

Draft Compatibility Determination

Title

Draft Compatibility Determination for Wildlife Observation and Photography, Hanalei National Wildlife Refuge.

Refuge Use Category

Wildlife Observation and Photography

Refuge Use Type(s)

Wildlife observation.

Photography.

Photography, video, filming, or audio recording (news and educational).

Refuge

Hanalei National Wildlife Refuge.

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

Refuge Purpose(s):

“... to conserve (A) fish or wildlife which are listed as endangered species or threatened species...or (B) plants...” (Endangered Species Act of 1973, as amended [16 U.S.C. 1531-1544]))

Establishing and Acquisition Authority(ies):

Endangered Species Conservation Act of 1969, as amended (16 U.S.C. 668aa).

National Wildlife Refuge System Mission

The mission of the National Wildlife Refuge System, otherwise known as Refuge System, is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans (Pub. L. 105-57; 111 Stat. 1252).

Description of Use

Is this an existing use?

Yes. This Compatibility Determination (CD) replaces and expands upon the CD for Environmental Education/Wildlife Observation (1994).

What is the use?

This CD covers visitation for the purpose of observing and photographing natural resources (including wild plants and animals, wildlife habitats, landscapes, cultural resources, and cultural activities) or public uses of those resources. “Wildlife observation” includes viewing of fish, wildlife, plants, or their habitats by refuge visitors. “Photography” includes still photography, videography, filming, or other recording of sight or sound to be made within the Refuge.

This CD only covers **non-commercial** activities. According to federal law, all commercial photography and filming on lands and waters managed by the Fish and Wildlife Service requires a permit. Commercial filming (defined as the film, electronic, magnetic, digital, or other recording of a moving image by a person, business, or other entity for a market audience with the intent of generating income) will be addressed in a separate CD.

Is the use a priority public use?

Yes

Where would the use be conducted?

The newly opened Hanalei Viewpoint (Viewpoint) site, located on Kūhio Highway, offers opportunities for wildlife observation and photography with two primary viewing areas looking out over the Hanalei NWR. The site includes parking for 25 cars, two buses, interpretive displays, vault toilets, seating, and native plantings that will provide students, residents, and visitors with opportunities to learn about the natural and cultural history of the Hanalei Valley and the Hanalei NWR. Specifically located away from breeding populations of native wetland bird species, a National Environmental Policy Act Finding of No Significant Impacts was issued for the site on November 26, 2019 (USFWS 2019).

Wildlife observation and photography also occurs along ‘Ōhiki Road, a narrow, paved road adjacent to the Hanalei River, which bisects the wetland area of the Refuge. The road is not Refuge property; however, along ‘Ōhiki Road there are several areas utilized for this purpose, including the ‘Ōkolehao parking lot and trailhead; the first ¼-mile of the ‘Okolehao Trail, a public trail that ascends a hillside into the Halele‘a Forest Reserve; and the Ducks Unlimited ponds managed wetland area. Wildlife observation and photography within closed areas of the Refuge are determined on a

case-by-case basis with approval of the Refuge Manager. See map figures at end of document for proposed use areas.

When would the use be conducted?

The Viewpoint will be available for wildlife observation and photography year-round during daylight hours.

Availability of the wetland units will vary and must be coordinated with Refuge management in advance to avoid bird breeding and molting cycles in the different units. Nēnē (Hawaiian goose) and aʻeo (Hawaiian stilt) breed seasonally, however, breeding for the maoli koloa (Hawaiian duck), ʻalaie ʻula (Hawaiian moorhen), and ʻalaie keʻokeʻo (Hawaiian coot) peaks during their breeding season but can occur year-round (see chart figure at end of document). Limited evening or early morning hours may be offered dependent on staff availability and deed restrictions.

How would the use be conducted?

Wildlife observation and photography may be self-guided at the Viewpoint and along ʻŌhiki Road. These uses are enhanced with brochures, wildlife and plant lists, electronic media, interpretive signs, trails, vehicle pullouts, and viewing overlooks.

Visitors are allowed to access areas open to the public but are required to stay on or within designated trails and viewing areas. Use of Refuge in Hanalei Valley, accessible via ʻŌhiki Rd, is limited by the availability of parking stalls at and near the ʻŌkolehao Trailhead and at the Ducks Unlimited (DU) pond grassy parking area. The high vantage points of the Viewpoint are located at a safe distance and prevent most interactions with sensitive wildlife or habitat.

Wildlife observation and photography may also be conducted via guided hikes or small events in coordination with biologist recommendations. These activities are led by Refuge personnel or Refuge-authorized agents, primarily in conjunction with special event days (National Wildlife Refuge Week, Migratory Bird Day, World Wetland Day). Guided hikes may provide for observation and photography in areas not typically accessible to the public.

Guided commercial tours are described, with additional stipulations, in a separate compatibility determination.

Why is this use being proposed or reevaluated?

Wildlife observation and photography are identified as priority public uses in the National Wildlife Refuge Improvement Act (NWRS Administration Act as amended in 1997, 16 USC 668dd). Opportunities to view wildlife and habitat are limited in nearby Hanalei town, without aids of interpretation or species information. These uses are required to be re-evaluated after 15 years and this CD now includes the expanded area of the refuge and a new viewpoint constructed along Kūhio Highway. The

Viewpoint provides a view of the Refuge, Hanalei Valley, River and Bay and is anticipated to be the most visited Hanalei NWR location for photography for the general public.

Availability of Resources

The Refuge currently has adequate facilities, budget, and staff to support the annual costs associated with the proposed wildlife observation and photography on the Refuge. Additional fees or permits are not required to participate in these activities for non-commercial use.

Table 1. Costs to Administer and Manage Wildlife Observation and Photography

Category and Itemization	Recurring Annual Expenses
Staff time (LE/admin)	\$18,000
Maintenance	\$12,000
Biological Monitoring	\$2,200
Total	\$32,200

Anticipated Impacts of the Use

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

The purpose of the Refuge is to aid in the recovery of federally listed species. At Hanalei NWR, the management focus is supporting the recovery of five threatened and endangered waterbirds: ae'o, 'alae ke'oke'o, 'alae 'ula, koloa maoli, and nēnē. 'Ōpe'ape'a (Hawaiian hoary bat) may utilize the air space for twilight foraging or the trees fringing the property for nesting, however, impacts will be negligible to those species, so long as the stipulations are followed.

There are no anticipated effects to air and water quality, geology and soils, floodplains, wilderness, socioeconomics, or refuge management and operations document. Expanding the scope of this CD with the Viewpoint site is not anticipated to add any additional impacts, rather it is expected that less visitors will travel on 'Ōhiki road, thus improving current habitat conditions for endangered waterbirds with reduced vehicular strikes. An Environmental Assessment was completed for the Viewpoint with a Finding of No Significant Impact (USFWS 2019).

The Hanalei Valley, including the Refuge, contains numerous historic and pre-contact resources. During the 1980s, the Hanalei Valley was identified by the National Trust

for Historic Preservation as an important site for rural preservation. Any potential impacts to cultural resources will be mitigated by stipulations outlined within this compatibility determination and associated SUPs and by including clear maps depicting areas of authorized access.

Use of the Refuge for wildlife observation and photography will generally instill an appreciation of wildlife, plants, and their habitats found on the Refuge. These activities support the Refuge's purposes and the Refuge System mission.

Short-term impacts

The effects of wildlife observation and photography upon wildlife would likely be associated with disturbance. Photographers and wildlife observers will not be allowed in closed areas except by manager-approval, or via limited guided experiences offered to the community for special events spread throughout the calendar year.

Long-term impacts

The long-term impacts to wildlife resources may include altered behavior; altered population abundance, distribution, or demographics; and altered community species composition and interactions. Disturbance can cause nest desertion and affect survival of individual birds, their eggs, nestlings, or broods and alter behavior of nonbreeding waterbirds. Habituation to some types and levels (intensity and frequency) of human disturbance appears to vary among species, within species, between resident and migratory populations (Miller and Hobbs 2000).

Endangered birds are struck and killed by vehicles on 'Ōhiki Road at a rate of about 1 endangered bird lost per month. Mitigation measures to decrease vehicle strikes include increased signage to drive slowly, community public service announcements, and increased staff presence at the Refuge. Habitats and vegetation may be negatively impacted by foot traffic; however, dedicated parking areas and signage will minimize potential impacts. The Refuge will work with the County of Kaua'i to add or maintain signage and other features for 'Ōhiki Road, potentially including the following:

- a. Speed limit (15 mph) and/or speed bumps or other speed-limiting devices.
- b. A sign noting that 'Ōhiki Rd is a dead-end road.
- c. A sign advising drivers that the road is single lane and advising against stopping or parking along the road.
- d. Enhanced trail head and parking signs at 'Ōkolehao trail.
- e. Increased signage delineating appropriate parking locations for wildlife observation along 'Ōhiki Rd.

Visitors will be informed of desired behaviors when viewing and photographing wildlife. Examples include the "Principles of Ethical Field Practices" developed by the North American Nature Photography Association (NANPA 2018). Among others, these

principles include not distressing or otherwise interfering with animal behaviors, using telephoto lenses to photograph animals, and adherence to local regulatory requirements. Other practices that can reduce wildlife disturbance when observing or photographing wildlife include use of observation/photo blinds and use of binoculars or spotting scopes to enable good viewing while maintaining a respectful distance from individuals or colonies.

Overall, it is expected that wildlife observation and photography would cause only minimal wildlife disturbance. As an on-going permitted activity, changes in wildlife use patterns on the Refuge are not anticipated. The Viewpoint is located at a safe distance and prevents most interactions with sensitive wildlife or habitat. Wildlife photographers can be important advocates for birds and the Refuge, if they follow simple guidelines and help educate their peers on responsible photography and wildlife observation.

Public Review and Comment

The draft compatibility determination will be available for the public review and comment for 14 calendar days following the day the notice is published. The public will be made aware of this comment opportunity through local news media, postings at local libraries and community centers, emails to potentially interested people and stakeholders such as adjacent landowners, state natural resource agencies, and Native Hawaiian Organizations. The State and Native Hawaiian Organizations have been provided notice of availability. A hard copy of this document will be posted at the Refuge Headquarters, 3500 Kilauea Rd, Kilauea, HI 96754. It will be made available electronically on the refuge website at <https://www.fws.gov/refuge/Hanalei>. Please let us know if you need the documents in an alternative format. Concerns expressed during the public comment period will be addressed in the final compatibility determination. Comments may be sent by email to Jennifer_Waipa@fws.gov or mailed to:

Kaua'i NWRC
PO Box 1128,
Kilauea HI 96754

Determination

Is the use compatible?

Yes

Stipulations Necessary to Ensure Compatibility

1. Do not approach, feed, or disturb threatened or endangered species. Groups will be kept far enough away to avoid disturbing the birds (ideally 20+ feet). If the birds show any sign of agitation as a result of human presence, quietly and slowly retreat until the birds no longer appear disturbed.
2. Observers and photographers are prohibited from using feed or call playback recordings on the Refuge to attract wildlife.
3. The Refuge will monitor the effects of visitor activities on wildlife and re-evaluate the program annually, with a larger discussion and revision of this document as needed.
4. Hanalei NWR wetland units will continue to be mostly closed to public use. Information about visitation to the Refuge, including maps clearly depicting open areas and Refuge entry point(s), would be posted on signs, in kiosks, online, and at other appropriate locations, and would be available at the Kaua'i National Wildlife Refuge Complex office.
5. For activities occurring on the wetland/lowland portion of the Refuge, photography and wildlife observation hike group size would be limited to 15 individuals and would need to be guided by refuge personnel or refuge-authorized agents who are fully trained on the biology and behaviors of federally listed species and sensitive habitats, as well as safety.
6. Photography and wildlife observation groups are prohibited from straying outside the areas depicted on the attached maps and beyond the closed area signs. Travel within Refuge is limited to designated roads, parking lots and trails.
7. The Refuge would remain open to photography and wildlife observation activities during daylight hours only, unless pre-approved in writing by Refuge Manager in advance of a scheduled program.
8. Visitors are prohibited from bringing dogs, cats, or other pets with them to the Refuge. An exception is a service animal, as defined under Title II and Title III of the American Disabilities Act (1990).
9. Construction of new or maintaining existing structures on the Refuge is prohibited except with prior written approval of the Refuge Manager.
10. Visitors are prohibited from collecting and removing any archaeological or historic artifacts, abiotic or biological specimens or samples, or mementos from the Refuge.
11. Littering, dumping refuse, abandoning equipment or materials, or otherwise discarding any items on the Refuge is prohibited.

12. Food and drinks will only be permitted in designated areas at the Viewpoint, and all trash must be cleaned up and packed out. Visitors are only allowed to bring water to the wetland units and are restricted to eating snacks and lunches off the Refuge, inside buildings, or inside buses.

No changes may be made to any of these stipulations without written approval of the Refuge Manager. In addition to the stipulations listed above, visitors are required to comply with Refuge System-related and other applicable laws, regulations, and policies. The Refuge reserves the right to add to or otherwise modify the stipulations listed above to ensure the continued compatibility of this use.

Justification

The stipulations outlined above would help ensure that the use is compatible on Hanalei NWR. Wildlife observation and photography, as outlined in this compatibility determination, would not conflict with the national policy to maintain the biological diversity, integrity, and environmental health of the refuge. Based on available science and best professional judgement, the Service has determined that Wildlife Observation and Photography at Hanalei NWR, in accordance with the stipulations provided here, would not materially interfere with or detract from the fulfillment of the National Wildlife Refuge System mission or the purpose of the Hanalei NWR. Appropriate and compatible wildlife observation and photography at the Hanalei National Wildlife Refuge can help the public develop an appreciation for wetlands, wildlife, and habitats that the U.S. Fish and Wildlife Service works to protect.

Signature of Determination

Refuge Manager Signature and Date

Signature of Concurrence

Assistant Regional Director Signature and Date

Mandatory Reevaluation Date

2039

Literature Cited/References

Miller, J.R. and N.T. Hobbs, 2000. Recreational trails, human activity, and nest predation in lowland riparian areas. *Landscape and Urban Planning* 50(4):227–236.

North American Nature Photography Association. 2018. PRINCIPLES OF ETHICAL FIELD PRACTICES. <https://nanpa.org>

USFWS. 2011. Recovery Plan for Hawaiian Waterbirds, Second Revision.

USFWS. 2019. Hanalei Valley Viewpoint Final Environmental Assessment, Hanalei National Wildlife Refuge.

USFWS. 2021. Wetland Management and Waterbird Conservation Plan, Hanalei National Wildlife Refuge.

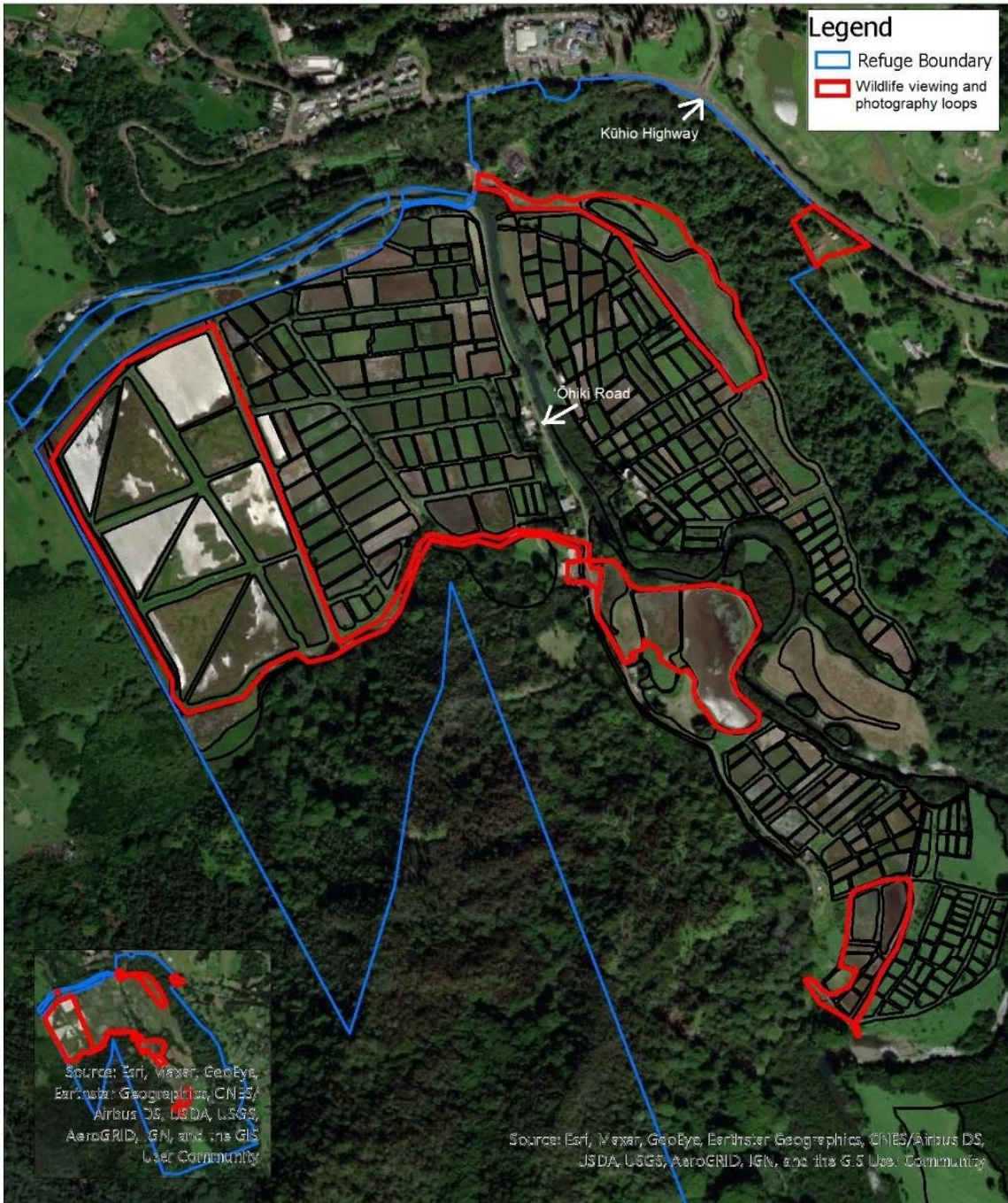
Figure(s)

Birds	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Nēnē	█								█			
Koloa	█					█		█				█
'Alae ke'oke'o	█		█					█		█		
'Alae 'ula	█		█					█		█		
A'e'o			█					█				
Waterfowl (Mig.)	█									█		
Shorebirds (Mig.)	█						█					

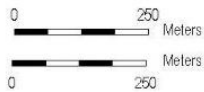
Figure 1. Breeding periods of focal species of threatened and endangered Hawaiian waterbirds. Nēnē and ae'o breed seasonally, however, koloa, 'alae 'ula and 'alae ke'oke'o species peak during their breeding season but can breed year-round.



Figure 2. Viewpoint Site Plan



Produced Kauai National Wildlife Refuge Complex
 Kilauea, Hawaii
 Produced July 12th, 2021;
 Basemap: World Imagery
 File: Letter-Size_Portrait_Layout.pptx



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Datum: NAD 83

Figure 3. Hanalei NWR wildlife observation and photography loops.