

# Draft Compatibility Determination

## Title

Draft Compatibility Determination for Research, Scientific Collection, and Surveys, Kootenai National Wildlife Refuge

## Refuge Use Category

Research and Surveys

## Refuge Use Type(s)

Research  
Scientific Collecting  
Surveys

## Refuge

Kootenai National Wildlife Refuge

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

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

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

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

“... for the development, advancement, management, conservation, and protection of fish and wildlife resources ...” 16 U.S.C. 742f(a)(4)

“... for the benefit of the United States Fish and Wildlife Service, in performing its activities and services. Such acceptance may be subject to the terms of any restrictive or affirmative covenant, or condition of servitude ...” 16 U.S.C. 99 742f(b)(1) (Fish and Wildlife Act of 1956).

## National Wildlife Refuge System Mission

The mission of the National Wildlife Refuge System, otherwise known as Refuge System, is to administer a national network of lands and waters for the conservation,

management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans (Pub. L. 105-57; 111 Stat. 1252).

## Description of Use

Is this an existing use?

Yes. This compatibility determination (CD) reviews and replaces the 2011 CD for Research which was prepared concurrently with the Comprehensive Conservation Plan (CCP) for Kootenai NWR (USFWS 2011).

What is the use?

**Research.** Planned, organized, and systematic investigation of a scientific nature conducted by non-FWS personnel or authorized agent.

**Scientific Collecting.** Gathering of refuge natural resources or cultural artifacts for scientific purposes conducted by non-FWS personnel or authorized agent.

**Surveys.** Scientific inventory or monitoring conducted by non-FWS personnel or authorized agent.

Research would be allowed on the Refuge as requested by outside entities, where it is determined to be compatible with refuge management of natural resources. This will be determined by refuge staff on a case-by-case basis as requests are received in the form of study proposals.

Is the use a priority public use?

No

Where would the use be conducted?

Research would be allowed on the Refuge as requested by outside entities, where it is determined to be compatible with Refuge management of natural resources. This will be determined by Refuge staff on a case-by-case basis as requests are received in the form of study proposals. Research could occur throughout the Refuge if it is found to be compatible.

When would the use be conducted?

The timing, frequency, and duration of research on the Refuge would be project-specific and will vary depending upon the nature and scope of the project. Research could occur year-round.

How would the use be conducted?

**Types of research.** The Refuge staff receives periodic requests from non-Service

entities (e.g., universities, State or territorial agencies, other Federal agencies, nongovernmental organizations) to conduct research on Refuge lands. Because research requests can involve a wide range of natural and cultural resources as well as public-use management issues, they may be conducted using a wide variety of methods, for example: basic absence/presence surveys, collection of animals or plants for identification, studies of habitat use and life-history requirements for specific species/species groups, studies of practical methods for habitat restoration, investigations into the extent and severity of environmental contaminants, techniques to control or eradicate pest species, studies of effects of climate change on environmental conditions and associated habitat/wildlife response, identification and analyses of paleontological specimens, modelling of wildlife populations, bioprospecting, and assessing response of habitat/wildlife to disturbance from public uses. Projects may be species-specific or Refuge-specific, or they may evaluate the relative contribution of the Refuge lands to larger landscapes (e.g., ecoregion, region, flyway, national, international), issues, and trends.

**Application Process.** At least three months before initiation of any fieldwork, the project investigator(s) must submit a detailed project proposal including purpose, methods, location, number of personnel, and schedule using the *Research and Monitoring Special Use Permit* application (FWS Form 3-1383-R). A proposal template is available from the Refuge Manager on request.

**Proposal review; selection criteria.** Project proposals will be reviewed by Refuge staff and others, as needed, to assess the potential impacts (short-term, long-term, and cumulative) relative to benefits of the investigation to Refuge management issues and understanding of natural systems. Management-oriented research that would assist in land management decision-making processes would be encouraged. This assessment will form the primary basis for allowing or denying a specific project. Special Use Permits (SUPs) will not be issued for projects that result in unacceptable refuge impacts.

**SUP issuance; stipulations.** The Refuge Manager will issue a SUP for accepted projects that includes stipulations (terms and conditions) required to avoid and/or minimize potential impacts to Refuge resources and conflicts with public use activities and Refuge field management operations. The SUP stipulations will ensure that proposed projects contribute to the enhancement, protection, conservation, and management of native wildlife populations and their habitats on the Refuge. A final report or summary of the data collected will be required for each SUP. As a result, these projects will help fulfill Refuge purpose(s); contribute to the mission of the Refuge System; and maintain the biological integrity, diversity, and environmental health of the Refuge.

**Measures to minimize spread of invasive species.** Spread of invasive plants, animals, and/or pathogens would be minimized or eliminated by requiring proper cleaning of investigator equipment and clothing as well as quarantine methods, where necessary. If there is a substantial risk of spread of invasive species in spite of these preventative

measures, then the project proposal must include a restoration or mitigation plan in order to be permitted on the Refuge.

**Permit requirements.** Investigator(s) are required to obtain the appropriate State, territorial, and/or Federal collecting permits to ensure that there would be minimal impacts to fish, wildlife, plants, and their habitats. Future projects that are outside the scope of the Refuge Comprehensive Conservation Plan (CCP) may require additional National Environmental Policy Act (NEPA) documentation and compliance. For example, Section 7 consultation under the Endangered Species Act (16 U.S.C. 1531-1544, 87 Stat. 884, as amended Public Law 93-205) would be required for activities that may affect a federally listed species and/or critical habitat. SUPs would be issued only for projects that would have no effect on, or would result in not likely to adversely affect determinations for, listed species and critical habitat.

Why is this use being proposed or reevaluated?

Research at the Refuge was previously determined to be compatible (USFWS 2011). Research is being re-evaluated due to the 10-year renewal period ending (603 FW 2.11 H.).

The Service's Research and Management Studies (4 RM 6) and Appropriate Refuge Uses (603 FW 1.10D(4)) policies indicate priority for scientific investigatory studies that contribute to the enhancement, protection, use, preservation, and management of native wildlife populations and their habitat as well as their natural diversity. Thus, research that contributes toward achievement of Refuge-specific resource management goals and objectives, where applicable, or elucidating the status and trends of its fish, wildlife, plants, and habitats would be given a higher priority over other requests.

## Availability of Resources

Refuge staff responsibilities for oversight of research conducted by non-Service entities would include: reviewing proposals, preparing SUPs and addressing other applicable compliance (e.g., Section 7 of the Endangered Species Act of 1973, Section 106 of the National Historic Preservation Act, NEPA), and monitoring project implementation to ensure that impacts remain within acceptable levels. Additional administrative, logistical, and operational support may also be provided depending on each specific request. One-time (e.g., prepare SUP) and annual costs for administering research projects would depend upon the number of proposals received and the number of ongoing projects. One-time and recurring costs per project are shown in Table 1 below. Generally, no more than three research projects are being conducted on the Refuge in any given year, and the Refuge receives less than five requests to conduct research annually. One-time costs to evaluate research proposals and issue SUPs at the current level of use is approximately \$1,000 annually. Recurring annual expenses to administer and manage ongoing research projects is estimated at \$1,000. The Refuge currently has staffing and funding in its general

operating budget to administratively support and monitor research at levels anticipated to take place on Refuge lands. A substantial increase to the number of projects may create the need for additional resources to administer the use. Any additional costs to administer the use above those covered under the Refuge's general operating budget must be offset by the investigator(s), sponsoring agency, or organization.

### **Anticipated Impacts of the Use**

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

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

Priority would be given to studies that support Refuge purposes, goals, and objectives. The selection criteria, along with the combination of stipulations and conditions included in any SUPs, will ensure that proposed projects contribute to the enhancement, protection, conservation, and management of native wildlife populations and their habitats on the Refuge. As a result, these projects will help fulfill Refuge purposes; contribute to the mission of the NWRS; and maintain the biological integrity, diversity, and environmental health of the Refuge.

If project methods impact or conflict with Refuge-specific resources, priority wildlife-dependent public uses, other high-priority research, or Refuge habitat and wildlife management programs, then the project proposal will only be accepted and SUP issued if the project clearly demonstrates scientific findings that would contribute to resource management and cannot be conducted off Refuge lands. The investigator(s) must identify methods/strategies in advance required to minimize or eliminate the potential impact(s) and conflict(s). If unacceptable impacts cannot be avoided, then a SUP would not be issued. Projects that represent economic use of the natural resources of any National Wildlife Refuge (e.g., bioprospecting), in accordance with 16 U.S.C. 715s, must contribute to the achievement of the Refuge purposes or the Refuge System mission to be compatible (50 C.F.R. 29.1).

#### **Short-term impacts**

Impacts would be project- and site-specific and would vary depending upon the nature, timing, and scope of the fieldwork. Research activities may cause disturbance to migratory birds or other wildlife through the presence of researchers and equipment, and may cause alteration of habitat. However, these effects would be

temporary, localized, and short-term. Adherence to stipulations in SUPs and oversight by Refuge staff, where applicable, will prevent unacceptable or irreversible impacts to fish, wildlife, plants, and their habitats.

Data collection techniques would generally result in minimal animal mortality or disturbance, minimal impacts to habitat, no introduction of contaminants, and minimal risk of introduction of non-native species. Research involving the collection of biotic (plants or animals) or abiotic (e.g., soil, water) samples, or requiring intensive ground-based data or sample collection would have short-term impacts. To reduce impacts, the study proposal must specify that the minimum number of samples, timing of collections, and the number of researchers conducting the work (e.g., water, soils, vegetative litter, plants, macroinvertebrates, vertebrates) would be collected for identification and/or experimentation and statistical analysis. Where possible, researchers would coordinate and share collections to reduce sampling needed for multiple projects.

There also could be localized and temporary effects from vegetation trampling, collecting of soil or plant samples, or trapping and handling of wildlife. Impacts may also occur from infrastructure necessary to support a project (e.g., transects or plot markers, enclosure devices, monitoring equipment, solar panels to power unattended monitoring equipment). Some level of disturbance is expected with these projects, especially if investigator(s) enter areas closed to the public and collect samples or handle wildlife. Impacts may also occur from infrastructure necessary to support projects (e.g., permanent transects or plot markers, enclosure devices, monitoring equipment, solar panels to power unattended monitoring equipment). However, wildlife disturbance (including altered behavior) would usually be localized and temporary in nature.

Although the spread of invasive plants, animals, and/or pathogens is possible from ground disturbance and/or transportation of project equipment and personnel, this would be minimized or eliminated by requiring proper cleaning of investigator equipment and clothing as well as quarantine methods, where necessary.

### Long-term impacts

As noted above, the terms and conditions of SUPs would be designed to minimize the risk of long-term negative impacts, and SUPs would not be issued for projects likely to have long-term negative impacts to Refuge resources. Use of the Refuge to conduct research would generally provide information that would benefit fish, wildlife, plants, and their habitats. Scientific findings gained through these projects provide important information regarding life-history needs of species and species groups as well as identify or refine management actions to achieve resource management objectives in Refuge management plans (especially CCPs). Reducing uncertainty regarding wildlife and habitat responses to Refuge management actions in order to achieve desired outcomes reflected in resource management objectives is essential for adaptive management in accordance with 522 DM 1.

## Public Review and Comment

The draft CD will be available for public review and comment for 14 days. The public will be made aware of this comment opportunity through our social media outlets and letters to potentially interested people such as researchers and partner agencies. A hard copy of this document will be posted at the Refuge Headquarters (287 Westside Road, Bonners Ferry, ID 83805). It will also be made available electronically on the Refuge website: [<https://www.fws.gov/refuge/kootenai/>]. Please let us know if you need the documents in an alternative format. Concerns expressed during the public comment period will be addressed in the final CD.

## Determination

Is the use compatible?

Yes

### Stipulations Necessary to Ensure Compatibility

To ensure compatibility and minimize impacts to Refuge resources:

1. Each research project would require one or more SUPs. Annual or other short-term SUPs are preferred; however, some permits would be for a longer period, if needed, to allow completion of the project. Every SUP would have a definite termination date in accordance with 5 RM 17.11. Renewals would be subject to Refuge Manager review and approval based on timely submission of and content in progress reports, compliance with SUP stipulations, and required permits.
2. Projects will adhere to scientifically defensible protocols for data collection, where available and applicable. Projects will address data management planning requirements as specified in 274 FW 1.
3. Project investigators must submit a study proposal at least three months in advance of proposed initiation in order for the Refuge staff to have adequate time to review the study plan. For projects requiring other compliance (e.g., Section 7 consultation), study proposals may need additional processing time.
4. Investigators must possess and comply with conditions of State, territorial, and/or Federal permits for their projects.
5. If unacceptable impacts to natural resources or conflicts arise or are documented by Refuge staff, then the Refuge Manager can suspend, modify conditions of, or terminate an ongoing project already permitted by SUP(s) on a Refuge.
6. Progress reports are required at least annually for multiple-year projects. The minimum required elements for a progress report will be provided to

investigators.

7. Final reports will be due one year after completion of the project unless negotiated otherwise with the Refuge Manager.
8. Continuation of existing projects will require approval by the Refuge Manager.
9. Refuge staff will be given the opportunity to review draft manuscript(s) from the project before they are submitted to a scientific journal(s) for consideration of publication.
10. Refuge staff will be provided with copies (reprints) of all publications resulting from a Refuge project.
11. Refuge staff will be provided with copies of raw data (preferably electronic database format) at the conclusion of the project.
12. Upon completion of the project or annually, all equipment and markers (unless required for long-term projects) must be removed and sites must be restored to the Refuge Manager's satisfaction. Conditions for clean-up and removal of equipment and physical markers will be stipulated in the SUP(s).
13. All samples collected on Refuge lands are the property of the Service even while in the possession of the investigator(s). Any future work with previously collected samples not clearly identified in the project proposal will require submission of a subsequent proposal for review and approval. In addition, a new SUP will be required for additional project work. For samples or specimens to be stored at other facilities (e.g., museums), a Memorandum of Understanding will be necessary.
14. Sampling equipment as well as investigator(s) clothing and vehicles (e.g., ATVs, boats) will be thoroughly cleaned (free of dirt and plant material) before being allowed for use on Refuge lands to prevent the introduction and/or spread of pests. Where necessary, quarantine methods specified by the Refuge Manager will be used.
15. The Refuge System, the specific Refuge, and the names of Refuge staff and other Service personnel that supported or contributed to the project will be appropriately cited and acknowledged in all written and oral presentations resulting from projects on Refuge lands.
16. At any time, Refuge staff may accompany investigator(s) in the field.
17. Investigator(s) and support staff will follow all Refuge-specific regulations that specify access and travel on the Refuge.
18. The landing of aircraft and the use of helicopters or unmanned aerial vehicles (i.e., drones) are prohibited, except if specifically authorized by Refuge-specific condition(s) on a case-by-case basis.

## Justification

Research, scientific collecting, and surveys are not Refuge uses identified by the National Wildlife Refuge System Improvement Act of 1997 as wildlife-dependent recreational uses; however, conducting research and surveys on a Refuge can provide benefits to Refuge resources through facilitation of informed management decisions. The knowledge gained through research can also contribute to environmental education and interpretation. In so doing, research and surveys would support Refuge purposes and the mission of the National Wildlife Refuge System.

Stipulations identified in this CD are expected to help ensure that the uses are compatible at the Refuge. Research, scientific collection, and survey activities, as outlined in this CD, would not conflict with national policy to maintain biological diversity, integrity, and environmental health of the Refuge. Based on available science and best professional judgement, the Service has determined that research conducted 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 purposes of the Refuge.

## **Signature of Determination**

Refuge Manager Signature and Date

## **Signature of Concurrence**

Assistant Regional Director Signature and Date

## **Mandatory Reevaluation Date**

2033

## **Literature Cited/References**

USFWS. (U.S. Fish and Wildlife Service) 2011. Comprehensive Conservation Plan and Environmental Assessment for the Kootenai National Wildlife Refuge. U.S. Fish and Wildlife Service, Region 1, Portland, OR.