applicable Executive orders and Department and Service policies? Yes. This use is consistent with applicable Executive Orders, Department and Service policies. If this use is deemed appropriate, it must be found compatible analyzed through the U.S. Fish and Wildlife Service's Compatibility Determination Policy, 603 FW 2.

(d) Is the use consistent with public safety? Yes, signage and enforcement will be used to create conditions that keep the public safe. Furthermore, the special use permit process will help ensure accountability and adherence to safety regulations.

(e) Is the use consistent with goals and objectives in an approved management plan or other document? Yes, this use was found to be compatible in the 2012 Land Protection Plan for the Refuge (USFWS 2012).

(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed? This use was found to be compatible in the 2012 Land Protection Plan for the Refuge (USFWS 2012).

(g) Is the use manageable within available budget and staff? Yes, the Refuge believes that current staff and budgets are capable of overseeing this activity.

(h) Will this be manageable in the future within existing resources? Yes, due to the minimal Refuge resources necessary to manage this activity, the Refuge believes it will be able to manage this resource in the future with existing resources.

(i) Does this use contribute to the public's understanding and appreciation of the refuge's natural or cultural resources, or is the use beneficial to the refuge's natural or cultural resources? Yes, camping to observe wildlife or for hunting facilitates public uses of the Refuge, and providing this opportunity contributes toward fulfilling provisions of the Improvement Act. Visitors participating in camping are educated about the mission, habitats, and the ecosystem in such a manner as to leave them with a better understanding of resources. The experience can instill an appreciation for future stewards of the environment. Camping can be an excellent interpretive activity, exposing visitors to the beauty of nature and the unique setting of the Refuge. This use may expand the reach of the Refuge's environmental education programs.

(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality compatible wildlife-dependent recreation into the future? Yes, the Refuge believes it can accommodate this use without impairing current wildlife-dependent recreation through limiting the use to primitive overnight cooking and sleeping accommodations at designated, upland habitat sites generally located at the terminus of designated roads and/or trails that provides access to remote areas of the Refuge that will otherwise be unavailable during priority public use activities such as hunting and fishing, and in support of other approved refuge uses. This would generally involve small groups managed through a permit process and will be limited in size to prevent impairments to existing and future wildlife-dependent recreation activities. .

FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: Everglades Headwaters NWR and Conservation Area _____

Use: Commercial Recording

This form is not required for wildlife-dependent recreational uses, take regulated by the State, or uses already described in a refuge CCP or step-down management plan approved after October 9, 1997.

Decision Criteria:	YES	NO
(a) Do we have jurisdiction over the use?	√	
(b) Does the use comply with applicable laws and regulations (Federal, State, tribal, and local)?	√	
(c) Is the use consistent with applicable Executive orders and Department and Service policies?	√	
(d) Is the use consistent with public safety?	√	
(e) Is the use consistent with goals and objectives in an approved management plan or other document?	√	
(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?	√	
(g) Is the use manageable within available budget and staff?	√	
(h) Will this be manageable in the future within existing resources?	√	
(i) Does the use contribute to the public's understanding and appreciation of the refuge's natural or cultural resources, or is the use beneficial to the refuge's natural or cultural resources?	√	
(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D, 603 FW 1, for description), compatible, wildlife-dependent recreation into the future?	√	

Where we do not have jurisdiction over the use ("no" to (a)), there is no need to evaluate it further as we cannot control the use. Uses that are illegal, inconsistent with existing policy, or unsafe ("no" to (b), (c), or (d)) may not be found appropriate. If the answer is "no" to any of the other questions above, we will **generally** not allow the use.

If indicated, the refuge manager has consulted with State fish and wildlife agencies. **Yes** ___ **No** √___

When the refuge manager finds the use appropriate based on sound professional judgment, the refuge manager must justify the use in writing on an attached sheet and obtain the refuge supervisor's concurrence.

Based on an overall assessment of these factors, my summary conclusion is that the proposed use is:

Not Appropriate_____

Appropriate √_____

Refuge Manager:_____

Date:_____

If found to be **Not Appropriate**, the refuge supervisor does not need to sign concurrence if the use is a new use.
If an existing use is found **Not Appropriate** outside the CCP process, the refuge supervisor must sign concurrence.
If found to be **Appropriate**, the refuge supervisor must sign concurrence.

Refuge Supervisor:_____

Date:_____

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Refuge Name: Everglades Headwaters NWR and Conservation Area

Decision Criteria: Commercial Recording

(a) Do we have jurisdiction over the use? Yes, the proposed use would occur within the Refuge boundary.

(b) Does the use comply with applicable laws and regulations (federal, state, tribal, and local)? Yes, any permittees must adhere to federal, state, tribal and local laws. The Refuge will issue a Special Use Permit (SUP) describing any additional special conditions the permittee must abide by to maintain compatibility.

(c) Is the use consistent with applicable Executive orders and Department and Service policies? Yes. This use is consistent with applicable Executive Orders, Department and Service policies. If this use is deemed appropriate, it must be found compatible analyzed through the U.S. Fish and Wildlife Service's Compatibility Determination Policy, 603 FW 2.

(d) Is the use consistent with public safety? Yes, signage and enforcement will be used to create conditions that keep the public safe. Furthermore, the special use permit process will help ensure accountability and adherence to safety regulations.

(e) Is the use consistent with goals and objectives in an approved management plan or other document? Yes, this use could support wildlife observation and photography.

(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed? This is the first time the use is being proposed.

(g) Is the use manageable within available budget and staff? Yes. Current staff and budgets are capable of overseeing this activity. Related to this activity, the majority of staff time will be associated with reviewing and administering SUPs. Staff time may also be necessary in providing access to the Refuge and/or coordinating with permittees to have access to the Refuge.

(h) Will this be manageable in the future within existing resources? Yes, due to the minimal Refuge resources necessary to manage this activity, the Refuge believes it will be able to manage this resource in the future with existing resources.

(i) Does this use contribute to the public's understanding and appreciation of the refuge's natural or cultural resources, or is the use beneficial to the refuge's natural or cultural resources? Yes. Compatible commercial recording in its various forms provides an excellent opportunity to inform and educate the public and promote the Refuge and the NWRS. Indirectly, the products (films, photographs, and educational media) of these activities will expose more people to the purpose, mission, and resources of the Refuge. Commercial operators will potentially bring new visitors to the Refuge and enhance the experience of repeat visitors by providing them with high-quality, environmental education, interpretation, wildlife photography, and wildlife observation programs. These activities will increase the participant's understanding and appreciation of wildlife and their habitat as well as the role of the NWRS in resource conservation.

(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality compatible wildlife-dependent recreation into the future? Yes. Commercial recording activities will be managed through the SUP process, which will provide flexibility and oversight to minimize impacts or interference with Refuge visitors, public use programs, wildlife or natural and/or cultural resources on the Refuge.

FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: Everglades Headwaters NWR and Conservation Area _____

Use: Commercial Tours_____

This form is not required for wildlife-dependent recreational uses, take regulated by the State, or uses already described in a refuge CCP or step-down management plan approved after October 9, 1997.

Decision Criteria:	YES	NO
(a) Do we have jurisdiction over the use?	√	
(b) Does the use comply with applicable laws and regulations (Federal, State, tribal, and local)?	√	
(c) Is the use consistent with applicable Executive orders and Department and Service policies?	√	
(d) Is the use consistent with public safety?	√	
(e) Is the use consistent with goals and objectives in an approved management plan or other document?	√	
(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?	√	
(g) Is the use manageable within available budget and staff?	√	
(h) Will this be manageable in the future within existing resources?	√	
(i) Does the use contribute to the public's understanding and appreciation of the refuge's natural or cultural resources, or is the use beneficial to the refuge's natural or cultural resources?	√	
(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D, 603 FW 1, for description), compatible, wildlife-dependent recreation into the future?	√	

Where we do not have jurisdiction over the use ("no" to (a)), there is no need to evaluate it further as we cannot control the use. Uses that are illegal, inconsistent with existing policy, or unsafe ("no" to (b), (c), or (d)) may not be found appropriate. If the answer is "no" to any of the other questions above, we will **generally** not allow the use.

If indicated, the refuge manager has consulted with State fish and wildlife agencies. **Yes** ___ **No** √___

When the refuge manager finds the use appropriate based on sound professional judgment, the refuge manager must justify the use in writing on an attached sheet and obtain the refuge supervisor's concurrence.

Based on an overall assessment of these factors, my summary conclusion is that the proposed use is:

Not Appropriate_____

Appropriate √_____

Refuge Manager:_____

Date:_____

If found to be **Not Appropriate**, the refuge supervisor does not need to sign concurrence if the use is a new use.
If an existing use is found **Not Appropriate** outside the CCP process, the refuge supervisor must sign concurrence.
If found to be **Appropriate**, the refuge supervisor must sign concurrence.

Refuge Supervisor:_____

Date:_____

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Refuge Name: Everglades Headwaters NWR and Conservation Area

Decision Criteria: Commercial Tours

(a) Do we have jurisdiction over the use? Yes, the proposed use would occur within the Refuge boundary.

(b) Does the use comply with applicable laws and regulations (federal, state, tribal, and local)? Yes. Commercial tour permittees and guests must adhere to federal, state, tribal and local laws while on the Refuge. The Refuge will issue a Special Use Permit describing any additional special conditions the permittee must abide by to maintain compatibility.

(c) Is the use consistent with applicable Executive orders and Department and Service policies? Yes. This use is consistent with applicable Executive Orders, Department and Service policies. If this use is deemed appropriate, it must be found compatible as analyzed through the U.S. Fish and Wildlife Service's Compatibility Determination Policy, 603 FW 2.

(d) Is the use consistent with public safety? Yes, signage and enforcement will be used to create conditions that keep the public safe. Furthermore, the special use permit process will help ensure accountability and adherence to safety regulations.

(e) Is the use consistent with goals and objectives in an approved management plan or other document? Yes, this use could support wildlife observation and photography, as well as wildlife environmental education and interpretation.

(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed? This is the first time the use is being proposed.

(g) Is the use manageable within available budget and staff? Yes. Current staff and budgets are capable of overseeing this activity. Related to this activity, the majority of staff time will be associated with administering Special Use Permits to operators. Staff time may also be necessary in providing access to the Refuge and/or coordinating with permittees to have access to the Refuge.

(h) Will this be manageable in the future within existing resources? Yes due to the minimal Refuge resources necessary to manage this activity, the Refuge believes it will be able to manage this resource in the future with existing resources.

(i) Does this use contribute to the public's understanding and appreciation of the refuge's natural or cultural resources, or is the use beneficial to the refuge's natural or cultural resources? Yes. Visitors participating in commercial tours are educated about the mission, habitats, and the ecosystem in such a manner as to leave them with a better understanding of resources. The experience can instill an appreciation for future stewards of the environment. Commercial tours can be an excellent interpretive activity, exposing visitors to the beauty of nature and the unique setting of the Refuge. This use may expand the reach of the Refuge's environmental education programs.

(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality compatible wildlife-dependent recreation into the future? Yes. Commercial tours generally involve groups and more organized transportation services than consumptive uses; therefore, they will be managed through the Special Use Permit process and may be limited in size, type or number of commercial vehicles to prevent impairments to existing or future wildlife-dependent recreation activities.

FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: Everglades Headwaters NWR and Conservation Area

Use: __Dog Field Trials and Organized/Commercial Dog Training__

This form is not required for wildlife-dependent recreational uses, take regulated by the State, or uses already described in a refuge CCP or step-down management plan approved after October 9, 1997.

Decision Criteria:	YES	NO
(a) Do we have jurisdiction over the use?	√	
(b) Does the use comply with applicable laws and regulations (Federal, State, tribal, and local)?		√
(c) Is the use consistent with applicable Executive orders and Department and Service policies?		√
(d) Is the use consistent with public safety?	√	
(e) Is the use consistent with goals and objectives in an approved management plan or other document?		√
(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?	√	
(g) Is the use manageable within available budget and staff?		√
(h) Will this be manageable in the future within existing resources?		√
(i) Does the use contribute to the public's understanding and appreciation of the refuge's natural or cultural resources, or is the use beneficial to the refuge's natural or cultural resources?		√
(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D, 603 FW 1, for description), compatible, wildlife-dependent recreation into the future?		√

Where we do not have jurisdiction over the use (“no” to (a)), there is no need to evaluate it further as we cannot control the use. Uses that are illegal, inconsistent with existing policy, or unsafe (“no” to (b), (c), or (d)) may not be found appropriate. If the answer is “no” to any of the other questions above, we will **generally** not allow the use.

If indicated, the refuge manager has consulted with State fish and wildlife agencies. Yes √ No

When the refuge manager finds the use appropriate based on sound professional judgment, the refuge manager must justify the use in writing on an attached sheet and obtain the refuge supervisor's concurrence.

Based on an overall assessment of these factors, my summary conclusion is that the proposed use is:

Not Appropriate √ Appropriate

Refuge Manager: _____ Date: _____

If found to be **Not Appropriate**, the refuge supervisor does not need to sign concurrence if the use is a new use.
If an existing use is found **Not Appropriate** outside the CCP process, the refuge supervisor must sign concurrence.
If found to be **Appropriate**, the refuge supervisor must sign concurrence.

Refuge Supervisor: _____ Date: _____

FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: _____ Everglades Headwaters NWR and Conservation Area _____

Use: _____ Drones _____

This form is not required for wildlife-dependent recreational uses, take regulated by the State, or uses already described in a refuge CCP or step-down management plan approved after October 9, 1997.

Decision Criteria:	YES	NO
(a) Do we have jurisdiction over the use?	√	
(b) Does the use comply with applicable laws and regulations (Federal, State, tribal, and local)?	√	
(c) Is the use consistent with applicable Executive orders and Department and Service policies?		√
(d) Is the use consistent with public safety?	√	
(e) Is the use consistent with goals and objectives in an approved management plan or other document?		√
(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?	√	
(g) Is the use manageable within available budget and staff?		√
(h) Will this be manageable in the future within existing resources?		√
(i) Does the use contribute to the public's understanding and appreciation of the refuge's natural or cultural resources, or is the use beneficial to the refuge's natural or cultural resources?		√
(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D, 603 FW 1, for description), compatible, wildlife-dependent recreation into the future?		√

Where we do not have jurisdiction over the use ("no" to (a)), there is no need to evaluate it further as we cannot control the use. Uses that are illegal, inconsistent with existing policy, or unsafe ("no" to (b), (c), or (d)) may not be found appropriate. If the answer is "no" to any of the other questions above, we will **generally** not allow the use.

If indicated, the refuge manager has consulted with State fish and wildlife agencies. Yes √ No

When the refuge manager finds the use appropriate based on sound professional judgment, the refuge manager must justify the use in writing on an attached sheet and obtain the refuge supervisor's concurrence.

Based on an overall assessment of these factors, my summary conclusion is that the proposed use is:

Not Appropriate √

Appropriate

Refuge Manager: _____

Date: _____

If found to be **Not Appropriate**, the refuge supervisor does not need to sign concurrence if the use is a new use.
If an existing use is found **Not Appropriate** outside the CCP process, the refuge supervisor must sign concurrence.
If found to be **Appropriate**, the refuge supervisor must sign concurrence.

Refuge Supervisor: _____

Date: _____

FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: _____ Everglades Headwaters NWR and Conservation Area _____

Use: ___ Hiking (including backpacking, jogging, and walking) _____

This form is not required for wildlife-dependent recreational uses, take regulated by the State, or uses already described in a refuge CCP or step-down management plan approved after October 9, 1997.

Decision Criteria:	YES	NO
(a) Do we have jurisdiction over the use?	√	
(b) Does the use comply with applicable laws and regulations (Federal, State, tribal, and local)?	√	
(c) Is the use consistent with applicable Executive orders and Department and Service policies?	√	
(d) Is the use consistent with public safety?	√	
(e) Is the use consistent with goals and objectives in an approved management plan or other document?	√	
(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?	√	
(g) Is the use manageable within available budget and staff?	√	
(h) Will this be manageable in the future within existing resources?	√	
(i) Does the use contribute to the public's understanding and appreciation of the refuge's natural or cultural resources, or is the use beneficial to the refuge's natural or cultural resources?	√	
(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D, 603 FW 1, for description), compatible, wildlife-dependent recreation into the future?	√	

Where we do not have jurisdiction over the use ("no" to (a)), there is no need to evaluate it further as we cannot control the use. Uses that are illegal, inconsistent with existing policy, or unsafe ("no" to (b), (c), or (d)) may not be found appropriate. If the answer is "no" to any of the other questions above, we will **generally** not allow the use.

If indicated, the refuge manager has consulted with State fish and wildlife agencies. **Yes** _√_ **No** ____

When the refuge manager finds the use appropriate based on sound professional judgment, the refuge manager must justify the use in writing on an attached sheet and obtain the refuge supervisor's concurrence.

Based on an overall assessment of these factors, my summary conclusion is that the proposed use is:

Not Appropriate _____

Appropriate __√__

Refuge Manager: _____

Date: _____

If found to be **Not Appropriate**, the refuge supervisor does not need to sign concurrence if the use is a new use. If an existing use is found **Not Appropriate** outside the CCP process, the refuge supervisor must sign concurrence. If found to be **Appropriate**, the refuge supervisor must sign concurrence.

Refuge Supervisor: _____

Date: _____

Refuge Name: Everglades Headwaters NWR and Conservation Area

Decision Criteria: Hiking (including backpacking, jogging, and walking)

(a) Do we have jurisdiction over the use? Yes, the proposed use would occur within the Refuge boundary.

(b) Does the use comply with applicable laws and regulations (federal, state, tribal, and local)? Yes, the public must adhere to federal, state, tribal and local laws.

(c) Is the use consistent with applicable Executive orders and Department and Service policies? Yes. This use is consistent with applicable Executive Orders, Department and Service policies. If this use is deemed appropriate, it must be found compatible as analyzed through the U.S. Fish and Wildlife Service's Compatibility Determination Policy, 603 FW 2.

(d) Is the use consistent with public safety? Yes, signage and enforcement will be used to create conditions that keep the public safe.

(e) Is the use consistent with goals and objectives in an approved management plan or other document? Yes, this use was found to be compatible in the 2012 Land Protection Plan for the Refuge (USFWS 2012).

(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed? This use was found to be compatible in the 2012 Land Protection Plan for the Refuge (USFWS 2012).

(g) Is the use manageable within available budget and staff? Yes, current staff and budgets are capable of overseeing this activity.

(h) Will this be manageable in the future within existing resources? Yes due to the minimal Refuge resources necessary to manage this activity, the Refuge believes it will be able to manage this resource in the future with existing resources.

(i) Does this use contribute to the public's understanding and appreciation of the refuge's natural or cultural resources, or is the use beneficial to the refuge's natural or cultural resources? Hiking, backpacking, and jogging to observe wildlife facilitates public uses of the Refuge, and providing this opportunity contributes toward fulfilling provisions of the Improvement Act. Visitors participating in hiking (including backpacking, jogging, or walking) are educated about the mission, habitats, and the ecosystem in such a manner as to leave them with a better understanding of resources. The experience can instill an appreciation for future stewards of the environment. The use can be an excellent recreational activity, exposing visitors to the beauty of nature and the unique setting of the Refuge.

(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality compatible wildlife-dependent recreation into the future? Yes, through limiting access to dedicated roads and trails, the Refuge believes it can accommodate this use without impairing current wildlife-dependent recreation.

FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: _____ Everglades Headwaters NWR and Conservation Area _____

Use: _____ Horseback Riding _____

This form is not required for wildlife-dependent recreational uses, take regulated by the State, or uses already described in a refuge CCP or step-down management plan approved after October 9, 1997.

Decision Criteria:	YES	NO
(a) Do we have jurisdiction over the use?	√	
(b) Does the use comply with applicable laws and regulations (Federal, State, tribal, and local)?	√	
(c) Is the use consistent with applicable Executive orders and Department and Service policies?	√	
(d) Is the use consistent with public safety?	√	
(e) Is the use consistent with goals and objectives in an approved management plan or other document?	√	
(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?	√	
(g) Is the use manageable within available budget and staff?	√	
(h) Will this be manageable in the future within existing resources?	√	
(i) Does the use contribute to the public's understanding and appreciation of the refuge's natural or cultural resources, or is the use beneficial to the refuge's natural or cultural resources?	√	
(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D, 603 FW 1, for description), compatible, wildlife-dependent recreation into the future?	√	

Where we do not have jurisdiction over the use ("no" to (a)), there is no need to evaluate it further as we cannot control the use. Uses that are illegal, inconsistent with existing policy, or unsafe ("no" to (b), (c), or (d)) may not be found appropriate. If the answer is "no" to any of the other questions above, we will **generally** not allow the use.

If indicated, the refuge manager has consulted with State fish and wildlife agencies. **Yes** _√_ **No** ____

When the refuge manager finds the use appropriate based on sound professional judgment, the refuge manager must justify the use in writing on an attached sheet and obtain the refuge supervisor's concurrence.

Based on an overall assessment of these factors, my summary conclusion is that the proposed use is:

Not Appropriate _____

Appropriate __√__

Refuge Manager: _____

Date: _____

If found to be **Not Appropriate**, the refuge supervisor does not need to sign concurrence if the use is a new use.

If an existing use is found **Not Appropriate** outside the CCP process, the refuge supervisor must sign concurrence.

If found to be **Appropriate**, the refuge supervisor must sign concurrence.

Refuge Supervisor: _____

Date: _____

Refuge Name: Everglades Headwaters NWR

Decision Criteria: Horseback Riding

(a) Do we have jurisdiction over the use? Yes the proposed use would occur within the Refuge boundary.

(b) Does the use comply with applicable laws and regulations (federal, state, tribal, and local)? Yes the equestrian public must adhere to federal, state, tribal and local laws.

(c) Is the use consistent with applicable Executive orders and Department and Service policies? Yes, this use is consistent with applicable Executive Orders, Department and Service policies. If this use is deemed appropriate, it must be found compatible as analyzed through the U.S. Fish and Wildlife Service's Compatibility Determination Policy, 603 FW 2.

(d) Is the use consistent with public safety? Yes, signage and enforcement will be used to create conditions that keep the public safe.

(e) Is the use consistent with goals and objectives in an approved management plan or other document? Yes, this use was found to be compatible in the 2012 Land Protection Plan for the Refuge (USFWS 2012).

(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed? This use was found to be compatible in the 2012 Land Protection Plan for the Refuge (USFWS 2012).

(g) Is the use manageable within available budget and staff? Yes, current staff and budgets are capable of overseeing this activity.

(h) Will this be manageable in the future within existing resources? Yes, due to the minimal Refuge resources necessary to manage this activity, the Refuge believes it will be able to manage this resource in the future with existing resources.

(i) Does this use contribute to the public's understanding and appreciation of the refuge's natural or cultural resources, or is the use beneficial to the refuge's natural or cultural resources? Yes, horseback riding to observe wildlife facilitates public uses of the Refuge, and providing this opportunity contributes toward fulfilling provisions of the Improvement Act. Visitors participating in horseback riding are educated about the mission, habitats, and the ecosystem in such a manner as to leave them with a better understanding of resources. The experience can instill an appreciation for future stewards of the environment. Horseback riding can be an excellent recreational activity, exposing visitors to the beauty of nature and the unique setting of the Refuge.

(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality compatible wildlife-dependent recreation into the future? Yes, through limiting access to dedicated roads and trails the Refuge believes it can accommodate the use without impairing wildlife-dependent recreation. .

FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: _____ Everglades Headwaters NWR and Conservation Area _____

Use: _____ Off-road Vehicles (recreational) _____

This form is not required for wildlife-dependent recreational uses, take regulated by the State, or uses already described in a refuge CCP or step-down management plan approved after October 9, 1997.

Decision Criteria:	YES	NO
(a) Do we have jurisdiction over the use?	√	
(b) Does the use comply with applicable laws and regulations (Federal, State, tribal, and local)?	√	
(c) Is the use consistent with applicable Executive orders and Department and Service policies?		√
(d) Is the use consistent with public safety?	√	
(e) Is the use consistent with goals and objectives in an approved management plan or other document?		√
(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?		√
(g) Is the use manageable within available budget and staff?		√
(h) Will this be manageable in the future within existing resources?		√
(i) Does the use contribute to the public's understanding and appreciation of the refuge's natural or cultural resources, or is the use beneficial to the refuge's natural or cultural resources?		√
(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D, 603 FW 1, for description), compatible, wildlife-dependent recreation into the future?		√

Where we do not have jurisdiction over the use ("no" to (a)), there is no need to evaluate it further as we cannot control the use. Uses that are illegal, inconsistent with existing policy, or unsafe ("no" to (b), (c), or (d)) may not be found appropriate. If the answer is "no" to any of the other questions above, we will **generally** not allow the use.

If indicated, the refuge manager has consulted with State fish and wildlife agencies. Yes √ No

When the refuge manager finds the use appropriate based on sound professional judgment, the refuge manager must justify the use in writing on an attached sheet and obtain the refuge supervisor's concurrence.

Based on an overall assessment of these factors, my summary conclusion is that the proposed use is:

Not Appropriate √

Appropriate

Refuge Manager: _____

Date: _____

If found to be **Not Appropriate**, the refuge supervisor does not need to sign concurrence if the use is a new use.

If an existing use is found **Not Appropriate** outside the CCP process, the refuge supervisor must sign concurrence.

If found to be **Appropriate**, the refuge supervisor must sign concurrence.

Refuge Supervisor: _____

Date: _____

FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: Everglades Headwaters NWR and Conservation Area

Use: Off-road Vehicle Use for Hunting and Fishing

This form is not required for wildlife-dependent recreational uses, take regulated by the State, or uses already described in a refuge CCP or step-down management plan approved after October 9, 1997.

Decision Criteria:	YES	NO
(a) Do we have jurisdiction over the use?	√	
(b) Does the use comply with applicable laws and regulations (Federal, State, tribal, and local)?	√	
(c) Is the use consistent with applicable Executive orders and Department and Service policies?	√	
(d) Is the use consistent with public safety?	√	
(e) Is the use consistent with goals and objectives in an approved management plan or other document?	√	
(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?	√	
(g) Is the use manageable within available budget and staff?	√	
(h) Will this be manageable in the future within existing resources?	√	
(i) Does the use contribute to the public's understanding and appreciation of the refuge's natural or cultural resources, or is the use beneficial to the refuge's natural or cultural resources?	√	
(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D, 603 FW 1, for description), compatible, wildlife-dependent recreation into the future?	√	

Where we do not have jurisdiction over the use (“no” to (a)), there is no need to evaluate it further as we cannot control the use. Uses that are illegal, inconsistent with existing policy, or unsafe (“no” to (b), (c), or (d)) may not be found appropriate. If the answer is “no” to any of the other questions above, we will **generally** not allow the use.

If indicated, the refuge manager has consulted with State fish and wildlife agencies. Yes √ No

When the refuge manager finds the use appropriate based on sound professional judgment, the refuge manager must justify the use in writing on an attached sheet and obtain the refuge supervisor's concurrence.

Based on an overall assessment of these factors, my summary conclusion is that the proposed use is:

Not Appropriate_____

Appropriate ✓

Refuge Manager: _____

Date: _____

If found to be **Not Appropriate**, the refuge supervisor does not need to sign concurrence if the use is a new use.
If an existing use is found **Not Appropriate** outside the CCP process, the refuge supervisor must sign concurrence.
If found to be **Appropriate**, the refuge supervisor must sign concurrence.

Refuge Supervisor: _____

Date: _____

Refuge Name: Everglades Headwaters NWR and Conservation Area

Decision Criteria: Off-road Vehicle Use for Hunting and Fishing

(a) Do we have jurisdiction over the use? Yes, the proposed use would occur within the Refuge boundary.

(b) Does the use comply with applicable laws and regulations (federal, state, tribal, and local)? Yes, off-road vehicle users (for the purposes of hunting and fishing) must adhere to federal, state, tribal and local laws.

(c) Is the use consistent with applicable Executive orders and Department and Service policies? Yes. This use is consistent with applicable Executive Orders, Department and Service policies. If this use is deemed appropriate, it must be found compatible as analyzed through the U.S. Fish and Wildlife Service's Compatibility Determination Policy, 603 FW 2.

(d) Is the use consistent with public safety? Yes, the use will be conducted for the purposes of hunting and fishing through coordination with FWC through the WMA program on dedicated roads and trails. Where provided signage and enforcement will be used to create conditions that keep the public safe.

(e) Is the use consistent with goals and objectives in an approved management plan or other document? Yes, this use was found to be compatible in the 2012 Land Protection Plan for the Refuge (USFWS 2012).

(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed? This use was found to be compatible in the 2012 Land Protection Plan for the Refuge (USFWS 2012).

(g) Is the use manageable within available budget and staff? Yes, current staff and budgets are capable of overseeing this activity.

(h) Will this be manageable in the future within existing resources? Yes, due to the minimal Refuge resources necessary to manage this activity, the Refuge believes it will be able to manage this resource in the future with existing resources.

(i) Does this use contribute to the public's understanding and appreciation of the refuge's natural or cultural resources, or is the use beneficial to the refuge's natural or cultural resources? Yes, off-road vehicle use in support of hunting or fishing wildlife facilitates public uses of the Refuge, and providing this opportunity contributes toward fulfilling provisions of the Improvement Act.

(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality compatible wildlife-dependent recreation into the future? Yes, through coordination of unit specific hunting and fishing management with FWC through the state WMA program, and where provided limiting use to designated roads and trails, the Refuge believes it can accommodate this use without impairing wildlife-dependent recreation.

FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: _____ Everglades Headwaters NWR and Conservation Area _____

Use: _____ Pets On Leash _____

This form is not required for wildlife-dependent recreational uses, take regulated by the State, or uses already described in a refuge CCP or step-down management plan approved after October 9, 1997.

Decision Criteria:	YES	NO
(a) Do we have jurisdiction over the use?	√	
(b) Does the use comply with applicable laws and regulations (Federal, State, tribal, and local)?	√	
(c) Is the use consistent with applicable Executive orders and Department and Service policies?	√	
(d) Is the use consistent with public safety?	√	
(e) Is the use consistent with goals and objectives in an approved management plan or other document?	√	
(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?	√	
(g) Is the use manageable within available budget and staff?	√	
(h) Will this be manageable in the future within existing resources?	√	
(i) Does the use contribute to the public's understanding and appreciation of the refuge's natural or cultural resources, or is the use beneficial to the refuge's natural or cultural resources?	√	
(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D, 603 FW 1, for description), compatible, wildlife-dependent recreation into the future?	√	

Where we do not have jurisdiction over the use ("no" to (a)), there is no need to evaluate it further as we cannot control the use. Uses that are illegal, inconsistent with existing policy, or unsafe ("no" to (b), (c), or (d)) may not be found appropriate. If the answer is "no" to any of the other questions above, we will **generally** not allow the use.

If indicated, the refuge manager has consulted with State fish and wildlife agencies. Yes √ No

When the refuge manager finds the use appropriate based on sound professional judgment, the refuge manager must justify the use in writing on an attached sheet and obtain the refuge supervisor's concurrence.

Based on an overall assessment of these factors, my summary conclusion is that the proposed use is:

Not Appropriate

Appropriate √

Refuge Manager: _____

Date: _____

If found to be **Not Appropriate**, the refuge supervisor does not need to sign concurrence if the use is a new use.

If an existing use is found **Not Appropriate** outside the CCP process, the refuge supervisor must sign concurrence.

If found to be **Appropriate**, the refuge supervisor must sign concurrence.

Refuge Supervisor: _____

Date: _____

Refuge Name: Everglades National NWR

Decision Criteria: Pest on Leash

(a) Do we have jurisdiction over the use? Yes, the proposed use would occur within the Refuge boundary.

(b) Does the use comply with applicable laws and regulations (federal, state, tribal, and local)? Yes, pet walkers must adhere to any federal, state, tribal and local laws.

(c) Is the use consistent with applicable Executive orders and Department and Service policies? Yes. This use is consistent with applicable Executive Orders, Department and Service policies. If this use is deemed appropriate, it must be found compatible as analyzed through the U.S. Fish and Wildlife Service's Compatibility Determination Policy, 603 FW 2.

(d) Is the use consistent with public safety? Yes, signage and enforcement will be used to create conditions that keep the public safe. With improvements to educational and interpretation signage and appropriate stipulations, risks to pets of responsible pet owners can be mitigated. In addition, the risks to visitors from pets will be mitigated by restraint (i.e. leash) and behavior restrictions. For example, dogs that bark excessively or are disruptive in nature may be required to vacate the premises.

(e) Is the use consistent with goals and objectives in an approved management plan or other document? Yes, dog walking is an approved use in some state wildlife management areas.

(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed? This is the first time the use has been proposed.

(g) Is the use manageable within available budget and staff? Yes, the Refuge believes current staff and budgets are capable of overseeing this activity.

(h) Will this be manageable in the future within existing resources? Yes, due to the minimal Refuge resources necessary to manage this activity, the Refuge believes it will be able to manage this resource in the future with existing resources.

(i) Does this use contribute to the public's understanding and appreciation of the refuge's natural or cultural resources, or is the use beneficial to the refuge's natural or cultural resources? Yes, pet walking to observe wildlife facilitates public uses to a more diverse array of visitors of the Refuge, and providing this opportunity contributes toward fulfilling provisions of the Improvement Act. Allowing pets on the Refuge, provides visitors with a much sought-after opportunity for non-consumptive wildlife-oriented recreation, and can foster positive public relations (especially with urban populations), and introduce the Refuge to new, non-traditional audiences. One of the stated goals of the NWRS is to "foster understanding and instill appreciation of the diversity and interconnectedness of fish, wildlife, and plants and their habitats". This use, although not a priority public use, can increase the audience reached and increase the public's exposure to understanding and appreciation of America's flora, fauna, wildlife conservation, and the Service's role in managing and protecting natural resources.

(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality compatible wildlife-dependent recreation into the future? Yes. Through leash restrictions and appropriate signage, the Refuge believes it can accommodate this use without impairing existing wildlife-dependent recreation or reducing the potential to provide this in the future.

APPENDIX D: COMPATIBILITY DETERMINATIONS

Compatibility Determinations

The legal provision (16 U.S.C. 668dd-668ee) states that lands within NWRS are closed to public use unless specifically and legally opened. No refuge use may be allowed unless it is determined to be compatible. A compatible use is one that, in the sound professional judgment of the Refuge Manager, will not materially interfere with or detract from the fulfillment of the mission of NWRS or the purposes of the Refuge. All programs and uses must be evaluated based on the mandates set forth in the National Wildlife Refuge System Improvement Act of 1997 (Public Law 105-57, USC668dd) (Improvement Act) as follows:

- Contribute to ecosystem goals, as well as Refuge purposes and goals;
- Conserve, manage, and restore fish, wildlife, and plant resources and their habitats;
- Monitor the trends of fish, wildlife, and plants;
- Manage and ensure appropriate visitor uses as those uses benefit the conservation of fish and wildlife resources and contribute to the enjoyment of the public; and,
- Ensure that visitor activities are compatible with Refuge purposes.

The Improvement Act of 1997 further identifies six priority wildlife-dependent recreational uses. These uses are hunting, fishing, wildlife observation, wildlife photography, environmental education, and interpretation. As priority public uses on the NWRS, they receive priority consideration over other public uses in planning and management.

The public use program will be reviewed annually to ensure that it contributes to Refuge objectives in managing quality recreational opportunities and protecting habitats, and is subject to modification if on-site monitoring by Refuge personnel or other authorized personnel results in unanticipated negative impacts to natural communities, wildlife species, or their habitats. Refuge law enforcement officer(s) will promote compliance with refuge regulations, monitor public use patterns and public safety, and document visitor interactions. Refuge law enforcement personnel will monitor all areas and enforce all applicable state and federal regulations. The Service is actively acquiring fee-title lands, through a willing-seller approach, and providing appropriate and compatible outdoor recreational opportunities on these lands is one of the goals of the Refuge.

Environmental impacts associated with these uses can be found in the Draft Visitor Services Plan's Environmental Assessment.

Through the Refuge's development of the 2012 Land Protection Plan and associated Environmental Assessment for the establishment of the Everglades Headwaters National Wildlife Refuge and Conservation Area, a Conceptual Management Plan and Interim Compatibility Determinations were developed (USFWS 2012). The Service received a wide array of public comments and through this open process reviewed and approved several uses for compatibility during which described, articulated anticipated effects, and approved outdoor recreational uses consistent with the purposes for which the Refuge and Conservation Area was established. As part of this Visitor Service Plan, additional uses are being considered to continue to provide outdoor recreation opportunities to a diverse array of Refuge visitors.

Under the 2012 Land Protection Plan and associated Conceptual Management Plan (CMP), interim compatibility determinations were approved for 11 outdoor recreational uses listed below.

- Bicycling
- Camping
- Environmental education and interpretation, wildlife observation and photography
- Fishing
- Hiking (including backpacking, jogging and walking)
- Horseback riding
- Hunting
- Off-road vehicle use in support of hunting and fishing

As part of this VSP, compatibility determinations were conducted for the 11 uses listed above, and four additional uses are proposed:

- Commercial recording
- Commercial tours
- Pets on leash

Two of the uses cataloged in the list above; commercial recording and commercial tours can be categorically excluded from further NEPA analysis under the DOI Categorical Exclusion 43 CFR §46.210 (j): activities which are educational, informational, advisory, or consultative to other agencies, public, and private entities, visitors, individuals, or the general public. The use triggers no response to any extraordinary circumstances (43 CFR §46.215).

COMPATIBILITY DETERMINATION

Refuge Name: Everglades Headwaters National Wildlife Refuge and Conservation Area

Date Established: January 18, 2012

Establishing and Acquisition Authority:

Endangered Species Act of 1973 (16 U.S.C. 1531)

National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd)

Refuge Purpose(s):

"... conservation, management, and ... restoration of the fish, wildlife, and plant resources and their habitats ... for the benefit of present and future generations of Americans..." 16 U.S.C. 668dd(a)(2) (National Wildlife Refuge System Administration Act)

"...to conserve (A) fish or wildlife which are listed as endangered species or threatened species...or (B) plants..." 16 U.S.C. 1531 (Endangered Species Act of 1973)

"...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 use as an inviolate sanctuary, or for any other management purpose, for migratory birds...." 16 U.S.C. 715d (Migratory Bird Conservation Act)

"...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) "...for the development, advancement, management, conservation, and protection of fish and wildlife resources..." 16 U.S.C. 742f(a)(4), (Secretarial powers to implement laws related to fish and wildlife) (Fish and Wildlife Act of 1956)

"...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 "... 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]

National Wildlife Refuge System Mission:

The mission of the Refuge System, as defined by the National Wildlife Refuge System Improvement Act of 1997, 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."

Public Review: In accordance with Service guidelines and NEPA requirements, public involvement is an important factor in the development of the EA and the compatibility determinations for the Refuge.

The EA and Draft VSP were made available to the public for 60 days, during which the public was provided an opportunity to comment on the proposal. Opportunities to review the draft plan was via the Refuge's website during the comment period from March 25, 2020 to May 23, 2020. Written comments and suggestions were submitted via email. A summary of the substantive comments and corresponding Service responses is in Appendix E of the Final VSP.

Due to the COVID-19 epidemic, a virtual question and answer session was held on April 28, 2020 in lieu of a public meeting. A summary of the questions and corresponding Service answers was subsequently made available on the Refuge website.

COMPATIBILITY DETERMINATION

Use: Bicycling

Description of Use

- (a) *What is the use?* Non-motorized bicycling is not a priority public use.
- (b) *Where would the use be conducted?* Bike riding will occur only on designated roads and trails. Existing roads and trails are shown on the access and trails maps for the various units and additionally designated trails could be provided elsewhere on both existing and newly acquired Refuge units.
- (c) *When would the use be conducted?* This use occurs all year during, but users are advised to refer to the latest WMA regulations for details on hours of day and possible temporary closures.
- (d) *How would the use be conducted?* Only non-motorized bicycling is allowed, and all other WMA-specific regulations apply. The trail system is designed to support the six priority public uses and provide access to a variety of habitat types. Persons engaged in biking will use existing access points, parking lots, signage, and Refuge roads to access the trail system. Trail systems are monitored by staff and volunteers to educate and inform visitors about trail ethics and public regulations, to report safety issues and emergencies, to assist with closing of trails/grounds, and to remove trash and assist with gate closures.
- (e) *Why is this use being proposed?* Bicycling is a historic use on the Refuge that supports wildlife observation, photography, and other wildlife-dependent uses. This use is proposed to provide compatible recreational opportunities for visitors to enjoy the Refuge and to gain a better understanding and appreciation for fish and wildlife, ecology, and the relationships of plant and animal populations within various ecosystems, and to better understand wildlife management, the Refuge, and the Refuge System. This use can support wildlife observation and photography, which are priority public uses. This use may provide opportunities for visitors to observe and learn about wildlife and refuge lands firsthand and at their own pace in an unstructured environment. This use may also enhance the public's appreciation for wildlife conservation and land protection. It is anticipated that participation in this use will produce a more informed public, with an enhanced stewardship ethic and enhanced support and advocacy for the Service and for natural resources. In a 2011 survey, 15 percent of surveyed visitors had participated in bicycling within the past 12 months of the survey (Sexton et al. 2011). This use will also provide wholesome, safe outdoor recreation in a scenic setting. The hope is that those who come strictly for recreational enjoyment will be enticed to participate in the more educational facets of the public use program and can then become informed advocates for the Service and for natural resources. In addition, this use promotes the national and Regional priority, Connecting People with Nature, and other health-related initiatives.

Availability of Resources:

Resources involved in the administration and management of the use: To administer, maintain, and monitor the facilities would require some Refuge staff and volunteers. Law enforcement activities would also be needed to provide resource and visitor protection. It is expected that all these activities would total about one to two weeks' worth of effort annually for all the units.

Special equipment, facilities, or improvements necessary to support the use: None.

Maintenance costs: Many existing roads and trails will be maintained for Refuge purposes and therefore will not constitute additional maintenance costs to support bicycling.

Monitoring costs: If there is a noticeable increase in future use, the Refuge could initiate a monitoring program to assess the impact of use over time on natural resources and quality of the visitors' experience. These monitoring efforts would be covered by a combination of grants, Refuge staff, and volunteers.

Offsetting revenues: None.

Anticipated Impacts of the Use:

Short-term effects: Minor effects may occur in association with bicycling, such as littering and wildlife disturbance. Refuge law enforcement officers will patrol regularly and Refuge staff and/or volunteers will regularly pick up litter. Cyclist can disturb wildlife that are resting, foraging, or breeding along trails. Wildlife that are disturbed may rest and feed less, which can affect their fitness. However, since the disturbance effects are likely to be greatest directly along trails, the overall negative effects are expected to be minimal. Likewise, breeding birds along trails may be disturbed and not be able to protect and feed their young as frequently as needed, possibly affecting the fitness of their nestlings. A study by Miller, Knight, and Miller (1998) indicates that species composition and nest predation was altered adjacent to trails in both forested and grassland habitats. It appears that species composition changes are due to the presence of humans and not the trail or roadway itself. Trails can facilitate nest predation by increasing opportunities for access by mammalian predators.

Use of some roads and trails may cause direct mortality to amphibians crossing trails during migration. There may also be nest abandonment of bird species nesting on, or next to, trails should these uses become too frequent during breeding season. Bird communities can apparently be affected by the presence of recreational roads and trails, where common species (e.g., American robins) were found near trails and rare species (e.g., grasshopper sparrows) were found farther from trails. Songbird nest failure was also greater near trails (Trails and Wildlife Task Force 1998, Miller et al. 2001). However, the areas affected by bicycles would be relatively small compared to what is available for nesting, hence this effect is expected to be minimal.

Long-term effects: Wildlife disturbance relative to bicycle riding has been poorly studied with most references using other activities such as walking, hiking, and operating vehicles and their impacts on wildlife; therefore, bicycle impacts are inferred (unless noted). In general, activities that occur outside of vehicles (including bicycling) tend to increase the disturbance potential for most wildlife species (Klein 1993, Gabrielson and Smith 1995; Burger 1981; Pease et al. 2005). Out-of-vehicle activities along wildlife observation trails and pullouts along the trails have the greatest potential for disturbing wildlife species.

A study conducted at Back Bay National Wildlife Refuge indicated that bike riding in an open habitat, such as marshes where the activity is highly visible to wading birds, shorebirds, and waterfowl, is disruptive (Laskowski 1999). As a result, marsh birds in open areas flee from joggers and bike riders (Laskowski 1999).

Wildlife may receive different cues from different modes of transportation, since wildlife do not flee as readily from cars, perhaps because the person is hidden in the vehicle and not perceived as a threat (Klein 1993). A 2005 study at Back Bay National Wildlife Refuge (Pease et al. 2005) compared five different human activities (i.e., motorized tram, slow-moving truck, fast-moving truck, bicyclist, and pedestrian) in relation to waterfowl disturbance. The study found that people biking disturbed waterfowl more than vehicles.

The Refuge will continue management strategies of educating trail and roadway users on how their activities affect wildlife and how to modify their use to minimize impacts on wildlife. Potential conflict with priority public uses will be minimized by using trailhead signs and other media to inform the various users about current public uses. Some trail and roadway use will be restricted during the Refuge-specific hunting seasons.

The Refuge will take all reasonable measures to prevent or minimize any potential negative effects, and will evaluate trails periodically to assess whether they meet established suitability criteria and to prevent degradation. If evidence of unacceptable adverse impacts appears, the Refuge will reroute, curtail, or close trails to one or more uses as deemed appropriate. The Refuge will also post and enforce Refuge regulations, and establish, post, and enforce closed areas. Based on the current and anticipated levels of use and mitigation measures, bicycling is not considered to have significant negative long-term impacts to wildlife or Refuge habitats.

Cumulative effects: Although wildlife responds differently to the presence of trail users, many wildlife species readily adapt (become habituated) to frequent, non-threatening recreational activities. These animals are less likely to change their feeding and other behaviors in the presence of cyclists. Hence, cumulative effects are not anticipated.

Determination (check one below):

- _____ Use is Compatible
- x Use is Compatible with Following Stipulations

Stipulations Necessary to Ensure Compatibility: The following stipulations are recommended in order for bicycling to be compatible on Refuge lands.

- Bicycles will only be allowed on designated trails and improved roads on the Refuge and as identified in the Refuge unit WMA brochure.
- Evaluation of bike riding on designated roads and trails will be conducted annually to assess if objectives are being met, if habitat impacts are within a tolerable range, and if wildlife populations are not being adversely affected. If evidence of unacceptable impacts begins to appear, it may be necessary to change the activity, move the activity, or eliminate the activity.
- Clearing of vegetation is prohibited.
- All trash must be packed out and properly disposed of offsite.
- Visitors are encouraged to check specific WMA brochure for each Refuge unit for additional trail and road information.

Justification:

Bicycling to observe wildlife facilitates priority public uses of the Refuge System. Providing opportunities for these activities contributes toward fulfilling provisions of the Improvement Act. Wildlife observation from bicycles in areas where there are few impacts to wildlife will provide an appropriate mode of transportation for promoting increased awareness, understanding, and support of Refuge resources and programs. At the anticipated and current levels of visitation, bicycling does not seem to conflict with the national policy to maintain the biological diversity, integrity, and environmental health of the Refuge. Bicycling activities will be in support of priority public use activities and programs (e.g., wildlife observation).

This activity will not materially interfere with or detract from the mission of the National Wildlife Refuge System or the purposes for which the Refuge was established. In addition, this activity will fulfill one or more purposes of the Refuge or the National Wildlife Refuge System. This CD is based on best available science and sound professional judgement.

NEPA Compliance for Refuge Use Decision:

- ☐ Categorical Exclusion without Environmental Action Statement
- ☐ Categorical Exclusion and Environmental Action Statement
- ☒ Environmental Assessment and Finding of No Significant Impact
- ☐ Environmental Impact Statement and Record of Decision

References:

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Mandatory 10-year Reevaluation Date: 2030 July 30

COMPATIBILITY DETERMINATION

Use: Camping

Description of Use:

- (a) *What is the use?* Camping, as considered under this compatibility determination, is the primitive overnight cooking and sleeping accommodations (e.g. tents) erected at designated sites that facilitate access to remote areas of the Refuge that will otherwise be unavailable during priority public use activities such as hunting and fishing. Camping is not a priority public use of the National Wildlife Refuge System (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).
- (b) *Where would the use be conducted?* Campsites would be located at the terminus of a designated trail and accessible by foot, bike, ORV, or horse. Primitive campsites would be provided within upland areas and generally within already disturbed upland areas. It is anticipated that each campsite would only cover a fraction of an acre. Visitors are encouraged to refer to the Unit's WMA brochure for site locations.
- (c) *When would the use be conducted?* The use would occur year-round, but users are advised to refer to the most current WMA regulations for details on possible closures. During quota hunts, only authorized hunters would be issued camping permits. This use would require a non-fee, special use permit issued on a first-come, first-serve basis by the Refuge. The number of camping permits issued would be specific to each unit. There would also be stipulations regarding the number of campers allowed per camping permit. The duration of stay for any permit holder would be authorized through the SUP.
- (d) *How would the use be conducted?* Camping will only be authorized in support of other approved refuge uses and to facilitate access to remote areas. Regulations regarding camping would be specific to each WMA, and users are advised to refer to the current WMA brochure for details. All campsites would be primitive in nature, with no available facilities. Camping would be "pack-in/pack-out", therefore all trash and waste would need to be removed, since no trash receptacles or bathroom facilities would be on site. No open fire pits would be allowed. Campsite use by recreational vehicle or camper trailer, or camping at trailheads is not being considered.
- (e) *Why is this use being proposed?* Camping is a popular recreational activity in Florida. While camping is not a wildlife-dependent recreational use, it supports greater opportunity for wildlife dependent recreation such as hunting, fishing, wildlife observation, and wildlife photography. The Refuge supports facilitating these opportunities for visitors as it promotes the associated wildlife-dependent recreation. Camping opportunities would allow each user group to learn about the Refuge, the unique opportunity to observe by sight and sound nocturnal wildlife, observe celestial phenomenon somewhat partially away from urban light pollution, and an opportunity to recognize the uniqueness of the Kissimmee River Basin ecosystem.

Availability of Resources:

The resources necessary to provide and administer this use are available within current and anticipated Refuge budgets.

Resources involved in the administration and management of the use: This use is expected to only require limited additional resources in its administration and management. Administration would involve the issuance of special use permits, a process that requires minimal staff effort and that may require a fee to administer. It is estimated that administration of special use permits associated with this activity consists of approximately five staff days or less than two percent of staff time. Less than three percent of the time of staff members involved may be required to support this use. Federal Wildlife Officers will spend time enforcing refuge regulations. This duty is already part of their everyday tasks and will not substantially increase the law enforcement workload.

Special equipment, facilities, or improvements necessary to support the use: No special equipment, facilities or improvements are anticipated in order to support this use.

Maintenance costs: Since the campsites would be rudimentary, with or without limited infrastructure, it is anticipated that only occasional mowing would be needed for campsite maintenance. Annual Refuge operation and maintenance funds provided for the Everglades Headwaters NWR Complex will be used to support camping as an activity that supports the Refuge priority public use program. Refuge staff would maintain the campsites and may be assisted by Refuge volunteers or partners. Law enforcement would inspect campsites as part of their Refuge-wide patrols. It is expected that the annual cost of the program, primarily for site maintenance would be about \$1,500 per site annually.

Monitoring costs: Refuge staff will be required to periodically assess camping activities, including any public safety issues. Monitoring costs are expected to be about \$500 per year for each site.

Offsetting revenues: The Refuge may consider camping fees to support this activity through the special use permit process and/or through potential establishment of a recreational fee program.

Anticipated Impacts of the Use:

Short-term effects: Some negative effects, vegetation damage (Cole 1992, Marion and Cole 1996, Leung and Marion 2000, Marion 2003), and wildlife disturbance (Knight and Gutzwiller 1995, Leung and Marion 2000, Marion 2003), can be expected, but these are anticipated to be localized and minor.

The impacts of camping on vegetation are usually locally severe, even with low to moderate use. They include loss of ground vegetation cover, reduced vegetation height and vigor, loss of rare or fragile species, and changes in plant community composition (Leung and Marion 2000). Vegetation may be removed or trampled. Shrubs and trees are commonly lost from the site or damaged. Axes or fire may scar tree trunks, branches may be broken, bark removed or damaged, or nails placed in trees.

Tree regeneration (seedlings and saplings) is generally lost, thus facilitating conversion to a non-forested site. Marion and Cole (1996) found on campsites they studied in Delaware that an average of 19 percent of trees had been felled and 77 percent of the standing trees had been damaged (primarily branches cut for firewood or trunks scarred by axes and nails).

The potential for accidental wildfires exists. Vegetation resistant to trampling, including grasses or exotic species tend to replace existing understory vegetation (forbs) (Marion and Cole 1996). The indirect effects of vegetation disturbance include microclimate changes and increased erosion.

The extent of camping impacts on vegetation is generally related to the frequency of use, their durability, and group size (Cole 1995). Larger groups are usually responsible for enlarging campsites more than small groups (Cole 1992, Marion 2003). Campsite enlargement is particularly a problem when campsites are located on flat, open sites. Campers may also enlarge the affected area by developing multiple, uncontrolled "social trails" between tents, to water sources, to viewing points, or favored fishing locations. Some visitors have a much greater impact on vegetation than others, because they may cut down vegetation, dig trenches around tents, and otherwise modify the sites. Overall, the negative effects of camping on vegetation are likely to be minimal, given that the size and number of campsites will be relatively small, and the total area affected kept to a minimum.

Camping can alter or destroy wildlife habitat, or displace wildlife from preferred habitat or resources (food, water, nest sites). Camping may also modify or disrupt wildlife behavior. Larger groups are generally more likely to disturb wildlife (Marion 2003). The restrictions on the number of tents and occupants, through the special use permit process, should assist with limiting the level of impacts. Human visitors or their pets may "harass" wildlife. Even leashed pets may disturb wildlife. Pets may also transmit diseases to wildlife (Hammitt and Cole 1998). Disturbance related to camping may also affect wildlife health, fitness, reproduction, and mortality rates (Leung and Marion 2000). Indirect effects may include a change in vertebrate species composition near the campsite. Changes in vertebrate communities at campgrounds (as compared to control sites) have been reported for birds (Blakesley and Reese 1988, Garton et al. 1977, Foin et al. 1977, Knight and Gutzwiller 1995) and small mammals (Clevenger and Workman 1977). In the case of songbirds, changes in species composition were due primarily to a reduction in ground cover vegetation (for nesting, feeding) at campsites and different levels of sensitivity to human disturbance. Rarer species are generally absent from campgrounds.

The presence of humans attracts some species, while others avoid it. The availability of food generally differs between campgrounds and undisturbed areas. Natural foods may decrease in availability while foods supplied by humans may increase. Humans may intentionally supply foods to wildlife, or unintentionally, because of littering, accidental spillage, or improper food storage (Garton et al. 1977). Human foods may be unhealthy for wildlife or promote scavenging behavior, which may increase vulnerability of animals to predation. Rodent populations often increase at campsites, in response to increased availability of human food, and may negatively affect nesting songbirds. Bears and other scavengers may be attracted to improperly stored food and may damage property or threaten visitor safety. Only leashed pets will be permitted at the campsite. The Refuge will work with FWC and other appropriate state and local agencies on managing the campsites and providing outreach to the public on how to avoid disturbing wildlife and the importance of not feeding wildlife and storing food properly.

Conflicts may arise between visitors as a result of noise and over-crowding. Conflicts may also develop between small and large groups and different user groups (anglers, hunters, wildlife photographers, etc.). Litter, noise, large group sizes, and crowding may impair the Refuge experience for some visitors. A limited number of campsites will be located across a large landscape. Therefore, conflicts with other users are not anticipated to be significant. Public outreach may help reduce potential conflicts by reducing littering and promoting considerate camping. Overall, the impacts associated with this use will be confined to a relatively small portion of the Refuge, in the immediate vicinity of the campsite. Periodic closures, when warranted, and the stipulations listed below, should ensure that disturbance of wildlife and impacts on Refuge resources are minimal.

Long-term effects: Long-term effects on habitat may include a change in the species composition of vegetation in response to trampling and illegal cutting of firewood. Camping may result in the stunting or loss of trees around campsites, with an increase in shrubs or herbaceous groundcover. The total amount of habitat that may change as a result of camping is expected to be relatively small, and the overall effect is expected to be minimal.

Long-term effects on wildlife could include habituation or attraction to humans, especially if wildlife learns to associate them with food. Other wildlife may permanently avoid the areas around campsites, which would decrease available habitat. None of these effects is expected to be significant, and through proper management and counter-measures, these negative effects should be kept at a minimum.

The Refuge will provide outreach to the public through the permitting process, to educate campers on how to avoid disturbing wildlife, the importance of not feeding wildlife, and proper food storage. Some disturbance to wildlife and habitat will initially occur with the construction, maintenance, and use of the sites, and development of trail extensions as needed. Long-term disturbance will be minimal based on the amount of people permitted and number of campsites allowed in designated areas.

Cumulative effects: Cumulative effects are not anticipated on wildlife, their behaviors or their habitat. A slight increase in wildlife disturbance may occur due to the increase of visitor use and vehicular traffic to the unit, however, no significant biological or ecological impacts are anticipated as a result.

Determination (check one below):

☐ Use is Compatible

☒ Use is Compatible with Following Stipulations

Stipulations Necessary to Ensure Compatibility:

- Camping will only be authorized to occur in association with an approved use of the Refuge.
- Camping as a temporary or permanent residence will not be allowed.
- Feeding wildlife is not permitted.
- No pit fires would be permitted.
- All litter/garbage will be required to be carried-off by campers.
- Camping will only be permitted in designated sites.

- Certain areas of the Refuge may be restricted seasonally to protect breeding or nesting areas or to protect habitat.
- Camping will occur as a component of other priority public use programs to allow access to remote areas.
- To help ensure public safety, the Refuge will require registration for campers (e.g., self-registration at a trailhead or camping registration included in a hunt permit) with a limited length of stay (e.g., no more than 5 days within a 14-day period).
- If unacceptable impacts result from this activity, the Refuge will modify, move, or eliminate the use.
- A fee may be associated with camping permits.

Justification:

Primitive camping in designated campsites is a low-impact and low-cost activity that supports Refuge priority public use programs determined to be compatible (e.g., hunting). Furthermore, camping opportunities would allow each user group to learn about the Refuge, the unique opportunity to see or hear nocturnal wildlife, observe celestial phenomenon away from urban light pollution, and an opportunity to recognize the uniqueness of the Kissimmee River Basin ecosystem.

Camping provides an increased opportunity for the public to participate in priority public uses in a remote setting. Providing the public with an opportunity to experience the Refuge wildlife and natural resources through camping, along with a public educational outreach program, will help motivate visitors to understand and develop a commitment to protecting healthy ecosystems. Experiencing the Refuge through camping and education are tools that can help build a land ethic and conservation support.

This activity will not materially interfere with or detract from the mission of the National Wildlife Refuge System or the purposes for which the Refuge was established. In addition, this activity will fulfill one or more purposes of the Refuge or the National Wildlife Refuge System.

Based on the limited detrimental impacts of this use and the stipulations above, overnight camping at limited levels will not materially interfere with or distract from the mission of the Refuge System or the purposes for which the Refuge was established. This Compatibility Determination is based on the best available science and sound professional judgement.

NEPA Compliance for Refuge Use Decision:

- ☐ Categorical Exclusion without Environmental Action Statement
- ☐ Categorical Exclusion and Environmental Action Statement
- ☒ Environmental Assessment and Finding of No Significant Impact
- ☐ Environmental Impact Statement and Record of Decision

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Mandatory 10-year Reevaluation Date: 2030 July 30

COMPATIBILITY DETERMINATION

Use: Commercial Recording

Description of Use:

- (a) *What is the use?* The use is commercial recording (digital or film) including but not limited to videography, photography, and audio recording, collectively called “commercial recording” Commercial recording is an economic, non-priority use. The use typically involves recording (both still and motion) wildlife or natural landscapes or recording natural sounds for commercial or educational purposes. “Commercial recording” means the film, electronic, magnetic, digital, or other recording of a moving image by a person, business, or other entity for a market audience that involves the advertisement of a product or service, the creation of a product for sale, or the use of actors, models, sets, or props (43 CFR 5.12). For the purposes of this definition, creation of a product for sale includes a film, video, television broadcast, or documentary of historic events, wildlife, natural events, features, subjects, or participants in a sporting or recreation event created for the purpose of generating income, such as for a documentary, television or feature film, advertisement, radio, print, audio, or similar project. “Still photography” conducted on lands managed by Department of the Interior (DOI) agencies requires a permit when it involves models or props that are not a part of the site’s natural or cultural resources or administrative facilities, or when it takes place at a location where members of the public generally are not allowed, or where additional administrative costs are likely. The land use fee for still photography will apply only to still photography that requires a SUP.

Commercial recording is guided by the following policies:

- 16 U.S.C. 668dd, 50 CFR 27.71. Motion or Sound Pictures The taking or filming of any motion or sound pictures on a national wildlife refuge for subsequent commercial use is prohibited except as may be authorized under the provisions of 43 CFR part 5.
- 16 U.S.C. 668dd, 50 CFR 27.97. Private Operations Soliciting business or conducting a commercial enterprise on any national wildlife refuge is prohibited except as may be authorized by special permit.
- 16 U.S.C. 668dd, 50 CFR, Subpart A, 29.1 Allowing Economic Uses on National Wildlife Refuges. We may only authorize public or private economic use of the natural resources of any national wildlife refuge, in accordance with 16 U.S.C. 715s, where we determine that the use contributes to the achievement of the national wildlife refuge purposes or the Refuge System mission.
- 8 RM 16, Audio Visual Productions 5 RM 17, Commercial & Economic Uses on National Wildlife Refuges.
- 43 CFR Part 5, Making Pictures, Television Productions or Sound Tracks on Certain Areas Under the Jurisdiction of the Department of the Interior.
- Public Law 106-206, Commercial Filming.

Commercial recording projects that are in support of conservation, Refuge purposes, the System mission, or for educational and interpretation purposes will be given first priority. Other filming may be approved if it does not interfere with refuge operations or the Refuge’s mission and goals. Requests that do not directly support these will be considered on a case-by-case basis to see if a secondary component can be considered to ensure compatibility.

Recordings of a non-commercial nature are addressed under a separate CD for Wildlife observation, photography, environmental education, and interpretation. Additionally, this CD does not apply to news media activities, which are regulated by 8 RM 16.

- (b) *Where will the use be conducted?* Commercial recording could be conducted anywhere on the Refuge, as permitted by a SUP. Commercial recording activities that do not require a Refuge staff escort may be conducted in areas open to the public.
- (c) *When will the use be conducted?* Recording may occur during the public operating hours of the Refuge, may take from one day to multiple days, and may involve multiple periods throughout the year. Requests for nighttime or after-hours recording will be considered on an individual basis and reviewed carefully to minimize impacts on wildlife. Requests for recording during periods of nesting for threatened or endangered species or shore birds may be denied, scheduled to a more appropriate time, or permitted with a SUP outlining additional restrictions to maintain compatibility.
- (d) *How will the use be conducted?* Commercial recording projects are required to apply for a SUP reviewed by the Refuge Manager. Special needs (e.g. access to closed areas or night recording) will be considered on a case-by-case basis, are subject to the Refuge Manager's approval, and may include a secondary component negotiated to ensure compatibility (if appropriate). All SUPs will have outlined the conditions in which the use can be conducted, and Refuge staff will ensure that each permittee maintains compliance with the SUP. A diversity of equipment may be used to record images and sounds, which may also include unmanned aerial systems (UAS or drones). The use of UAS may be authorized when in compliance of Federal Aviation Administration (FAA) regulations and with stipulations included in the SUP. Use of UAS will be conducted according to the USFWS 603 FW 1 (Appropriate Use), 50 CFR 27.34 (Harassment of Wildlife) and other applicable laws, regulations and policies. Access around sensitive resources (e.g. wading bird colonies, bald eagle nest sites, snail kite nests) may be granted and shall require Refuge staff accompaniment to ensure protection of the resources from inadvertent harm or harassment. Recording activities may occur in publicly accessible areas via biking, hiking, or other approved means. The Refuge Manager may approve other requested modes of travel if deemed appropriate and compatible. Recording in areas closed to the public may require staff or their designees to be present to escort the group via approved modes of transportation when resources are available.
- (e) *Why is this use being proposed?* The USFWS provides the public opportunities to participate in compatible wildlife-dependent recreation to appreciate the value of and need for fish and wildlife conservation. Commercial recording endeavors can be an excellent platform for exposing young people and urban dwellers to the unique sounds and beauty of nature. Because of its proximity to major urban areas, the Refuge could be attractive to commercial recording activities.

Availability of Resources:

Issuing and monitoring SUPs for this use is within the resources available through the Visitor Services program at the Refuge, law enforcement personnel, and/or the Refuge Manager of the Refuge. Based on the history of requests and number of SUPs in relation to this activity, the Refuge has sufficient resources for managing current and expected levels of uses associated with commercial recording.

Resources involved in the administration and management of the use – Staff responsibilities for projects by non-USFWS entities will primarily be limited to the following: review of proposals, preparation of permits and other compliance documents (e.g., Section 7 of the Endangered Species Act of 1973, Section 106 of the National Historic Preservation Act), and monitoring of project implementation to ensure that impacts and conflicts remain within acceptable levels (compatible) over time. Compliance with the terms of the permit is within the regular duties of Refuge staff and law enforcement officers. It is assumed that the permittee will provide appropriate support staff, equipment, and resources to accomplish tasks and objectives. If a permittee will need assistance from Refuge staff, the permittee must request the assistance in writing when applying for the SUP. Staff and resource availability will be determined by the Refuge Manager based on current Refuge priorities and work plans. The Refuge will not directly supply personnel or equipment for the proposed use unless arrangements have been made prior to the issuance of the SUP and the Refuge Manager has deemed it to benefit of the Refuge. Administration of SUPs associated with this activity consists of approximately five staff days.

Special equipment, facilities, or improvements necessary to support the use – None proposed.

Maintenance costs – None. Maintenance that may be associated with this use is already performed by staff and/or volunteers throughout the year, during the normal course of their duties. Examples include mowing, trail maintenance, signage, and parking areas. This use should not incur any additional maintenance needs.

Monitoring costs – None. Existing staff monitors effects of current operations during the normal course of their duties such as compliance checks of permit conditions and periodic inspections by staff.

Offsetting revenue – Fees associated with the SUP will be determined and assigned on a case-by-case basis, which will likely offset any incidental costs incurred. The proposed fee schedule for Commercial Filming and Photography may be used as guidance (Congressional Research Service 2014).

Anticipated Impacts of the Use:

Short-term effects: Any public use activity has the potential for impacts. However, the Refuge attempts to minimize any potential impacts to negligible or acceptable limits for all uses allowed. Possible impacts from this use include disturbance to nesting and resting birds and disturbance to other wildlife and visitors. The potential to disturb any threatened or endangered species on the Refuge during this use is extremely low, unless they are a focus of the product, in which case, further review will be required and addressed in the issuance of a SUP. Commercial recording can result in both positive and negative impacts. Conducting this use may cause short-term impacts/disturbance to flora or fauna.

Some requests may require further analysis of the impacts of the proposed activity, which may also require additional compliance with the NEPA and consultation under any other relevant laws. It is important to note that wildlife recording by professionals or amateurs can often cause disturbance depending on the manner in which it is pursued. SUP conditions and associated monitoring of permitted activities will be designed to minimize wildlife and habitat impacts of this use.

Wildlife photography can negatively impact wildlife by altering wildlife behavior, reproduction, distribution, and habitat (Purdy et al. 1987, Knight and Cole 1995). Of the wildlife observation techniques, photographers tend to have the largest disturbance impacts (Klein 1993, Morton 1995, Dobb 1998). While wildlife observers frequently stop to view species, wildlife photographers are more likely to approach wildlife (Klein 1993). Even a slow approach by photographers tends to have behavioral consequences to wildlife species (Klein 1993). Other impacts include the potential for photographers to remain close to wildlife for extended periods of time in an attempt to habituate the wildlife subject to their presence (Dobb 1998), and the tendency of casual photographers, with low power lenses, to get much closer to their subjects than other activities will require (Morton 1995), including wandering off trails. This can result in increased disturbance to wildlife and habitat and/or trampling of vegetation. Klein (1993) recommended that Refuges provide observation and photography blinds to reduce these disturbances by visitors. Lighting for nighttime recording could potentially impact wildlife, including disorienting, momentary blindness, migration (in birds), circadian rhythms, preventing movement through the landscape, and even melatonin production to name a few (NIH 2017). This use will have minimal impacts to water quality because commercial recording will be managed in a way that ensures minimal physical disruption to natural resources.

UAS/Drones are increasingly being tested or used as wildlife management tools across the globe (Goebel et al., 2015; Hodgson et al., 2013; Koh and Wich, 2012; Mulero-Pazmany et al., 2014; Sarda-Palomera et al., 2011). Yet, the science regarding wildlife effects associated with use of UAS remains young. Vas et al. (2015) studied the behavioral effects of a quadricopter drone on mallards (*Anas platyrhynchos*), flamingos (*Phoenicopterus roseus*), and common greenshanks (*Tringa nebularia*). The birds had no significant reactions to different drone speeds or different colored drones, and there appeared to be no cumulative effects of successive flights. Also, the birds had very little reaction to lower approach angles, but consistently reacted when the drones approached from directly overhead. These results are consistent with those of Sarda-Palomera et al. (2011) who monitored the effects among gulls of a UAS used for population monitoring; and with results of Goebel et al. (2015) who found no reaction among penguins or seals of UAS used for population monitoring. More powerful drones of larger size that make more noise may have a greater effect on birds and other wildlife. Refuge regulations include, but are not limited to, following the recommended buffers around all nesting sites during flight operations, conducting flights outside of nesting season if required, and systematic review of all photography or video documentation taken during flights. Should any unanticipated behavior be observed indicating adverse effects, the project approach will be reassessed and a Section 7 consultation will be initiated immediately.

Long-term effects: No long-term negative effects are anticipated on wildlife or habitats. Commercial recording activities may result in long-term beneficial effects to the visitor experience. Indirectly, the products (films, photographs, and educational media) of these activities will expose more people to the purpose, mission, and resources of the Refuge. Commercial operators could bring new visitors to the Refuge and enhance the experience of repeat visitors by providing them with high quality, environmental education, interpretation, wildlife photography, and wildlife observation programs. These activities may increase the participant's understanding and appreciation of wildlife and their habitat as well as the role of the NWRS in resource conservation.

Cumulative effects: There are no anticipated adverse cumulative impacts resulting from commercial recording. This activity will result in beneficial cumulative impacts by increasing public awareness about conservation issues and the NWRS. Ultimately, this will benefit the USFWS's mission, the Refuge purposes, and the Refuge vision.

Determination (check one below):

_____ Use is Compatible

 x Use is Compatible with Following Stipulations

Stipulations Necessary to Ensure Compatibility: Each request must comply with Special Conditions attached to their SUP to ensure compatibility. At minimum, the following standard SUP Special Conditions will be included. Additional stipulations may be identified for each individual request in the SUP. The Refuge will modify or eliminate any use that results in unacceptable impacts.

1. Any person(s) or entities conducting a commercial recording operation on the Refuge must possess a SUP issued by the Refuge Manager. This requirement ensures that private businesses are not unfairly making a profit from public lands and provides a mechanism to regulate where and when commercial activities occur.
2. Permittee shall provide a detailed written proposal on company letterhead including specifics such as site-specific location, support equipment, number of persons involved, client name, description of the project theme and key messages, and other details that will allow for evaluation of the project.
3. All activities must comply with 8 RM 16 and 43 CFR, Subtitle A, Section 5.1 and may require completion of a Commercial Audio-Visual Production Application and posting of a bond.
4. The permit is not transferable except for sub-contractors that have contact information included with the permit.
5. Production company must give at least a 72-hour advance notice of recording date following issuance of a SUP.
6. Failure to comply with all SUP conditions may result in the suspension or revocation of the permit, including the possible loss of future SUP privileges. Permit fees are not refundable.
7. The Refuge reserves the right to postpone or cancel any activity that may interfere with public safety or Refuge management activities.
8. Permittee must have the SUP in their possession at all times while on the Refuge. A copy of the permit must also be prominently displayed on the dash of permittee's vehicle(s) at all times while on the Refuge. The permit must be presented to Refuge personnel upon request.
9. Permittee's vehicle(s) must remain on designated roads and be parked in designated Refuge lots.
10. Recordings taken in areas of the Refuge closed to the public may require staff or their designees to be present to escort the group.
11. Production company will limit the crew size to the smallest number possible and necessary for recording.
12. Permittee(s), designated representatives, and associates will comply with all refuge rules, regulations, and the conditions of the SUP as provided by the Refuge Manager.
13. Production activities will be conducted so as not to impact or interfere with the resource. Plants and animals will not be disturbed, harassed, or injured. Any damage to landscape (tire rutting, damage to plants, etc.) or facilities will be repaired at the expense of the permittee and to the satisfaction of the Refuge Manager within ten working days after expiration of the permit. No domestic or foreign plants or animals will be introduced into the Refuge.

14. Permittee is responsible for acquiring and/or renewing any necessary state and federal permits prior to beginning or continuing the project.
15. Additional stipulations and documentation may be required when requesting the use of drones.
16. Staging of equipment for use on the project must be approved by the Refuge Manager.
17. All methodologies, e.g., aerial photography via drone or helicopter, must be requested and approved through the SUP process prior to recording.
18. Permittee will be responsible for keeping the Refuge clear of all associated trash or litter.
19. All disturbances, including light and sound, should be minimized to the greatest extent possible.
20. Disturbing, injuring, destroying or collecting or attempting to disturb, injure, destroy or collect any plant or animal is prohibited without specific written permission from the Service.
21. Permittee will not capture or retain wildlife without specific written permission from the Service, as well as having all required permits.
22. Permittee will not clear, trim, cut, or disturb vegetation nor erect any facilities or structures, whether temporary or permanent, without written approval of the Refuge Manager.
23. Priority consideration is extended to producers of wildlife and natural resource related audio or visual materials. Producer's credentials will be verified by the appropriate Refuge personnel.
24. Production activities will be conducted so as to minimize impact or interference with Refuge visitors, public use programs, wildlife or natural and/or cultural resources within the Refuge.
25. If a prop firearm is used, it must be clearly identified as a prop and kept cased when not in use.
26. Permittee may be required to provide public safety assets such as crowd or traffic control in coordination with the Refuge Manager.
27. Proper credit will be given for all commercial recording, including commercial recording of images and sounds collected on the Refuge. Permittee will give credit to the DOI, USFWS, and Refuge through the use of an appropriate title or announcement. The use of the logo of the USFWS will be consistent with the purpose, mission and goals of the USFWS, as well as any and all applicable laws, and will only be used with permission from the Service. It is not permissible for use of the logo in any combination with the business products or services of the permitted company or its subsidiaries, brands, affiliates, partners, or customers. The permitted company shall take all reasonably necessary steps to avoid endangering the validity or goodwill of the logo and use all reasonable efforts to maintain the validity and distinctiveness of the logo and to enhance the goodwill symbolized by the logo.
28. The USFWS is not responsible for any mishaps or injuries that may occur during recording and associated activities. The permittee acknowledges and agrees to provide appropriate safety equipment and training to all people participating in the recording and associated activities with regard to hazards likely to be encountered on the Refuge.
29. Permittee assumes full responsibility for themselves, their associates, and their representative's production equipment and gear in the event of loss or damage. Permittee agrees to strictly follow safety procedures and any other protocols as requested orally and in writing by USFWS employees. Failure to follow any protocols, oral or written, may result in immediate termination of the issued SUP. Should a situation occur in which USFWS deems participation by permittee and associates as inappropriate or unsafe, the permittees and associates shall immediately defer to any and all instructions given by USFWS. Attendance and participation to all safety briefings

given by USFWS will be required by permittee crew members for the shoot because of the nature of the equipment involved.

30. Permittee shall provide the Refuge Manager with a copy of the final product of the commercial recording project within 180 days of completion of the project.
31. Footage shot with the assistance of the USFWS shall not be reused for or sold to other production companies without specific USFWS government approval.
32. Indemnification: The permittee shall save, hold harmless, defend and indemnify the United States of America, its agents, and employees for losses, damages, or judgments and expenses on account of fire or other peril, bodily injury, death, or property damage, or claims for bodily injury, death, or property damage of any nature whatsoever, and by whomsoever made, arising out of the activities of the permittee, its employees, subcontractors, or agents under this SUP.
33. Insurance
 - a. The permittee shall purchase at a minimum the types and amounts of insurance coverage as stated herein and agrees to comply with any revised insurance limits that the Refuge Manager may require during the term of this SUP.
 - b. Upon request of the Refuge Manager, the permittee shall provide a statement of Insurance and Certificate of Insurance.
 - c. The U.S. Fish and Wildlife Service will not be responsible for any omissions or inadequacies of insurance coverages and amounts if such prove to be inadequate or otherwise insufficient for any reason whatsoever.
34. Public Liability. The permittee shall provide comprehensive general liability insurance against claims occasioned by actions or omissions of the permittee or its designees in carrying out the activities and operations authorized hereunder. Such insurance shall be in the amount commensurate with the degree of risk and the scope and size of such activities authorized herein, but in any event, the limits of liability shall not be less than (\$300,000) per occurrence covering both bodily injury and property damage. If claims reduce available insurance below the required per occurrence limits, the permittee shall obtain additional insurance to restore the required limits. An umbrella or excess liability policy, in addition to a comprehensive general liability policy, may be used to achieve the required limits.
 - a. All liability policies shall specify that the insurance company shall have no right of subrogation against the United States of America or shall provide that the United States of America is named an additional insured.
 - b. The permittee agrees that the U.S. Fish and Wildlife Service does not take any responsibility or liability for the security, loss, damage, or otherwise of any vehicle, machinery, equipment, or other goods or property owned by, or under the control of, the permittee.
35. All other Refuge rules and regulations remain in force.

Additional Special Conditions for UAS – the below conditions may be altered as new policies and directives are approved.

- To minimize disturbance to plants, wildlife, and habitats, all UAS activities involving recording wildlife will be coordinated with the Refuge Manager or designee. Specifically, the permittee(s) shall be very well organized, know exactly what they will do and how to do it before they initiate recordings.
- No threatened or endangered species may be monitored without appropriate federal or state permits and specific consent of the Refuge Manager.
- When the purpose of the project is to monitor wildlife during critical times (i.e. nesting), the use of UAS must be the less disrupting option than other methods of monitoring.

- Copies of the following documents are required at a minimum of 36 hours in advance of the first UAS flight:
 - a) Pictures and specs of the specific UAS platform employed.
 - b) A copy of the Federal Aviation Administration (FAA)-approved Certificate of Authorization (COA), Section 333 Exemption, or Remote Pilot Certification.
 - c) Aviation Risk Management or a Project Aviation Safety Plan document.
- UAS operators are responsible for meeting and following the minimum FAA rules and requirements in accordance with their certification: (a) keep the aircraft in sight (visual line-of-sight); (b) fly under 400 feet; (c) fly during daytime only; (d) fly at or below 100 mph; (e) yield right of way to manned aircraft; (f) do NOT fly over people, and (g) do NOT fly from a moving vehicle. Additional or varying stipulations may apply per the specific certification being used. These regulations are subject to change and permittees are responsible for keeping apprised of regulation changes.
- Service personnel may be present for any UAS mission conducted on the Refuge.
- UAS operators shall report any wildlife disturbance to Refuge personnel and provide a narrative similar to a “white paper”, photography or videography (captured during the flight) within 3 days after completion of the UAS flight.
 - a) If there are any sensitive species in the area when performing any authorized activity, the activity shall cease until the animal(s) depart the area, except as permitted for specific management of that species.
 - b) During descent, the UAS operator will ensure that no sensitive species are in the retrieval area.
 - c) Interactions with birds and other wildlife will be closely monitored; should significant interactions occur, operations will be halted.
 - d) Wildlife impacts will be assessed and analyzed on site and protocols modified accordingly.
 - e) In the event of a bird strike, the UAS should immediately return to ground control station to remove the threat of disturbance and assess damage to the aircraft.
- In the instance of a crash, the UAS operator is responsible for reporting it per FAA policy and shall provide copies of any documentation to the Refuge.
- Additional special conditions shall be stipulated in the SUP as needed to further minimize impacts. If adverse impacts to Refuge resources associated with UAS activities are identified in future years, modifications to that part of the program in question will be implemented immediately to minimize that impact. All current or future Refuge specific rules and regulations apply to the proposed use.

Justification:

Compatible commercial recording in its various forms provides an opportunity to inform and educate the public and promote the Refuge and the NWRS. Since production activities will be limited, any disturbances associated with recording will be minimal and readily controlled through the proper selection of locations, timing of production, and stringent SUP conditions and monitoring. While commercial recording is a secondary public use, it may support and enhance the priority public uses of wildlife photography, environmental education, and interpretation. By allowing commercial recording, the public may gain a better understanding and appreciation for America’s flora and fauna, wildlife conservation, and the USFWS’s role in managing and protecting natural resources. Furthermore, permitting appropriate and compatible commercial recording is consistent with the goals of the NWRS, as well as the intent and purposes of the Refuge. The actions or effects of this use are not expected to interfere with or detract from the mission of the NWRS nor diminish the purposes for which the Refuge was established. This use will not pose substantial adverse effects on Refuge resources, interfere with public use of the

Refuge, nor cause an undue administrative burden. This activity is a compatible use of the Refuge.

NEPA Compliance for Refuge Use Decision:

☐ Categorical Exclusion without Environmental Action Statement

☐ Categorical Exclusion and Environmental Action Statement

☒ Environmental Assessment and Finding of No Significant Impact

☐ Environmental Impact Statement and Record of Decision

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Mandatory 10-year Re-evaluation Date: 2030 July 30

COMPATIBILITY DETERMINATION

Use: Commercial Tours

Description of Use:

- (a) *What is the use?* Commercial tours for non-consumptive use directed toward environmental education, interpretation, and/or observation of wildlife and habitats is not a priority public use. However, it promotes and facilitates several priority public uses. Commercial tours include, but are not limited to, wildlife observation/photography excursions, environmental education, camping, and guided field trips. Non-consumptive commercial tours generally involve larger groups and more organized transportation services than consumptive uses; therefore, they may be limited in size, type or number of commercial vehicles. Should the Refuge Manager decide demand for this activity is sufficient, it may be necessary to convert to a concession contract by open competitive bids.
- (b) *Where will the use be conducted?* The use would be allowed in any areas permitted under the SUP. Commercial tours that do not require a Refuge staff escort may be conducted in all areas open to the public.
- (c) *When will the use be conducted?* Tours may take place year-round during the public operating hours of the Refuge, may take from one day to multiple days, and may occur throughout the year. Requests for nighttime or afterhours tours will be considered on an individual basis and reviewed carefully to minimize impacts on wildlife. Requests for tours near known locations of threatened or endangered species or during periods of nesting may be denied, scheduled to a more appropriate time, or permitted with a SUP outlining additional restrictions to maintain compatibility.
- (d) *How will the use be conducted?* Title 50, Code of Federal Regulations, 27.97, Private Operations, prohibits soliciting business or conducting a commercial enterprise on any national wildlife refuge except as may be authorized by special permit. Thus, commercial tours are required to obtain a SUP from the Refuge Manager. Special requests (e.g. access to closed areas or night tours) will be considered on a case-by-case basis, are subject to the Refuge Manager's approval, and may include a secondary component negotiated to ensure compatibility (if appropriate). All SUPs will outline the conditions in which the use will be conducted, and Refuge staff will ensure that each permittee maintains compliance with the SUP. Bicycling or hiking are some of the modes of transportation that may be used at the Refuge. The Refuge Manager may approve other requested modes of travel if deemed appropriate and compatible. Additionally, it is anticipated that use of SUPs will provide the Refuge a tool for managing uses; protecting natural and cultural resources; reducing user conflicts; and mitigating disturbance impacts. The SUP will also create an opportunity for communication and outreach between staff and commercial guides or tour groups to increase knowledge and awareness of Refuge regulations and ethical wildlife observation behavior.
- (e) *Why is this use being proposed?* The Service provides the public with opportunities to participate in compatible wildlife-dependent recreation to appreciate the value of and need for fish, wildlife, and plant conservation. Visitors participating in commercial tours may be educated about the mission, habitats, and the ecosystem in such a manner as to leave them with a better understanding of resources. The experience can instill an appreciation for future stewards of the environment. Commercial tours can be an interpretive activity, exposing

young people, urban dwellers, and the community to the unique sounds and beauty of nature, and the distinctive setting of the Refuge. They may also expand the reach of the Refuge's environmental education programs.

Availability of Resources:

Resources involved in the administration and management of the use: Resources required to administer and manage this use are available at the Refuge. Refuge staff responsibilities for commercial tours will primarily be limited to the following: review of proposals, preparation of SUPs and other compliance documents (e.g., Section 7 of the Endangered Species Act of 1973, Section 106 of the National Historic Preservation Act), and monitoring of implementation to ensure that impacts and conflicts remain within acceptable levels (compatible) over time. It is necessary for the permittee to provide appropriate support staff, equipment, and resources to accomplish tour objectives. If a permittee will need assistance from Refuge staff, the permittee must request the assistance in writing when applying for the SUP. Staff and resource availability will be determined by the Refuge Manager based on current Refuge priorities and work plans. The Refuge will not directly supply personnel or equipment for the proposed use unless arrangements have been made prior to the issuance of the SUP and the Refuge Manager has deemed it to benefit of the Refuge. Based on the history of requests and number of SUPs in relation to this activity, the Refuge has sufficient resources for managing current and expected levels of uses associated with commercial tours. Administration of SUPs associated with this activity consists of approximately 5 staff days.

Special equipment, facilities, or improvements necessary to support the use: Special equipment, facilities, or improvements to support this use are not proposed.

Maintenance costs: Maintenance that may be associated with this use is already being performed by staff and/or volunteers throughout the year, during the normal course of their duties. Examples include mowing, trail maintenance, signage, parking areas, and trash removal. This use should not incur any additional maintenance needs; however, it may influence the timing of when and how often maintenance should be performed.

Monitoring costs: Existing Refuge staff monitors effects of current operations during the normal course of their duties such as compliance checks of permit conditions and periodic inspections by staff.

Offsetting revenue: A permit-term administrative fee may be required. Administrative fees will be assessed on a case-by-case basis and may vary, depending on the size and complexity of the tour, number and frequency of demands for this use, and other applicable details. Although there is no standard fee schedule at this time, fees will be comparable to other use fees at refuges in the vicinity.

Anticipated Impacts of the Use:

Short-term effects: Any public use activity has the potential for negative effects; however, the Refuge attempts to minimize any potential impacts to negligible or acceptable limits for all uses allowed. In general, impacts from commercial tours will be similar to those expected from similar non-commercial recreational uses, however commercial uses could be more disturbing because commercial uses tend to occur in larger groups of people. Short-term impacts may be realized to wildlife and vegetation, including temporary damage resulting from trampling, disturbance to nesting birds, and disturbance to feeding or resting birds or other wildlife in the proximity. Consistent disturbance to wildlife may cause shifts in habitat use, abandonment of habitat,

increased energy demands on affected wildlife, changes in nesting and reproductive success, and singing behavior (MacDonald 2015, Snetsinger and White 2009, Reed and Merenlender 2008, Gill et al. 2001, Miller et al. 1998, Gill et al. 1996, Schulz and Stock 1993, Knight and Cole 1991, Arrese 1987). Hammitt and Cole (1998) note that females with young are more likely to flee from a disturbance than those without young. Several studies have examined the effects of recreationists on birds using shallow-water habitats adjacent to trails and roads through wildlife refuges and coastal habitats in the eastern United States (Burger 1981; Burger 1986; Klein 1993; Burger et al. 1995; Klein et al. 1995; Rodgers & Smith 1995, 1997; Burger & Gochfeld 1998). Hammitt and Cole (1998) conclude that the frequent presence of humans in "wildland" areas can dramatically change the normal behavior of wildlife mostly through "unintentional harassment." Overall, the existing research clearly demonstrates that disturbance from recreation activities always has at least temporary effects on the behavior and movement of birds within a habitat or localized area (Burger 1981, 1986; Klein 1993; Burger et al. 1995; Klein et al. 1995; Rodgers & Smith 1997; Burger & Gochfeld 1998). The potential to disturb any threatened or endangered species on the Refuge during this use is extremely low, unless they are a focus of the tour, in which case, further review and oversight will be required by Refuge staff.

Long-term effects: This use should not result in long-term effects on wildlife populations or the purposes for which the Refuge was established. Travel will occur on ruderal natural communities that can withstand repetitive use. The Refuge Manager will use professional judgment in ensuring that the request will have no considerable negative impacts; will not violate Refuge regulations; and that it will contribute to the achievement of the Refuge purpose and the NWRS mission. Stipulations may be placed on the size of the group or modes of transportation to reduce the potential for negative impacts, depending on the activity. Special needs will be considered on a case-by-case basis and are subject to the Refuge Manager's approval and may be modified to ensure compatibility (if appropriate). Any approved SUP will outline the conditions in which the use may be conducted, and Refuge staff will ensure compliance with the permit.

Cumulative effects: none anticipated.

Determination (check one below):

_____ Use is Compatible

 x Use is Compatible with Following Stipulations

Stipulations Necessary to Ensure Compatibility: Each permittee must comply with Special Conditions attached to their SUP to ensure compatibility. At minimum, the following standard SUP Special Conditions will be included.

- Proof of general liability insurance coverage with the Refuge named as co-insured must be provided prior to the issuance of the SUP.
- The Refuge Manager, or his/her designated representative, has the right to accompany any commercial tour visit, with proper notice, as an observer.
- The permittee(s) will disclose during all tours that this area is part of the NWRS administered by the Service. The Service's and NWRS's missions will also be summarized.
- All Refuge regulations will be adhered to by the permittee(s) and all commercial tour participants. Any violations of regulations witnessed by the permittee(s) will be reported to the Refuge Manager.

- For youth environmental education commercial visits, the Refuge requires that the students be supervised by a ratio of one adult for every ten students. Youth being defined as all minors under the age of 18.
- Permittee(s) or designated commercial representative will notify the Refuge at least two weeks in advance of any scheduled tours and give expected arrival time, date, number of participants, and the name of the tour leader. A copy of the permit will be carried by the permittee(s) or designated representative during each tour and presented on request to any Refuge official.
- Entry will be authorized only during hours specified in the corresponding WMA brochure and into open public use areas unless special permission has been granted by the Refuge Manager.
- The permittee(s) will provide the Refuge with a summary of visits conducted, number of participants, fees assessed, and tour or curriculum presented for the period covered by the SUP. This summary report is due to the Refuge's administration office no later than one month after permit expires. Failure to provide a timely summary report may result in the denial of future permits.
- Advertisements concerning events must be approved by the Refuge Manager prior to printing or distribution.
- Permittee or designated representative will be required to sign and date a waiver and release of liability form.

Justification: The approved objectives of commercial tours on the Refuge – environmental education, interpretation, and wildlife observation – have been identified by the Improvement Act of 1997 as appropriate and compatible priority uses. This proposed use supports the Service's goal of Connecting People with Nature in addition to multiple objectives and strategies stated in the Refuge's Conceptual Management Plan. Commercial tours provide visitors an organized and educational opportunity to view wildlife safely under the use stipulations. Commercial tours provide a safe and informative educational experience for visitors that have no or little experience in nature and desire a more controlled and informative visit to the Refuge. Commercial tours provide a mechanism to educate large groups of visitors about Refuge resources, management, and conservation. With limited staff at the Refuge, commercial tours are a way to inform and educate the public in a cost-effective way. Thus, the use will not materially interfere with or detract from the NWRS mission, or the purposes for which the Refuge was established.

NEPA Compliance for Refuge Use Decision:

- ☐ Categorical Exclusion without Environmental Action Statement
- ☐ Categorical Exclusion and Environmental Action Statement
- ☒ Environmental Assessment and Finding of No Significant Impact
- ☐ Environmental Impact Statement and Record of Decision

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Mandatory 10-year Re-evaluation Date: 2030 July 30

COMPATIBILITY DETERMINATION

Use: Environmental Education and Interpretation, Wildlife Observation and Photography

Description of Use:

- (a) *What is the use?* Environmental education (EE) and interpretation, and wildlife observation and photography are non-consumptive, wildlife-dependent recreational activities defined as priority public uses of the National Wildlife Refuge System (NWRS) as established in the Improvement Act of 1997. Interpretation includes activities and supporting infrastructure that explain management activities, fish, and wildlife resources, ecological processes, and cultural history among other topics to public users. EE includes activities that seek to increase public knowledge and understanding of wildlife and the importance of habitat protection and management. Typical activities include teacher or staff-guided onsite field trips, offsite programs in classrooms, and nature study, such as teacher and student workshops and curriculum-structured instruction. This activity could also include night-sky viewing (e.g. star gazing) via a special use permit. EE programs may involve the incidental collection of flora and fauna such as small fish, invertebrates, butterflies, caterpillars, leaves, seeds, stems, roots, flowers, soil, feathers, scat, discarded eggs, discarded fur, discarded hair, exoskeleton etc. Any sampling or collection activities by non-USFWS programs must be approved via a special use permit, and samples collected shall be for use only on the Refuge for approved environmental education curricula. Environmental education seeks to provide organized efforts to teach awareness, understanding, and appreciation of our natural and cultural resources and conservation history. Interpretation seeks to promote visitor understanding of and increase appreciation for America's natural and cultural resources and conservation history. Interpretation also aims to develop a sense of stewardship leading to actions and attitudes that reflect interest and respect for wildlife resources, cultural resources, and the environment.
- (b) *Where would the uses be conducted?* These activities may be conducted by the general public on any portion of the Refuge open to public use. EE and interpretation consist primarily of youth and adult education and interpretation of the natural resources of the Refuge. Activities may include on-site Refuge-led or Refuge-approved environmental education programs; teacher workshops; and interpretation of wildlife, habitat, other natural features, and/or management activities occurring in the Refuge. These activities seek to increase the public's knowledge and understanding of wildlife and their habitats and to contribute to wildlife conservation and support of the Refuge.
- (c) *When would the uses be conducted?* These activities may be conducted year-round, during public operating hours except by special permission from the Refuge Manager. Visitors should consult current WMA regulations on the particular unit of interest to determine if there are any temporary closures.
- (d) *How would the uses be conducted?* These uses are achieved through guided or self-guided tours and activities. Only modes of transportation permissible to the public on the Refuge may be used to conduct these uses by the public. Some supporting uses will include hiking and bicycling. Examples of EE activities include staff or teacher-led events, student and teacher workshops, and nature studies. Interpretive programs and facilities could include special events, special tours, visitor center displays, interpretive trails, visitor contact stations, auto tour routes, and signs. EE and interpretation programs will be conducted by the Service or by a Service-approved member. Any non-Service environmental education and

interpretation activities must be reviewed and approved by the Service through a special use permit issued by the Refuge. These permits will contain conditions to minimize impacts and ensure compatibility. This compatibility determination applies only to personal photography and not to other forms of photography (e.g., commercial photography and filming). Commercial photography or videography are covered under a separate CD for Commercial Recording and will require a special use permit issued by the Refuge with specific restrictions.

- (e) *Why are these uses being proposed?* EE and interpretation and wildlife observation and photography are wildlife-dependent uses for the System. These uses comprise a variety of activities and facilities that seek to increase the public's knowledge and understanding of wildlife and to promote wildlife conservation. These are tools used to inform the public of resource values and issues. Wildlife observation and photography are traditional uses in this landscape. The Refuge provides habitat for a wide array of wildlife and excellent opportunities for photography.

Availability of Resources:

Resources involved in the administration and management of the use: Staff time is associated with administration and law enforcement. Existing staffing and funding levels are adequate to support these activities at existing and projected levels. The management of a volunteer program will be essential to implement environmental education and interpretive programs. Volunteers would be utilized extensively to assist in successful programs and opportunities. Administration of SUPs associated with this activity consists of approximately five staff days.

Special equipment, facilities, or improvements necessary to support the use: Some informational kiosks may be needed to best orient and inform visitors. With the exception of a proposed photo-blind, no other additional infrastructure is proposed at this time. Construction of a photo blind(s) or other improvements would be contingent on future funding.

Maintenance costs: Annual refuge operation and maintenance funds provided for the Everglades Headwaters NWR Complex will be used to support the visitor services programs, including the uses described. Maintenance costs associated with this use are already performed by staff and/or volunteers throughout the year, during the normal course of their duties. Examples include mowing, trail maintenance, signage, and parking areas, which should not incur additional maintenance needs. Annual maintenance funds provided for the Refuge will be used to support activities (e.g. road/trail repairs). Most of these roads and trails will already be maintained for refuge use.

Monitoring costs: – Existing Refuge staff monitors the effects of current operations during the normal course of their duties. Voluntary evaluations would be provided to teachers and visitors for feedback on educational programs and experiences. Monitoring of the effects of these uses would be funded through a combination of grants, supplemented with Refuge/volunteer time as needed.

Offsetting revenues: The Refuge would charge for commercial companies that are using the Refuge for profit when conducting environmental education. Fees would be waived for environmental education groups that are conducting standards-based teaching or for Boy/Girl Scouts, home school, or faith-based groups that are following a curriculum as examples.

Anticipated Impacts of the Use:

Short-term effects: A primary concern for allowing any public use to occur on the Refuge is to ensure that impacts to wildlife and habitats are maintained within acceptable limits and potential conflicts between user groups are minimized. In most cases, the described activities would result in minimal disturbance to wildlife. Several studies have examined the effects of recreation on birds using shallow water habitats adjacent to trails and roads through wildlife refuges and coastal habitats in the eastern United States (Burger 1981; Burger 1986; Klein 1993; Burger et al. 1995; Klein et al. 1995; Rodgers & Smith 1995, 1997; Burger & Gochfeld 1998). Overall, the existing research clearly demonstrates that disturbance from recreation activities always have at least temporary effects on the behavior and movement of birds within a habitat or localized area (Burger 1981, 1986; Klein 1993; Burger et al. 1995; Klein et al. 1995; Rodgers & Smith 1997; Burger & Gochfeld 1998). The findings that were reported in these studies are summarized as follows in terms of visitor activity and avian response to disturbance.

Presence: Birds avoided places where people were present and when visitor activity was high (Burger 1981; Klein et al. 1995; Burger & Gochfeld 1998).

Distance: Disturbance increased with decreased distance between visitors and birds (Burger 1986), though exact measurements were not reported.

Approach Angle: Visitors directly approaching birds on foot caused more disturbance than visitors driving by in vehicles, stopping vehicles near birds, and stopping vehicles and getting out without approaching birds (Klein 1993). Direct approaches may also cause greater disturbance than tangential approaches to birds (Burger & Gochfeld 1981; Burger et al. 1995; Knight & Cole 1995; Rodgers & Smith 1995, 1997).

Noise: Noise caused by visitors resulted in increased levels of disturbance (Burger 1986; Klein 1993; Burger & Gochfeld 1998), though noise was not correlated with visitor group size (Burger & Gochfeld 1998).

There are some situations that could be harmful to plant and animal life, which would warrant Refuge closures or the development of use restrictions. Examples of these situations include, but are not limited to, protection of trust and listed species (flora and fauna), impacted vegetation, nesting species, and the protection of and possible conflicts with other Refuge management programs. Potential impacts to wildlife and habitats include disrupting foraging or resting activities, repetitive flushing of nesting birds, and stress or change in behavior due to group size and/or volume. Negative responses from wildlife due to human impacts can include, but are not limited, to:

- permanent disappearance of migratory bird species or individuals that are unable to adapt to the presence of people by habituation;
- increased nest predation due to the continued flushing of birds from their nests;
- change of patterns of behavior due to repetitive flushing;
- increase of energy demands for wildlife fleeing from human disturbance; and
- variation in feeding behavior.

Even the most controlled wildlife observation and photography programs designed in part to limit wildlife disturbance have the potential for disturbing wildlife species. In general, activities that occur outside of vehicles tend to increase the disturbance potential for most wildlife species (Klein 1993; Gabrielson and Smith 1995; Burger 1981; Pease et al. 2005) as compared to similar activities conducted within vehicles. Refuge-led or refuge-approved opportunities will typically access refuge habitats on-foot via fire lines and/or unimproved roads and foot trails. Although this type of access could potentially disturb wildlife, it is expected to be minimal as a result of the limited and controlled character of such events and opportunities. Among wetland habitats, out-of-vehicle approaches can reduce wildlife foraging times and can cause water birds to avoid foraging habitats adjacent to the out-of-vehicle disturbance (Klein 1993). One possible reason for this result is that vehicle activity is usually brief, while walking requires a longer period of time to cover the same distance. Similarly, walking on wildlife observation trails tends to displace birds and can cause localized declines in the richness and abundance of wildlife species (Riffell et al. 1996). Wildlife photographers tend to have the largest disturbance impacts (Klein 1993; Morton 1995; Dobb 1998). While wildlife observers frequently stop their vehicles to view wildlife, wildlife photographers are much more likely to leave their vehicles and approach wildlife on foot (Klein 1993). Even a slow approach by wildlife photographers tends to have behavioral consequences to wildlife (Klein 1993). Other impacts include the potential for photographers to remain close to wildlife for extended periods of time (Dobb 1998) and the tendency of casual photographers with low power lenses to get much closer to their subject than other activities would require (Morton 1995).

Long-term effects: Some wildlife may habituate or even be attracted to humans (especially if they associate them with food rewards), which could alter their behavior and habitat use. Orienting visitors through information kiosks and placement of appropriate signs decrease the likelihood that brief, yet sometimes frequent, disturbances would result in long-term impacts to wildlife. Generally, it is expected that these uses would only affect a limited number of wildlife species and individual animals. Overall, this is expected to be a minimal negative long-term effect.

Cumulative effects: Cumulative effects are not anticipated on wildlife, their behaviors or their habitat. A slight increase in wildlife disturbance may occur due to the increase visitor use and vehicular traffic to the unit, however, no significant biological or ecological impacts are anticipated as a result.

Determination (check one below):

_____ Use is Compatible

 x Use is Compatible with Following Stipulations

Stipulations Necessary to Ensure Compatibility:

Stipulations that may be employed include:

- Providing limited refuge-led and/or refuge-approved wildlife observation and photography opportunities during refuge events and/or through special use permit will lessen species impacts.
- To mitigate potential disturbances, a combination of Refuge staff presence and informational kiosks will help educate visitors about the potential problems associated with their actions.
- Vegetation that effectively conceals visitors and provides cover for birds can help minimize impacts of people in busy areas.

- Establishing buffer zones that minimize disturbance around sensitive areas and establishing no-entry zones during Refuge-approved events and opportunities will help minimize impacts.
- Rerouting, modifying, or eliminating activities that have demonstrated direct species impacts should be employed.
- Education is critical for making visitors aware that their actions can have negative impacts on plants and wildlife.
- Law enforcement patrol of public use areas will continue to minimize violations of regulations.
- By design, wildlife observation and photography should have minimal species and habitat impacts. Nonetheless, as uses increase, species impacts are more likely to occur.
- Evaluation of the sites and programs will be conducted annually to determine if objectives are being met, if habitat impacts are minimized and if wildlife populations are being adversely affected.
- The Refuge will take corrective action to reduce or eliminate the effects on wildlife or habitats. If evidence of unacceptable impacts begins to appear, it may be necessary to change the activity or the program, relocate the activity or the program, or eliminate the program.
- All current and future Refuge-specific rules and regulations apply to the proposed uses.
- Law enforcement officers will be enforcing all laws and regulations and areas may be closed as necessary.
- Specialized equipment requests will be evaluated by the Refuge Manager and an SUP will be required.
- Approved staff led tours require up to a 14-day request in advance.

Justification: Providing quality, appropriate, and compatible opportunities for these activities helps fulfill the provisions of the Improvement Act. Wildlife observation and photography will provide excellent forums for promoting increased awareness, understanding, and support of Refuge resources relative to wildlife/human interactions. Environmental education and interpretation are key components of the Service's initiative to connect children with nature and are used to encourage all citizens to act responsibly in protecting natural resources. The stipulations outlined above should minimize potential impacts relative to wildlife/human interactions. Under a controlled level of limited visitation, these wildlife-dependent uses will not conflict with the national policy to maintain the biological diversity, integrity, and environmental health of the Refuge represent two priority wildlife-dependent recreational activities under the Improvement Act.

NEPA Compliance for Refuge Use Decision:

- ☐ Categorical Exclusion without Environmental Action Statement
- ☐ Categorical Exclusion and Environmental Action Statement
- ☒ Environmental Assessment and Finding of No Significant Impact
- ☐ Environmental Impact Statement and Record of Decision

Categorical Exclusion: Wildlife observation and photography, interpretation, and EE, as described in this CD, can be categorically excluded from further NEPA analysis under the DOI Categorical Exclusion 43 CFR §46.210 (j): activities which are educational, informational, advisory, or consultative to other agencies, public, and private entities, visitors, individuals, or the general public. The uses trigger no response to any extraordinary circumstances (43 CFR §46.215). Wildlife observation and photography, interpretation, and EE are also covered by the following USFWS Categorical Exclusions (516 DM 8.5).

- A(2) - Personnel training, environmental interpretation, public safety efforts, and other educational activities, which do not involve new construction or major additions to existing facilities.
- B(7) - Minor changes in the amounts or types of public use on Service or state-managed lands, in accordance with existing regulations, management plans, and procedures.
- B(9) - Minor changes in existing master plans, comprehensive conservation plans, or operations, when no or minor effects are anticipated. Examples could include minor changes in the type and location of compatible public use activities and land management practices.
- C(3) - The issuance of special regulations for public use of Service-managed land, which maintain essentially the permitted level of use and do not continue a level of use that has resulted in adverse environmental effects.

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Mandatory 15-year Reevaluation Date: 2035 July 30

COMPATIBILITY DETERMINATION

Use: Fishing including frogging

Description of Use:

- a) *What is the use?* Fishing is defined as fishing with authorized recreational fishing gear for personal use only, and not for sale or barter (50 CFR §660.703). Frogging is the act of hunting for and harvesting of frogs. Recreational fishing is a wildlife-dependent recreational activity designated as a priority public use of the National Wildlife Refuge System (NWRS) as established in the Improvement Act of 1997. Largemouth bass is the most sought-after species by anglers in the Kissimmee River Basin. Florida gar, bluegill, redear sunfish, spotted sunfish, black crappie, warmouth, bowfin, chain pickerel, brown bullhead, and yellow bullhead are also popular game fish. Frog species that may potentially be sought after for harvesting include pig frogs, Southern leopard frogs, and bullfrogs.
- b) *Where would the use be conducted?* Fishing will be allowed on Refuge lakes, rivers, and/or ponds along the banks of the Refuge. The Refuge will not have jurisdiction over state navigable waters, thus boating and access to navigable waters will continue according to state regulations. Motorized and non-motorized boating activities support fishing and the Service works with FWC to manage fishing access through the state's WMA program.
- c) *When would the use be conducted?* Fishing can occur year-round and visitors are encouraged to refer to the current WMA regulations specific to the Refuge unit they are visiting for information about potential temporary closures.
- d) *How would the use be conducted?* Fishing (including frogging) will be administered in accordance with state freshwater fishing regulations. All recreational anglers must possess a valid Florida fishing license in accordance with the laws of the State of Florida. Daily bag and possession limits are in accordance with Florida regulations. To review additional information, the Florida Fish and Wildlife Conservation Commission (FWC) Recreational Fishing Regulations may be found at www.myfwc.com/fishing. Frogs may be harvested for personal use only and in accordance with state law, a state recreational license is not required to harvest frogs. Frog species classified as threatened or endangered may not be possessed or taken.
- e) *Why is this use being proposed?* In addition to fishing being one of the priority public uses, on September 15, 2017, the Secretary of the Interior signed Secretarial Order 3356 with specific directives "to support and expand hunting and fishing, enhance conservation stewardship, improve wildlife management, and increase outdoor recreation opportunities for all Americans"(DOI 2017). In addition, fishing is a traditional use in the landscape. The Service provides the public with opportunities to participate in compatible wildlife-dependent recreation to appreciate the value of and need for fish, wildlife, and plant conservation. The Refuge units are part of a landscape rich in fishing, hunting and outdoor recreation traditions. Visitors participating in recreational fishing activities are educated about the mission, habitats, and the ecosystem in such a manner as to leave them with a better understanding of resources. The experience can instill an appreciation for future stewards of the environment.

Availability of Resources:

Resources involved in the administration and management of the use: Except for maintaining and periodically updating signs and printed materials, minimal costs will be involved as the program is collaboratively administered with FWC (Commission) through a Memorandum of Understanding (MOU) (USFWS/FWC 2012). The MOU states: It is the intent of both the Service and the Commission to work cooperatively in the management of the Refuge's hunting and fishing programs, with the Commission having the responsibility for the conduct of the hunting and fishing programs as part of their WMA program in accordance with procedures outlined in Commission document entitled Establishment and Rule Promulgation for Areas Managed Wholly or Cooperatively by FWC, December 2010 (USFWS/FWC 2012). FWC management of the WMA lands under this MOU shall be for the implementation of programs for fishing including responsibility for conducting fishing programs, establishing seasonal limits, amount of harvest allowed, off highway vehicle use on designated roads and trails, and for determining related public access for such activities under established FWC procedures for seeking public input and setting regulations on other WMAs in Florida as examples. FWC shall provide support, when possible, in the form of staff technical assistance, use of state-owned equipment and facilities, and/or available funding. Refuge law enforcement, public use, administrative, managerial, and biological staff will allocate a portion of their time to this program.

Law enforcement will be required to ensure compliance. The financial and staff resources necessary to provide and administer this use at its current level and at expected levels on the Refuge are now available and are expected to continue in the future.

Special equipment, facilities, or improvements necessary to support the use: Existing parking areas, roads and trails are available for visitors in order to access units.

Maintenance costs: None beyond routine maintenance such as mowing, and road and trail repair of access points such as parking areas, trails and unit roads. Total yearly trail, road and parking maintenance is estimated at \$3,000/year, however, this cost is a general cost for unit yearly maintenance, which provides for all visitor uses and not specific to the fishing program. Signage and brochure development/printing is estimated at \$3,000/year.

Monitoring costs: The Refuge would work together with FWC to secure funding of any monitoring effort, if needed. Existing Refuge staff and Federal Wildlife Officers monitor effects of and compliance with operations during the normal course of their duties and should not incur any additional costs.

Offsetting revenues: The state collects fees via fishing licenses. The Refuge reserves the right to charge fees in the future if the need arises. Fees will be used to offset cost of regulation enforcement and monitoring biological impacts.

Anticipated Impacts of the Use:

Short-term effects: Short-term effects to vegetation could include temporary damage resulting from trampling. These effects are expected to be minimal, as the areas accessible to fishing will be relatively small in size, with only a reduced footprint being adversely impacted. Minimal damage is anticipated from shoreline fishing.

Casting may disturb some foraging/roosting birds as well as reptiles and small mammals. Occasionally anglers may hook turtles or other species as accidental by-catch. Potential risks to non-hunted wildlife such as aquatic species, small mammals, migratory song birds, raptors, and roosting/foraging wading birds and water birds include discarded fishing line and other fishing litter, which can entangle wildlife and cause injury or death (Thompson 1969, Gregory 1991). With the exception of fishing line entanglement, hook injuries, and increases in litter, overall disturbance to wildlife on the Refuge by anglers is expected to be commensurate with that caused by public users of other wildlife-dependent recreational opportunities that are compatible on the Refuge.

Impacts to threatened and endangered species may increase slightly due to direct and indirect effects of this recreational use. However, many direct impacts are expected to be mitigated by regulations and management activities such as restricting fishing in the event of a snail kite nest or other threatened and endangered species nesting near a fishing area. If a conflict occurs, sensitive areas would be closed to anglers and/or a 500-foot buffer zone would be placed around nests. FWC regulations prohibit the harvest of any imperiled frog species.

Long-term effects: The proposed use is not likely to adversely affect fish and frog populations. Fish harvest would occasionally occur; however, most anglers generally practice catch and release. There are no known imperiled fish species that could be affected by fishing activities. Although frogging may increase pressure on frog populations, the proposed season and bag limit restrictions should alleviate any pressure on populations or competition for wading birds. Participants are required to adhere to all FWC fishing and frogging regulations. These regulations are designed to protect species populations from the pressures of fishing and frogging by the public.

Cumulative effects: None anticipated.

Determination (check one below):

- _____ Use is Compatible
- x Use is Compatible with Following Stipulations

Stipulations Necessary to Ensure Compatibility:

- Fishing and frogging would be allowed anywhere open water could be legally accessed and in accordance with state law.
- Recreational fishing and frogging within state navigable waters will continue.
- Closure of sensitive areas within or adjacent to refuge waters may be necessary at certain times of the year to protect the wildlife resources. If evidence of unacceptable impacts begins to appear, it may be necessary to change the activity, move the activity, or eliminate the activity.
- Commercial fishing is prohibited.
- Fishing programs will be administered as a component of a state-managed WMA unit or a Refuge-sponsored management program.

Justification: The Improvement Act of 1997 identified fishing as one of the six priority, wildlife-dependent recreational uses to receive enhanced consideration over other public uses in planning and management. The Service attempts to provide opportunities for this use in the NWRs where compatible. This activity supports the Service's goal of Connecting People with Nature and Secretarial Order 3356 in addition to multiple objectives and strategies stated in the Refuge's VSP. Fishing allows visitors to enjoy the outdoors and connect with nature in a natural setting, which is not only healthy mentally and physically, but can build a life-long appreciation for wildlife and their habitats. Allowing these uses to occur on the Refuge will not materially detract from or interfere with the purposes for establishment of the Refuge and the mission of the NWRs.

NEPA Compliance for Refuge Use Decision:

- ☐ Categorical Exclusion without Environmental Action Statement
- ☐ Categorical Exclusion and Environmental Action Statement
- ☒ Environmental Assessment and Finding of No Significant Impact
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Mandatory 15-year Reevaluation Date: 2035 July 30

COMPATIBILITY DETERMINATION

Use: Hiking (including backpacking, jogging and walking)

Description of Use:

- a) *What is the use?* Hiking, including backpacking, jogging, and walking are non-priority uses that support wildlife-dependent recreation.
- b) *Where would the use be conducted?* This use would occur on designated roads and trails.
- c) *When would the use be conducted?* This use would occur year-round, but users are advised to check the latest WMA regulations for potential temporary closures.
- d) *How would the use be conducted?* Users would utilize designated roads and trails. This use would be conducted in cooperation with the WMA regulations of that Unit as coordinated with the State of Florida.
- e) *Why is this use being proposed?* Hiking, including backpacking, jogging, and walking are traditional uses in the area that can support wildlife dependent uses. The use will provide the opportunity for participants to become surrounded by the natural environment, instilling appreciation for plants, animals and habitats. Portions of the Florida Scenic Trail are found within the project area and the Refuge would work with the Partners to connect refuge units to these and system of trails as an example. In addition, connecting to other trail systems may be considered.

Availability of Resources:

Resources involved in the administration and management of the use: The development of associated maps, signs, and brochures will be minor costs associated with these uses that will be supported by the Everglades Headwaters NWR Complex. It is anticipated that administrative costs for this use would total approximately \$1,500 annually.

Special equipment, facilities, or improvements necessary to support the use: None, existing Refuge roads and trails would be used.

Maintenance costs: Existing roads and trails will be maintained for Refuge purposes and therefore will not constitute additional maintenance costs to support hiking.

Monitoring costs: Costs associated with monitoring/enforcement of this use would be approximately \$1,500 annually.

Offsetting revenues: None.

Anticipated Impacts of the Use:

Short-term effects: The proposed use is anticipated to have the same level of effects as the priority public uses because the access and activities are very similar. Refer to the effects analyzed under CD for environmental education/interpretation and wildlife observation/photography for more details. These effects could include littering, vegetation trampling, and wildlife disturbance and are expected to be localized and of short duration.

Long-term effects: The use is anticipated to have the same level of effects as priority public uses because the access and activities are similar. Some wildlife may habituate or even be attracted to humans (especially if they associate them with food rewards), which could alter their behavior and habitat use. Orienting visitors through information kiosks and placement of appropriate signs decrease the likelihood that brief, yet sometimes frequent, disturbances would result in long-term impacts to wildlife. Generally, it is expected that these uses would only affect a limited number of wildlife species and individual animals, and overall this is expected to be a minimal negative long-term effect.

Cumulative effects: Cumulative effects are not anticipated on wildlife, their behaviors or their habitat. A slight increase in wildlife disturbance may occur due to the increase visitor use and vehicular traffic to the unit, however, no significant biological or ecological impacts are anticipated as a result.

Determination (check one below):

☐ Use is Compatible

☒ Use is Compatible with Following Stipulations

Stipulations Necessary to Ensure Compatibility:

Hiking, backpacking, and jogging will only be authorized in support of other approved refuge uses and may be restricted to hours specified in the corresponding WMA brochure. Certain areas of the Refuge may be restricted seasonally for breeding or nesting seasons or to protect habitat. This use will be limited to existing, designated roads and trails. If evidence of unacceptable impacts begins to appear, it may be necessary to change the activity, move the activity, or eliminate the activity.

Justification:

Although hiking, walking, or jogging are not priority public uses, they facilitate priority public uses, providing visitors with the chance to view or photograph wildlife and engage in interpretation, as well as, recreational hunting and fishing, thereby promoting public appreciation of the conservation of wildlife and habitats.

NEPA Compliance for Refuge Use Decision:

☐ Categorical Exclusion without Environmental Action Statement

☐ Categorical Exclusion and Environmental Action Statement

☒ Environmental Assessment and Finding of No Significant Impact

☐ Environmental Impact Statement and Record of Decision

References

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Mandatory 10-year Reevaluation Date: 2030 July 30

COMPATIBILITY DETERMINATION

Use: Horseback Riding

Description of Use:

- (a) *What is the use?* This activity involves riders mounted on horses travelling on designated public trails within the boundaries of the Refuge. Horseback riding is a popular local activity that takes place primarily in the fall through spring seasons. The use mainly occurs in very small groups or individually. Although horseback riding is not a priority public use as defined by the National Wildlife Refuge Improvement Act of 1997, when it is conducted responsibly it is supportive of wildlife-dependent recreational uses, including wildlife observation and wildlife photography.
- (b) *Where would the use be conducted?* Horseback riding would only be allowed on designated roads and trails, as shown on the maps for each unit.
- (c) *When would the use be conducted?* Horseback riding may occur year-round, during hours specified in the corresponding WMA brochure, and users are advised to refer to current WMA regulations for potential temporary closures. Use is expected to be light and sporadic, occurring mostly during cooler weather (November through April), particularly on weekends.
- (d) *How would the use be conducted?* Portions of the road and trail system may be temporarily closed to support priority public uses, wildlife management, refuge operational needs, and some Refuge-specific hunting seasons. Persons engaged in horseback riding will use existing access points, parking lots, signage, and Refuge roads to access the trail system. All designated roads and trails have sufficient viewing distance for riders to detect the approach of other users and maneuver to accommodate them.
- (e) *Why is this use being proposed?* Horseback riding is a traditional use in this landscape and can support wildlife dependent activities. Horseback riding on the Refuge provides increased opportunity for public visitation to the Refuge. It also allows for opportunities to engage in some of the six priority public uses, specifically wildlife observation and photography. This use may provide individuals with a connection to the natural world and an increased appreciation of natural resources, in addition to exposing them to the Refuge System.

Availability of Resources:

Resources involved in the administration and management of the use: The development of associated maps, signs, and brochures would be minor costs associated with horseback riding that would be supported by the Everglades Headwaters NWR Complex. These costs are expected to total approximately \$1,500 annually.

Special equipment, facilities, or improvements necessary to support the use: Presently no special equipment, facilities or improvements are needed to be constructed to facilitate horseback riding. Horseback riding will be permitted on existing roads and trails. Over time, maintenance/improvements to parking areas may be necessary to continue to best accommodate all visitors including horseback riders.

Maintenance costs: Existing roads and trails are maintained for Refuge purposes, and it is not expected that additional maintenance costs would be incurred to support horseback riding. Designated trails are likely to be maintained by a combination of partners, volunteers, and Refuge staff.

Monitoring costs: Minimal costs are associated with this use to monitor consequences of horseback riders having access to the Refuge, such as a degree of littering and/or vandalism. Plants and wildlife will be monitored to determine any impacts as a result of public use. If the use rises above anticipated levels, a monitoring effort could be initiated with funding pursued from grants and other sources. Monitoring costs would be approximately \$1,000 annually.

Offsetting revenues: None.

Anticipated Impacts of the Use:

Short-term effects: Although wildlife disturbance from horseback riding is not well-documented, some studies suggest that many wildlife species are habituated to livestock and that horseback wildlife observers can approach wildlife at closer distances than by other forms of travel (Bennett and Zuelke 1999). Any form of approach is expected to cause some disturbance, which will vary according to the species affected and the type, level, frequency, and duration of disturbance, as well as the time of day or year that it occurs.

Horseback riding has both direct and indirect effects on habitat. Trampling causes mortality of plant (and animal) species by crushing them (Whittaker 1978, Hammitt and Cole 1987, Widner et al 1993). Grazing by horses can reduce vegetation. There is some risk of non-native, invasive plants being spread by horses (Campbell and Gibson 2001, Wells and Lauenroth 2007, Gower 2008, Quinn et al. 2010). Any trail or road can be a conduit for the introduction of nonnative plants, since exposed soil and abundant sunlight provide favorable conditions for establishment of these species.

Horseback riding would continue on designated roads and trails. While it is possible for horses to transmit parasitic diseases, particularly *Cryptosporidium parvum* and *Giardia duodenalis*, to humans via the water supply, these diseases are usually spread by pregnant mares and foals under six months old (Johnson et al. 1997). Horse manure is not harmful to human health, although it can cause conflicts with other trail users, since it can be odorous, unaesthetic, and a nuisance. While there can be user group conflicts or safety issues resulting from hikers, cyclists, and horseback riders using the same roads and trails, these are not anticipated effects due to the current levels of use. Horseback travel on the designated roads and trails is considered safe under current conditions and level of use. Horseback riding will be permitted only on designated roads and trails and would be prohibited on any established or future interpretive trails.

Long-term effects: Long-term effects could include some added vegetation disturbance, especially along trails, but this is expected to be kept at a minimum. Long-term disturbance to wildlife is not anticipated as most wildlife habituate to a regular, non-threatening activity.

Cumulative effects: None anticipated.

Determination (check one below):

<input type="checkbox"/>	Use is Compatible
<input checked="" type="checkbox"/>	Use is Compatible with Following Stipulations

Stipulations Necessary to Ensure Compatibility:

- Horseback riding will only be authorized in support of other approved refuge uses.
- Horseback travel to facilitate priority public use will only be compatible on designated roads and trails.
- Horses will not be allowed on interpretive foot trails.
- Horseback riding will only be allowed during normal refuge hours.
- Travel can be no more than two abreast.
- All trash must be packed out and properly disposed of off-site.
- Clearing of vegetation is prohibited.
- Each visitor may only ride/walk one horse on the Refuge at a time.
- Horseback riding may be prohibited during deer gun hunting season in all Refuge hunt areas, depending on local WMA regulations.
- All roads and trails will be monitored annually to determine if they meet compatibility criteria.
- Monitoring will be designed to assess the long-term effects of horse riding on Refuge resources, visitor use, and route maintenance needs.
- Law enforcement patrols will be conducted throughout the year. The patrols will promote compliance with refuge regulations, monitor public use patterns and public safety, and document visitor interactions. Patrols will include recording visitor numbers, vehicle numbers, visitor activities, and activity locations to document the current and future levels of refuge use.
- No corralling, tethering, or hitching of horses along trails will be allowed.
- Other areas of the Refuge may be closed to the public seasonally to protect certain species or habitat.
- Riders will be able to gain entrance to the Refuge road system only at designated access points.
- If evidence of unacceptable impacts begins to appear, it may be necessary to change the activity, move the activity, or eliminate the activity.

Justification: While not listed as a primary, wildlife-dependent recreational use under the Improvement Act, as amended, horseback riding is believed to be a compatible public use under the stipulations outlined in this compatibility determination for the Refuge. Primary reasons for this determination include the following: wildlife observation can be an element of horseback riding; horseback riding will allow the Refuge to reach a target audience that it will not otherwise reach; horseback riders will be potential partners and a potential source of support for the Refuge; and impacts associated with horseback riding are not believed to exceed impacts already caused by other public use activities. Horseback riding activities will be in support of priority public use activities and programs, which are determined to be compatible with Refuge purposes.

In addition, expanding Refuge access to horseback riding provides the public additional opportunities to experience wildlife and enhances the public use experience at the Refuge with minimal impacts to the Refuge resources. The Refuge strives to provide compatible uses that the public can enjoy on a National Wildlife Refuge.

NEPA Compliance for Refuge Use Decision:

- ☐ Categorical Exclusion without Environmental Action Statement
- ☐ Categorical Exclusion and Environmental Action Statement
- ☒ Environmental Assessment and Finding of No Significant Impact
- ☐ Environmental Impact Statement and Record of Decision

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Mandatory 10-year Re-evaluation Date: 2030 July 30

COMPATIBILITY DETERMINATION

Use: Hunting (big game, small game, migratory game birds, and alligator)

Description of Use:

- a) *What is the use?* Hunting, the taking of big game (e.g., deer, feral hog, and turkey), migratory game birds (e.g., waterfowl and non-waterfowl), small game (e.g. squirrel, rabbit, quail), and alligator. Hunting is a wildlife-dependent recreational activity designated as a priority public use of the National Wildlife Refuge System (NWRS) as established in the National Wildlife Refuge System Improvement Act of 1997.
- b) *Where would the use be conducted?* Hunts would be allowed in areas designated under current State of Florida WMA regulations, specific for any particular refuge unit.
- c) *When would the use be conducted?* Hunts would be allowed during timeframes outlined in current WMA regulations, specific for any particular refuge unit.
- d) *How would the use be conducted?* As detailed in the 2012 LPP and associated CMP, this Act also provides for the opportunity for compatible public uses on newly acquired lands to continue on an interim basis. The 2012 LPP also provides guidance on when a hunt plan (with updated CDs) would need to be developed, such as when an adequate land base is acquired. Since the 2012 establishment of the Refuge, several tracts have been acquired and were subsequently added to the state's WMA program. Species hunted include big game including deer, feral (wild) hog, wild turkey, migratory game birds, small game, and alligator, in accordance with state regulations. Users would need to refer to the specific WMA regulations as to where, when, and how to hunt. The Refuge intends to continue to add any future Refuge tracts to the WMA program, where possible.

Hunting will be subject to federal, state, and Refuge-specific regulations and occur within the state season framework, unless otherwise approved by FWC. Through the USFWS/FWC MOU, FWC will conduct the hunting program on Refuge units. Bag limits and methods of take will be evaluated through the FWC WMA evaluation procedures and guidelines. Pursuant to the purposes of the USFWS/FWC MOU, the Service will coordinate with FWC on all aspects of the hunting program. FWC management of WMA lands under the MOU shall be for the implementation of programs for the public including but not limited to evaluation procedures in cooperation with the Service.

- e) *Why is this use being proposed?* Hunting has been identified as a priority, wildlife-dependent activity under the National Wildlife Refuge System Improvement Act of 1997 and is a traditional use in much of rural Florida. Additionally, Secretarial Order 3356 (issued September 15, 2017) provides directives "to support and expand hunting and fishing, enhance conservation stewardship, improve wildlife management, and increase outdoor recreation opportunities for all Americans" (DOI 2017). This use can instill an appreciation for future stewards of the environment. Furthermore, hunting is a management tool to maintain wildlife populations at acceptable levels and reduce or eradicate exotic species. The Service provides the public with opportunities to participate in compatible wildlife-dependent recreation to appreciate the value of and need for fish, wildlife, and plant conservation. Visitors participating in hunting activities are educated about the mission, habitats, and the ecosystem in such a manner as to leave them with a better understanding of resources. The experience can instill an appreciation for future stewards of the

environment. Furthermore, hunting is a management tool to maintain wildlife populations at acceptable levels and reduce or eradicate exotic species.

Availability of Resources:

Resources involved in the administration and management of the use: The Service has a memorandum of understanding (MOU) with the FWC to cooperatively manage hunting on the Refuge. FWC management of the WMA lands under this MOU shall be for the implementation of programs for public hunting, including responsibility for establishing hunting programs, seasonal limits, amount of harvest allowed, off highway vehicle use on designated roads and trails, and for determining related public access for such activities under established FWC procedures for seeking public input and setting regulations on other WMAs in Florida. Furthermore, FWC would provide support, when possible, in the form of staff technical assistance, use of state-owned equipment and facilities, and/or available funding to achieve the objectives of this MOU.

Special equipment, facilities, or improvements necessary to support the use: Refuge law enforcement, public use, administrative, managerial, and biological staff will allocate a portion of their time to support this program (e.g., with existing staff from existing refuges).

Maintenance costs: Other than a potential hunter check station, no other special equipment, facilities, or improvements are necessary to support the use. Maintenance of roads and trails are costs that will be absorbed within the Refuge operating budget.

Monitoring costs: Monitoring populations in support of maintaining sustainable hunts would likely be conducted by the Florida Fish and Wildlife Conservation Commission (FWC).

Offsetting revenues: Revenue will be generated from FWC fees collected from hunters.

Anticipated Impacts of the Use:

Short-term effects: Many of the negative effects associated with upland hunting are similar to those considered for other public use activities, such as wildlife viewing and photography, with the exception of direct mortality to game species, short-term changes in the distribution and abundance of game species, and unrestricted travel through the hunt area. Although hunting causes mortality and temporary disturbance to wildlife, harvesting populations within the carrying capacity of existing habitat ensures long-term health and survival of the species. Hunting, and its associated activities, can result in positive or negative impacts to wildlife and other Refuge resources. With proper management and monitoring, hunting is expected to cause only minor negative impacts. A positive effect of the Refuge hunting program would be the provision of additional wildlife-dependent recreational opportunities, a better appreciation and more complete understanding of the wildlife and habitats associated with the Refuge, and an opportunity to utilize a sustainable, renewable resource. This can translate into more widespread and stronger support for the Refuge, the NWRs, and the Service.

Waterfowl harvest numbers and species are determined by nationwide annual waterfowl trends and population surveys. The U.S. Fish and Wildlife Service annually prescribes frameworks, or outer limits, for dates and hours when hunting may occur and the number of birds that may be taken and possessed. These frameworks are necessary to allow state selections of season and limits for recreation and sustenance; aid federal, state, and tribal governments in the management of migratory game birds; and permit harvests at levels compatible with population status and habitat conditions. Because the Migratory Bird Treaty Act stipulates that all hunting seasons for migratory game birds are closed unless specifically opened by the Secretary of the Interior, the Service annually promulgates regulations (50 CFR Part 20) establishing the frameworks from which states may select season dates, bag limits, shooting hours, and other options for each migratory bird hunting season. The frameworks are essentially permissive in that hunting of migratory birds would not be permitted without them. Thus, in effect, federal annual regulations both allow and limit the hunting of migratory birds.

Hunting may have some harmful, indirect effects. Spring turkey hunting can disrupt nesting (Kurzejeski and Vangilder 1992). Impacts of recreational small game hunting include harvest of target species--gray squirrel, rabbit, and raccoon. In addition to the harvest of legal game, killing of non-target species, such as snakes, is known to occur. Other impacts of hunting may include littering, disturbing wildlife, trampling vegetation, and removing dead/down wood.

The harvest of feral hogs on the Refuge may have a beneficial effect to native wildlife and habitat. Hogs compete for mast; destroy native plants; and prey upon bird nests, small vertebrates, and invertebrates (Giuliano 2010), hence any reduction in the numbers of these non-native species will benefit the native habitats and wildlife. Hunter should use precautions when handling feral hogs, which may carry transmittable diseases such as brucellosis (Centers for Disease Control 2018). Brucellosis in people is called undulant fever. Symptoms include a recurrent fever, chills, night sweats, weakness, headaches, back pain, swollen joints, loss of appetite and weight loss. Hunters can be infected with brucellosis bacteria when blood, fluid or tissue from an infected animal comes in contact with their eyes, nose, mouth or skin.

Deer hunting can maintain herd size and sex ratios at a healthy population level commensurate with available habitat. Deer populations in the historic past were controlled by predators; however, in most of Florida, predators have been extirpated from their historical range. Without predation, a deer population that is protected from hunting typically increases rapidly, exceeds carrying capacity, and damages its own range (McCullough 1997).

Applicable to all hunting on the Refuge: Potential impacts associated with hunting include direct mortality, short-term changes in game species distribution and abundance, and disturbance (to target and non-target species).

Long-term effects: Direct mortality can impact isolated, resident game species populations by reducing breeding populations to a point where the isolated population can no longer be sustained. This can result in localized extirpation of isolated populations. The structure and length of hunt seasons can minimize or eliminate these anticipated impacts.

Cumulative effects: Refuge management activities can be accomplished without conflicting hunting activities via administratively closed areas, timing of hunts, and methods of hunt. A slight increase in gas emissions may occur due to the increase in vehicular traffic. However, no significant biological or ecological impacts have been observed as a result, despite other priority public uses occurring via vehicular traffic on the Refuge for decades. With a conservative approach in allowing this use on the Refuge, cumulative impacts are expected to be minimal or negligible and within acceptable limits. This use should not result in long-term impacts that adversely affect the purposes for which the Refuge was established or alter any existing or proposed uses as stipulated in the Visitor Services Plan (VSP).

Determination (check one below):

_____ Use is Compatible

 x Use is Compatible with Following Stipulations

Stipulations Necessary to Ensure Compatibility:

- Persons possessing, transporting, or carrying firearms on national wildlife refuges must comply with all provisions of federal, state, and local law. Persons may only use (discharge) firearms in accordance with Refuge regulations.
- All applicable state hunting licenses, state permits, Refuge CITES tags, federal stamps, and Refuge hunt permits must be in the possession of the hunter.
- Hunting programs will be administered as a state-managed WMA tract or a refuge-sponsored management program.
- For all hunts, weapon restrictions will be in accordance with State of Florida regulations.
- Vehicles will be restricted to existing designated roads and trails.
- Off-road vehicle (ORV) use may be allowed for access along designated roads and trails. (See the compatibility determination for ORVs for additional details).
- Camping may be allowed to access remote areas during the hunting season. (See the compatibility determination for camping for additional details).
- All hunts will be designed in cooperation with state biologists and managers, to provide quality user opportunities based upon estimated wildlife population levels and biological parameters.
- Hunt season dates and bag limits will be adjusted to meet current hunter densities and activities and may be adjusted as needed to achieve balanced population levels within carrying capacities, regardless of impacts to user opportunities.
- Taking of any plants or other wildlife is prohibited.
- As additional data are collected, Refuge-specific regulations or changes to the WMA could be implemented. These changes to the regulations could include, but may not be limited to the following: season dates that differ from those in surrounding state zones; permit requirements; and closed areas on a permanent or seasonal basis to reduce disturbance to specific wildlife species or habitats, such as bird rookeries, wintering waterfowl, or threatened or endangered species, as well as to provide for public safety. If evidence of unacceptable impacts begins to appear, it may be necessary to change the activity, move the activity, or eliminate the activity.

Justification:

Under the Improvement Act, hunting is a priority public use. Hunting is a historic use of refuge units and the landscape, and an acceptable form of wildlife-dependent recreation compatible with the purposes of the Refuge. The harvest of surplus animals is one tool used to maintain wildlife populations at a level compatible with habitat. Overabundance of animals, such as hogs and deer, can have detrimental impacts to native habitats. In addition to recreational opportunities, hunting to control populations of feral hogs and deer will be beneficial to native species and habitats, and will therefore be considered compatible with Refuge purposes.

NEPA Compliance for Refuge Use Decision:

- ☐ Categorical Exclusion without Environmental Action Statement
- ☐ Categorical Exclusion and Environmental Action Statement
- ☒ Environmental Assessment and Finding of No Significant Impact
- ☐ Environmental Impact Statement and Record of Decision

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Mandatory 15-year Reevaluation Date: 2035 July 30

COMPATIBILITY DETERMINATION

Use: Off-road Vehicle Use in Support of Hunting and Fishing

Description of Use:

- a) *What is the use?* ORV use, but only to support hunting and fishing.
- b) *Where would the use be conducted?* ORV use, as intended, would only occur on designated roads and trails.
- c) *When would the use be conducted?* The use would occur year-round on specific units only. Users are advised to check the current WMA regulations for each unit to determine if the use is allowed there, and if so, during what timeframes.
- d) *How would the use be conducted?* For hunting and fishing activities, the Service will work with the Florida Fish and Wildlife Conservation Commission (FWC) to evaluate a particular property, the specific resources protected on that property, and hunting/fishing activities and access to help design the hunting and programs for that particular property (e.g., access roads and trails suitable for ORV access where minimal impacts to wildlife and habitat are anticipated). Specific regulations regarding ORVs need to be consulted prior to engaging in this activity on the Refuge.
- e) *Why is this use being proposed?* On September 15, 2017, the Secretary of the Interior signed Secretarial Order 3356 with specific directives to in order “to support and expand hunting and fishing, enhance conservation stewardship, improve wildlife management, and increase outdoor recreation opportunities for all Americans” (USFWS 2017). Additionally, the 2012 Everglades Headwaters Conservation Partnership Land Protection Plan for the Establishment of the Everglades Headwaters NWR and Conservation addresses and found the use of ORV in support of hunting and fishing an appropriate and compatible use through interim compatibility determinations. ORV have been traditionally been used in the landscape to facilitate travel in areas that are remote. The Service would continue to provide the public with opportunities to participate in compatible wildlife-dependent recreation to appreciate the value of and need for wildlife and plant conservation. ORV use in support of wildlife hunting and fishing can promote a greater understanding and appreciation for the Refuge habitats, wildlife, and the Kissimmee River Basin ecosystem. The experience can motivate and inspire future stewards and advocates of the environment and particularly the Kissimmee River Basin landscape.

Availability of Resources:

Resources involved in the administration and management of the use: Operational funds to support this activity will be minimal and limited to coordinating with FWC to evaluate and designate specific sites, certain existing roads, and certain existing trails for ORV use; and enforcing regulations prohibiting general recreational ORV use. Administration will primarily involve issuing permits, enforcement of regulations, and habitat monitoring. Administration of SUPs associated with this activity consists of approximately 10 staff days with annual administrative costs associated with this use is expected to be about \$1,500.

Special equipment, facilities, or improvements necessary to support the use: None, existing roads and trails used.

Maintenance costs: Some additional upkeep for roads and trails is expected, depending on the level of use. It is anticipated that the increased maintenance would be about \$5,000 annually.

Monitoring costs: Habitat degradation in areas nearby designated trails will need to be monitored, costing approximately \$1,500 annually.

Offsetting revenues: None.

Anticipated Impacts of the Use:

Short-term effects: Any public use activity has the potential for impacts; however, the Refuge attempts to minimize any potential impacts to negligible or acceptable limits for all uses deemed compatible. Potential impacts of ORVs include disturbance via noise, physical collision, disturbance to vegetation communities and spread of invasive species. In addition to the effect of these on wildlife, ORV use can impact visitors who desire solitude as a result of noise disturbance and visual impact on the landscape. Minimization of impacts is possible through effective management and regulation using a multi-use approach.

Improperly used ORVs can have very serious consequences due to destruction of habitat and disturbance to wildlife (Backcountry Hunters and Anglers 2011, Webb and Wilshire 1983, Defenders of Wildlife 2002, Texas Parks and Wildlife 2011). Off-trail, ORVs can destroy herbaceous plants and seedlings, creating swaths of bare ground that have minimal wildlife value. Additionally, off-trail ORVs can destroy ground nests. However, ORV use of existing roads and trails to support hunting and fishing activities is likely to have minimal negative effects on vegetation or wildlife. There would be some wildlife disturbance similar to what has been previously discussed under other uses. These negative effects are expected to be limited to areas along trails and of short duration.

Regular off-road vehicle operation through sawgrass and wet prairie habitats creates trails, which are open areas where native vegetation is sparser than surrounding areas due to physical disturbance and soil erosion (Pernas 1995; Duever et al. 1981; Duever et al. 1986).

If animals are not able to adjust to the additional energy, outlay caused by disturbance: survival, reproduction, and growth may be negatively affected (DOI 1992). Some studies have found that some wildlife can adapt to environmental disruptions and learn to limit their energy expenditure in relation to human recreational activity. Harassing activity, which cause alarm and the expenditure of avoidance energy include: 1) unfamiliar or unpredictable behavior, 2) quick movements, sudden noises, loud noises and 3) close and direct approach. It was found that if the harassing activity was constant, the animal would become adapted to it and learn to adjust to the threat or permanently leave the area. However, the animal may end up in less quality habitat than what it gave up and potentially suffer less reproductive success or a lower survival rate.

In order to reduce impacts of use, ORV use is restricted to use by hunters and anglers on designated roads and trails, which is likely to have minimal negative effects on vegetation or wildlife.

There would be some wildlife disturbance and these negative effects are expected to be limited to areas along roads and trails, and of short duration.

Long-term effects: These are not expected; if substantial vegetation damage or wildlife disturbance were documented, the use would be further restricted or halted.

Cumulative effects: None anticipated.

Determination (check one below):

☐ Use is Compatible

☒ Use is Compatible with Following Stipulations

Stipulations Necessary to Ensure Compatibility:

- ORV use could have substantial negative impacts on Refuge resources. However, this activity will be limited to permitted hunters and anglers on designated roads and trails.
- For hunting activities, the Service will work with the FWC to designate specific sites, certain existing roads, and certain existing trails for ORV use and to monitor ORV use and impacts in order to help minimize any impacts.
- If impacts associated with compatible ORV use by hunters and/or anglers are determined by the refuge manager to exceed acceptable levels, the refuge manager will work with FWC and hunters and/or anglers to minimize these impacts (e.g., move or close certain access points, create a designated detour, and/or close a portion or all of an area to ORV use).
- All trash and waste must be carried out and properly disposed off-site.

Justification:

As described, ORV use would support hunting and fishing, which are priority, wildlife-dependent uses. Properly managed, negative effects can be kept at a minimum.

NEPA Compliance for Refuge Use Decision:

☐ Categorical Exclusion without Environmental Action Statement

☐ Categorical Exclusion and Environmental Action Statement

☒ Environmental Assessment and Finding of No Significant Impact

☐ Environmental Impact Statement and Record of Decision

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Mandatory 10-year Reevaluation Date: 2030 July 30

COMPATIBILITY DETERMINATION

Use: Pets on Leash

Description of Use:

- (a) *What is the use?* This CD does not examine or impose restrictions on Service Animals. This CD examines the impacts of permitting visitors to enjoy the Refuge with their leashed or confined pet (dog or other companion animal) not in conjunction with hunting. Pets may include, but are not limited to, dogs, cats, pigs, and birds. Animals not permitted on the Refuge for this activity include all animals listed as Prohibited Nonnative Wildlife or Conditional Nonnative species by the Florida Fish and Wildlife Conservation Commission (<http://myfwc.com/wildlifehabitats/nonnatives/>) or listed as Injurious Wildlife by the Service (<https://www.fws.gov/injuriouswildlife/>). Although this use can enhance the experience for visitors enjoying priority public uses, this use is not a priority public use of NWRS under the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-668ee), as amended by the Improvement Act of 1997 (Refuge Improvement Act) (Public Law 105-57). This CD does not include uses for equine animals. Equine animals, specifically for horseback riding, is addressed in a separate compatibility determination.
- (b) *Where would the use be conducted?* Pets on leash will be restricted to designated roads and trails. Pets must not prevent the general public from utilizing Refuge facilities or trails at any time.
- (c) *When would the use be conducted?* This use would occur year-round, but users are advised to consult the most current WMA regulations for any potential temporary closures.
- (d) *How would the use be conducted?* Pets may accompany their owners in limited areas while enjoying their walking or hiking activities on the Refuge. As stated in the Code of Federal Regulations, 50 CFR 26.21(b): no unconfined domestic animals shall be permitted to roam at large on Refuge lands. Pets must be attached to a 6-foot (or shorter) leash with the owner in control of the leash and pet at all times. This leash requirement will be enforced to minimize wildlife and visitor disturbance. Any animal trespassing on Refuge lands may be impounded and disposed of in accordance with state statutes and federal regulations (50 CFR § 28.42). Dogs and cats running at large on the Refuge and observed harassing or molesting humans or wildlife may be disposed of in the interest of public safety and the protection of the wildlife (50 CFR § 28.43). Owners will be required to promptly remove feces from Refuge lands.
- (e) *Why is this use being proposed?* The Refuge envisions that allowing pets on leash may foster positive stakeholder/refuge relations. Enhancing current public uses by allowing pets, can potentially reach new groups of visitors and initiate a better understanding of Refuge resources and potential future recreation opportunities available. Dog walking is a traditional use in this landscape that can support wildlife observation and photography. Allowing pets while enjoying other priority public uses can be an excellent platform for exposing young people and urban dwellers to the sounds and beauty of nature and the unique setting of the Refuge. The Refuge is appealing to those looking for settings to enjoy outdoor pursuits in isolated areas. There is a risk of pets being injured or killed by wildlife on the Refuge. However, with improvements to educational and interpretation signage, risks to pets, pet owners, and other visitors can be mitigated. Allowing pets on the Refuge will benefit and promote the goals of the Program.

Availability of Resources:

Resources involved in the administration and management of the use: Except for maintaining and periodically updating regulatory signs and printed materials, minimal costs will be involved. The financial and staff resources necessary to provide and administer this use at its current level and at expected levels on the Refuge is now available and is expected to continue in the future. Enforcement of regulations governing this use is part of normal law enforcement operations. Providing information to the public and administrative needs would total about \$1,000 to institute the program.

Special equipment, facilities, or improvements necessary to support the use: – No special equipment or facilities are recommended for this use. Improvements necessary include removing and reposting signs to inform the public where the use is prohibited. First year costs for signs and installation will be approximately \$1,500 - \$2,000 with recurring costs of about \$2,000 every five years. Staff time is estimated at five days of staff time for the first year and two days a year thereafter.

Maintenance costs: None specific to this use. Users will be required to use already established roads and trails.

Monitoring costs: \$1,000 annually. Existing Refuge staff and Federal Wildlife Officers monitor effects of and compliance with current operations during the normal course of their duties.

Offsetting revenues: None.

Anticipated Impacts of the Use:

Short-term effects: Dogs and other pets on the Refuge have the potential to negatively affect wildlife behavior. The presence of dogs may cause wildlife to move away, temporarily or permanently, thereby reducing the amount of available habitat in which to feed, breed, and rest. Wildlife may become less active during the day to avoid dog interactions. Furthermore, the scent of dogs can repel wildlife, and this effect remains for some time after the dogs are gone (Hennings 2016). Dogs that are unleashed increase the zone of disturbance beyond what it would be in the absence of a dog (Blumstein et al. 2006). Dogs (and likely other pets) elicit a greater response from wildlife than pedestrians alone (MacArthur et al. 1979; Hoopes 1993). In the case of birds, the presence of dogs may reduce bird diversity and abundance in woodlands (Banks and Bryant 2007) and staging areas (Burger 1986, Lafferty 2001), flush incubating birds from nests (Yalden and Yalden 1990), disrupt breeding displays (Baydack 1986), disrupt foraging activity (Hoopes 1993), and disturb roosting activity in ducks (Keller 1991). Many of these authors indicated that dogs with people, dogs on-leash, or loose dogs provoked the most pronounced disturbance reactions from their study animals. However, the greatest stress reaction results from unanticipated disturbance.

Sime (1999) concluded that maintaining control of pets while in wildlife habitats reduces the potential of disturbance, injury, or mortality to wildlife. In a study comparing wildlife responses to human and dog use on and off trails, Miller et al. (2001) recommended prohibiting dogs or restricting use to trails to minimize disturbance and that natural land managers can implement spatial and behavioral restrictions in visitor management to reduce disturbance by such activities on wildlife. Pet owners would be required to maintain physical control (i.e. leash or enclosure) of their animal while on the Refuge, thereby reducing the potential and severity of these impacts to wildlife. Any disturbance would be temporary and should not lead to loss of wildlife or their habitats.

User conflicts are unlikely to occur since trails are lightly used and pets will be on-leash and so prevented from annoying others. However, dogs that bark excessively may cause disruption to other users seeking to enjoy their recreation activities in the tranquility offered by the remote and natural setting of the Refuge. Some visitors may also experience allergic reactions to or feel threatened by dogs and other pets, which may therefore reduce the enjoyment of their visit.

Pet waste is unsightly for Refuge visitors and can transmit diseases that may threaten the health of some wildlife and other domesticated animals. The role of dogs in wildlife diseases is not well documented. However, domesticated animals host endo- and ecto-parasites and can contract diseases from, or transmit diseases to, wild animals, and transport parasites to or from wildlife habitats (Overgaauw 2009, Sime 1999). Although unlikely, bringing pets from unknown locations with unknown pests can potentially introduce an infestation of particular pests on the Refuge. Any new pest introduction can cause undue financial and administrative burdens to the Refuge and staff for the cost of treatments and control or undergoing processes for pesticide approval and use. Additionally, dog waste is known to transmit diseases that may threaten the health of some wildlife and other domesticated animals (Overgaauw 2009, Sime 1999). The Refuge does not provide receptacles for animal waste, which if left on the Refuge, diminishes the quality of the visitor's wildlife recreational experience. These impacts may be minimized by encouraging people to pick-up their dog's waste.

Negative effects to vegetation are expected to be similar to those from normal trail use as described in our wildlife observation compatibility determination. The use would be confined to existing trails and no new construction or vegetation clearing would be required. Impacts on wildlife would be minimal since the trails are not close to wildlife concentration areas, and the dogs will be leashed. Short-term disturbance may occur to wildlife directly adjacent to the trail.

Because the use of the trail system is relatively light, and dog walking would be restricted to public trails where disturbance may already occur due to other public use activities, the potential impacts to wildlife and their habitats are expected to be minimal. In addition, the requirement for dogs to be kept on a 6-foot leash (or shorter) would minimize the impacts to other users and wildlife.

Long-term effects: The role of dogs in wildlife diseases is poorly understood. However, dogs can host endo- and ecto-parasites, and can contract diseases from or transmit diseases to wild animals. In addition, dog waste is known to transmit diseases that may threaten the health of some wildlife and other domesticated animals. Domestic dogs potentially can introduce various diseases and transport parasites into wildlife habitats (Sime 1999). Overall, long-term effects are expected to be minimal.

Cumulative effects: None expected.

Public Review and Comment:

Determination (check one below):

☐ Use is Not Compatible

☒ Use is Compatible with Following Stipulations

Stipulations Necessary to Ensure Compatibility:

Only leashed or confined (e.g. caged pet, dog strollers, or other travel enclosure) pets are permitted on the Refuge. Pet owners will be required to maintain control of their animal at all times while on the Refuge and must refrain from entering closed areas. Dogs are exempt from these conditions while engaged in authorized hunting activities.

- All pets while on the Refuge must be on a leash (no more than 6 feet long).
- Visitors with pets will be required to immediately bag and remove their pet(s) fecal matter and dispose of it in the proper trash receptacles.
- The type of pets allowed varies by WMA, refer to the WMA brochure for details.
- No more than two pets per visitor.
- The use will be evaluated annually and may be eliminated if negative effects rise to unacceptable levels.
- Field trials or commercial/professional dog training remains prohibited.
- Public awareness will be increased through interpretive or educational materials about responsible pet ownership in the context of wildlife disturbance and threat of injury or death to pets during all outdoor recreational pursuits.
- Certain areas may be closed to the public and pets due to management activities.

Justification: One of the stated goals of the NWRS is to “foster understanding and instill appreciation of the diversity and interconnectedness of fish, wildlife, and plants and their habitats”. This use, although not a priority public use, has been determined to be compatible, because it will increase the public’s exposure to, understanding, and appreciation of America’s flora, wildlife, wildlife conservation, and the Service’s role in managing and protecting natural resources.

Dog walking is a historic use of the lands currently part of the Refuge and allowing pets on leash can facilitate wildlife observation. Allowing pets on the Refuge, provides visitors with a much sought-after opportunity for wildlife-dependent recreation, can foster positive public relations, and introduces the Refuge to new, non-traditional audiences. Through increased available opportunities with their pets, they may become aware of the value of national wildlife refuges and promote fish and wildlife conservation.

This use is low impact, low cost, and highly controllable. The actions or effects of this use are not expected to interfere with or detract from the mission of the NWRS nor diminish the purposes for which the Refuge was established. The Improvement Act of 1997 requires that priority consideration be given to wildlife-dependent users, and the presence of pets is not necessary for non-hunting, wildlife-dependent recreational activities. If the use becomes too popular, burdensome, or unmanageable for staff, or if adverse impacts on public use activities or wildlife and their behaviors are identified, the Refuge may impose additional restrictions, up to and including termination, to mitigate disturbance.

Pet owners may take the time to learn more about the Refuge and become, or already be, supporters of the Refuge System. This proposed use is restricted to public roads and trails, and it is anticipated that this use will have only negligible, minor, and temporary impacts on Refuge resources. Because of this, it is consistent with the wildlife and habitat aspects of the refuge's purposes, the Service policy on compatible uses, the Refuge Improvement Act, and the broad management objectives of the Refuge System.

NEPA Compliance for Refuge Use Description:

☐ Categorical Exclusion without Environmental Action Statement
☐ Categorical Exclusion and Environmental Action Statement
☒ Environmental Assessment and Finding of No Significant Impact
☐ Environmental Impact Statement and Record of Decision

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Mandatory 10-year Reevaluation Date: 2030 July 30

COMPATIBILITY DETERMINATION

Approval of Compatibility Determinations

The signature of approval is for all compatibility determinations considered within the Visitor Services Plan for Everglades Headwaters National Wildlife Refuge and Conservation Area. If one of the descriptive uses is considered for compatibility outside of the visitor services plan, the approval signature becomes part of that determination.

Refuge Manager: _____
(Signature/Date)

Regional Compatibility
Coordinator: _____
(Signature/Date)

Refuge Supervisor _____
(Signature/Date)

Regional Chief, National
Wildlife Refuge System,
Southeast Region: _____
(Signature/Date)

