

## **Draft Compatibility Determination**

**Use:** Dog Retrieval Demonstrations as part of Refuge Events

**Refuge Name:** Swan Lake National Wildlife Refuge (NWR)

**Establishing and Acquisition Authorities:** Executive Order 7563 established Swan Lake National Wildlife Refuge on February 27, 1937.

### **Refuge Purposes:**

“... as a refuge and breeding ground for migratory birds and other wildlife: ...” Executive Order 7563, dated Feb. 27, 1937

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

“... particular value in carrying out the national migratory bird management program.” 16 U.S.C. § 667b (An Act Authorizing the Transfer of Certain Real Property for Wildlife)

**National Wildlife Refuge System Mission:** The Mission of the National Wildlife Refuge System (NWRS) 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.

**Description of Use:** This use will include organized hunting dog retrieval demonstrations during Refuge events.

### **Is the use a priority public use?**

Since this use supports Refuge education events, is related to hunting skills, and carried out in an interpretive manner it falls under the priority public uses of environmental education and interpretation.

### **Where would the uses be conducted?**

This use is conducted in the area around the Visitor Center which includes the small pond next to the visitor center and the edge of the Swan Lake Impoundment. This area is identified in the approved Swan Lake CCP Objective 3-6, Strategy 1 (U.S. Fish and Wildlife Service 2011: 44) as a site for environmental education and interpretation. This use is conducted in conjunction with other events and located at a place, approved by the Refuge Manager, where it doesn't interfere with other activities.

### **When would the use be conducted?**

This use is primarily conducted during events such as First Friday's, Annual 8<sup>th</sup> Grade Outdoors Day, and the Youth in the Outdoors Day (Green-Wing Day), but may be utilized as an activity at other events that may occur. This use usually only occurs at 2-4 events a year. These events occur on weekdays or weekends, and during daylight hours when the Refuge is

open to the public. They can occur anytime of the year, but typically occur sporadically from April through September. The Refuge Manager approves this use through a special use permit and ensures that timings do not interfere with other Refuge visitors or cause excess disturbances to wildlife and habitat.

**How would the use be conducted?**

The *Dog Retrieval Demonstrations* will involve a dog trainer working with a trained retriever. The demonstrator will present an overview to the participants of what it involves to train a dog and why dog retrieval is an important factor to the sport of hunting. The demonstrator will conduct demonstrations of the dog retrieving and how the dog is handled with different commands while retrieving.

**Why is this use being proposed?**

This use is being proposed because it fits with the theme of some of the Refuge educational events. Working with hunting dogs is a valuable outdoor skill, and many people never get the opportunity to see hands on demonstrations of a quality hunting dog doing what it was trained to do. It is an activity that can help increase people’s interest in the outdoors by exposing them to different components of hunting such as hunting with dogs. We utilize it as an activity at our public use events as a method to give people experience with outdoor skills they might otherwise not have the opportunity to experience. It is a great enhancement to our Refuge events, and helps people take away good experiences from their Refuge visit and build connections to Swan Lake NWR that help foster better public support.

This use fulfills Section 2 Findings, (2) and (6), of the National Wildlife Refuge System Improvement Act of 1997 (U.S. Congress 1997), in support of the big six priority public uses on a National Wildlife Refuge.

This use helps to enhance a component of hunting, dog retrieval, and fulfills Executive Order 12996 (1996) Management and General Public Use of the National Wildlife Refuge System Section 2. (a), and Executive Order 13443 (2007) Facilitations of Hunting Heritage and Wildlife Conservation Section 1 and Section 2. (a).

This use helps to accomplish goals and objective listed in the Refuge CCP, particularly, Objective 3-6 Environmental/Conservation Education, Strategy 5 (U.S. Fish and Wildlife Service 2011: 44).

Special Note: The Code of Federal Regulations, 50 CFR Subpart I 27.91 Field Trials, states “The conducting or operation of field trials for dogs on national wildlife refuges is prohibited, except as may be authorized by special permit” (2009). Since this is not a “Field Trial”, but a single individual conducting a demonstration as part of an educational event this regulation does not apply to this use. In addition, the individual conducting the demonstration will be issued a Special Use Permit.

## **Availability of Resources:**

### **What resources are needed to properly (considering quality and compatibility) and safely administer the use?**

It is important that a well-qualified dog handler with a well-trained dog do these demonstrations. The only Refuge resources necessary for this use is the time that goes into planning and coordinating these events.

### **Are existing Refuge resources adequate to properly and safely administer the use?**

Currently there are two different Refuge volunteers that do this for the Refuge. One is a Missouri Highway Patrol Officer and the other is a Missouri Department of Conservation Employee. Both have many years of experience training hunting dogs and have well trained dogs to do the demonstrations. In the event these volunteers weren't available it will be important the Refuge Manager approves a dog handler with verifiable skills and well-trained dogs to do this activity. This will be done by obtaining references and meeting with a potential dog handler and their dogs to see how well they work and if they will work for this use.

**Accessibility:** The Visitor Center, amphitheater, and restrooms, all meet accessibility standards requirements. There is accessible parking located in the visitor center parking lot. The areas where the dog demonstrations are set up are in grassy areas but are in level areas and are often utilized by Refuge visitors in wheel chairs at other Refuge events and should not prevent accessibility to the site.

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

### **How does the Activity affect Refuge purposes and the NWRS mission?**

The Refuge was established to provide for the needs of migratory birds and other wildlife. Educational programs and activities such as this do not adversely affect the ability of the Refuge to fulfill this purpose. This activity falls under Environmental Education and Interpretation, which are priority general public uses of the National Wildlife Refuge System and supports the goals the NWRS. The activity also allows the Refuge to build broader constituencies of users who will learn more about the mission of Swan Lake NWR and the National Wildlife Refuge System by coming to Swan Lake NWR to participate in Refuge events.

### **How does this activity affect fish, wildlife, plants, and their habitats; and the biological integrity, diversity, and environmental health of the Refuge/NWRS?**

#### Migratory Birds

This activity is not expected to adversely affect migratory bird populations that occur on the Refuge. There is no take involved, and the activity occurs in developed areas that provide little habitat benefit to migratory birds. Typically this activity is carried out in the small pond that is located next to the Visitor Center. On occasion that pond is dry and we utilize a small area along the edge of Swan Lake that is next to the Visitor Center and the road that accesses the Visitor Center.

### Disturbance

In *Managing Visitor Use and Disturbance of Waterbirds: A Literature Review of Impacts and Mitigations* DeLong (2002) includes a summary of effects on wildlife from disturbance from various forms of recreation. The author documents that disturbance can alter behavior (e.g. foraging time), population structure, and distribution patterns of wildlife. It is probable that the *Dog Retrieval Demonstrations* would cause some or all of these effects to some degree on Refuge wildlife. A number of measures mitigate these effects, and they are not expected to occur at levels that would interfere with the purposes of the Refuge. The area most directly impacted would be the environmental education site located in and around the Refuge Visitor Center, which has been discussed in the approved CCP (U.S. Fish and Wildlife Service 2011: 44). Other areas would be affected accessing this site via roads that are already open to the public, and would therefore have minimal increase impacts from these users.

### Habitat

Activities from this activity would cause little or no habitat disturbance since they will take place in areas already open to public use that provide little habitat benefits to Refuge wildlife.

### Biological Integrity, Diversity, and Environmental Health

Activities from these demonstrations are not expected to adversely impact the biological integrity, diversity, and environmental health of the Refuge. These activities occur only a few days a year for short durations. They do not occur at peak wildlife migration times in areas heavily used by Refuge wildlife. An Intra-Service Section 7 Biological Evaluation for listed Endangered Species present on the Refuge has been conducted for the site where this use will be conducted. Species and determinations include Least Tern (*Stemula antillarum*), Indiana Bat (*Myotis sodalis*), and Piping Plover (*Charadrius melodus*) with a “No Effect” determination. A “Not Likely to Jeopardize candidate or proposed species/critical habitat” determination was made for the Proposed Northern Long-Eared Bat (*Myotis spetentrionalis*) found in the areas around the Refuge.

### Other Uses and Public Safety

Public safety issues are address by the placement of this activity described above and by ensuring a qualified dog handler is carrying out the demonstrations. This activity will be evaluated each time it is utilized to make sure unforeseen changes don't cause negative impacts upon other uses or safety issues for Refuge visitors.

Overall, the cumulative impact of this activity on other wildlife-dependent recreation or public safety at Swan Lake NWR is expected to be minor since it is concentrated in an isolated location, under a controlled situation, and only occurs occasionally on the Refuge.

### **Public Review and Comment:**

Public notification and review includes a 30-day comment period with local media announcements and postings at the Refuge Visitor Center, Sumner Post Office and Chillicothe Public Library. Comments received will be included with this document in the final Compatibility Determination.

**Determination (check one below):**

- Use is Not Compatible
- Use is Compatible with Following Stipulations

**Stipulations Necessary to Ensure Compatibility:**

1. This activity including the dog handler and dogs must be approved by the Refuge Manager prior to it being conducted.
2. The dogs utilized in these demonstration must be under the control of the handler at all times. This can mean leashed or under verbal commands during demonstrations. The dog will be required to be kenneled or leashed when not conducting demonstrations.
3. Only dummies may be utilized in the retrieval demonstration, no live or dead animal may be used for retrieveing.

**Justification:**

In view of the above and with the stipulations previously described, the dog retrieval demonstrations will not materially interfere with or detract from the NWRs mission or purposes of the Refuge. Environmental education and interpretation are priority public uses of the Refuge System, and providing this activity contributes to achieving Refuge goals. Well-designed environmental education and interpretation programs can be effective resource management tools that provide an opportunity to influence visitor attitudes about natural resources, refuges, the Refuge System, and the Service.

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

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

**Mandatory 10- or 15-year Re-Evaluation Date:** \_\_\_\_\_

**References**

- 16 U.S.C. *United States Code, 2010 Edition: Title 16 – Conservation, Chapter 7 – Protection of Migratory Game and Insectivorous Birds*. The U.S. Government Printing Office. Retrieved February 6, 2014 (<http://www.gpo.gov/fdsys/pkg/USCODE-2010-title16/html/USCODE-2010-title16-chap7.htm>)
- 50 C.F.R. *United States Code, 2009 Edition: Title 50 – Chapter 1*. The U.S. Government Printing Office. Retrieved February 7, 2014 (<http://www.gpo.gov/fdsys/pkg/CFR-2009-title50-vol6/pdf/CFR-2009-title50-vol6-sec27-91.pdf>)
- Delong, A. K. 2002. “Managing Visitor Use and Disturbance of Waterbirds—a Literature Review of Impacts and Mitigation Measures.” Prepared for Stillwater National Wildlife Refuge. Appendix L (114 pp.) in *Stillwater National Wildlife Refuge Complex Final Environmental Impact Statement for the Comprehensive Conservation Plan and Boundary Revision (Vol. II)*. Department of the Interior, U.S. Fish and Wildlife Service, Region 1, Portland, OR. Available online ([www.fws.gov/stillwater/litreview.pdf](http://www.fws.gov/stillwater/litreview.pdf)).
- Exec. Order No. 7563. 1937. Retrieved February 6, 2014 (<http://www.presidency.ucsb.edu/ws/index.php?pid=61216>)
- Exec. Order No. 12996. 1996. Retrieved February 6, 2014 (<http://www.fws.gov/refuges/policiesandbudget/EO12996.html>)
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- U.S. Fish and Wildlife Service. 2011. *Swan Lake National Wildlife Refuge: Comprehensive Conservation Plan and Environmental Assessment*. Department of the Interior, U.S. Fish and Wildlife Service, Region 3, Bloomington, MN.