



Compatibility Determination-Wildlife Observation, Wildlife Photography, Environmental Education, and Interpretation on Pond Creek NWR

USE: Wildlife Observation, Wildlife Photography, Environmental Education, and Interpretation

REFUGE NAME: Pond Creek National Wildlife Refuge (NWR)

DATE ESTABLISHED: August 12, 1994

ESTABLISHING AND ACQUISITION AUTHORITY:

- 16 U.S.C. 3901(b) Stat.3582-91(Emergency Wetlands Resources Act of 1986)
- Sec. 305, P.L.104-33 (Omnibus Parks and Public Lands Act of 1996)

REFUGE PURPOSES:

- " ...the conservation of the wetlands of the Nation in order to maintain the public benefits they provide and to help fulfill international treaty obligations contained in various migratory bird treaties and conventions
- "...recognize the important public purposes served by non-consumptive activities, other recreational activities, and wildlife-related public use, including hunting, fishing and trapping." Furthermore, this plan " ...shall permit, to the maximum extent practicable, compatible uses to the extent that they are consistent with sound wildlife management, and in accordance with the National Wildlife Refuge System, Administration Act of 1996 (16 USC668dd-668ee) and other applicable laws."

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."

DESCRIPTION OF USE:

(a) What is the use? Is the use a priority public use?

The use is wildlife observation, wildlife photography, environmental education, and interpretation. These are priority public uses identified by Executive Order 12996 (March 25, 1996), and legislatively mandated by the National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997 (Public Law 105-57).

(b) Where would the use be conducted?

These uses would be conducted throughout the refuge using the refuge roads, ATV/UTV trails, hiking trails, observation tower or the visitor contact station (office).

(c) When would the use be conducted?

Wildlife observation, wildlife photography, environmental education, and interpretation would be allowed year round. Seasonal closures (deer muzzleloader and gun hunting) may apply and visitors should consult the refuge public regulations brochures for dates.

(d) How would the use be conducted?

These four priority public uses would be allowed on established roads, trails, and in buildings that have been designed to accommodate such uses and in areas that are least sensitive to human intrusion. These uses would be conducted for and by the general public, as well as, for organized groups, including schools and scout groups.

Environmental education and interpretation will be conducted by way of personal presentations by staff and volunteers, teachers and other youth leaders, and at special events and displays both on and off the refuge. Educational and interpretive information will also be provided via signage, kiosks, printed information, exhibits, audiovisual presentations, and lecture programs. Wildlife observation and photography are typically self-conducted, but are also facilitated through the availability of trails and viewing areas, tours and informational materials. Wildlife observation programs such as birding field trips, canoe trips, and other nature walks may be given.

Refuge staff are responsible for on-site evaluations to resolve public use issues; monitor and evaluate impacts; maintain boundaries and signs; meet with interested public; recruit volunteers; prepare and present interpretive and educational programs; maintain existing trails and viewing areas; revise leaflets and develop new information materials, install and/or update kiosks; develop needed signage; organize and conduct refuge events; conduct regularly scheduled programs for the public; display off-site exhibits at local events; develop relationships with media; provide law enforcement and security; and respond immediately to public inquiries.

(e) Why is this use being proposed?

Wildlife observation, wildlife photography, environmental education, and interpretation are Priority Public Uses as defined by The National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997 (Public Law 105-57), and if compatible, are to receive enhanced consideration over other general public uses.

These uses are conducted to provide compatible educational and recreational opportunities for visitors to enjoy the resource and to gain understanding and appreciation for fish and wildlife, wildlands ecology and the relationships of plant and animal populations within the ecosystem, and wildlife management. These uses will provide opportunities for visitors to observe and learn about wildlife and wildlands at their own pace in an unstructured environment and to observe wildlife habitats firsthand. These uses will enhance the public's understanding of natural resource management programs and ecological concepts to enable the public to better understand the problems facing our wildlife/wildland resources, to realize what effect the public has on wildlife resources, to learn about the U.S. Fish and Wildlife Service's (Service) role in conservation, to better understand the biological facts upon which Service management programs are based, and to foster an appreciation for the importance of wildlife and their associated habitats. It is anticipated that participation in these uses will result in a more informed public, with an enhanced stewardship ethic and enhanced support and advocacy for Service programs.

These uses will also provide wholesome, safe, outdoor recreation in a scenic setting, with the realization 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 refuge and the Service.

AVAILABILITY OF RESOURCES:

Allowing the use of wildlife observation, photography, environmental education, and interpretation is within the resources available to administer our Visitor Services program with the current level of participation and to ensure that the use remains compatible with the refuge purposes. Additional funding for visitor services improvements can also come from challenge cost share projects, grant funds, and contributions. Compliance with refuge regulations is handled within the regular duties of the Station Law Enforcement Officer. As funding becomes available, the refuge will complete and maintain projects and facilities. Volunteers and partners will be utilized to help with construction and maintenance.

Facilities or materials needed to support this use include maintaining access roads, parking areas, gates, kiosks, signs, the Visitor Contact Station, observation platforms, boat launching areas, and hiking and canoeing trails; upgrading some of the existing boat launching areas; and providing information in refuge publications and the refuge's website.

Sufficient staff and maintenance funding within the base budget is available to allow and maintain the facilities that support these uses.

ANTICIPATED IMPACTS OF THE USE:

Wildlife observation, photography, environmental education and interpretation can result in positive or negative impacts to the wildlife resources. A positive effect of allowing visitor access to the refuge will be the provision of additional wildlife dependent recreational opportunities and a better appreciation and more complete understanding of the wildlife and habitats associated with this refuge.

Facilities most utilized by refuge visitors are roads, parking lots, trails, and boat launching ramps. Maintenance or improvement of these facilities will cause minimal short term impacts to localized soils and waters and may cause some wildlife disturbances and damage to vegetation. The facility maintenance and improvement activities described are periodically conducted to accommodate daily refuge management operations and general public uses such as wildlife observation and photography. These activities will be conducted at times (seasonal and/or daily) to cause the least amount of disturbance to wildlife. Siltation barriers will be used to minimize soil erosion, and all disturbed sites will be restored to as natural a condition as possible. During times when roads are impassible due to flood events or other natural causes, those roads, parking lots, trails, and boat ramps impacted by the event will be closed to vehicular use.

Wildlife observation is a popular nature-based recreational activity that contributes greatly to local, state, and national economies. In 2006, trip-related and equipment-related expenditures associated with birding generated over \$82 billion in total industry output, 671,000 jobs, and \$11 billion in local, state, and federal tax revenues, impacting local, state, and national economies (USFWS 2009).

Hiking or walking can alter habitats by trampling vegetation, compacting soils, and increasing the potential of erosion. For each mile of trail, approximately 0.6 acres of soil is affected. Soil compaction makes root penetration more difficult, making it harder for seedlings to become established. In moderate cases of soil compaction, plant cover and biomass is decreased. In highly compacted soils, plant species abundance and diversity is reduced in the long-term as only the most resistant species survive (Liddle 1975). Maintenance or improvement of facilities (parking areas, roads, trails, and boat ramps) will cause minimal short term impacts to localized soils and waters.

Repeated visitation to any particular locale at the refuge could cause damage to vegetation and therefore, wildlife habitat. Substantial, widespread habitat degradation could, through time, result in negative effects to wildlife by reducing available cover, food, nesting habitat, etc., along heavily used access routes. For non-consumptive users, impacts are also expected to be minimal because visitors are expected to remain on designated trails routes and interior access roads.

Hiking may impact vegetation succession, as disturbance of vegetation not only results in an alteration of vegetation, but also a change in light and moisture and topographical changes that can reduce ground and shrub-nesting avian species. Nesting success of ground-nesting birds is also influenced by vegetation cover and disturbance (Blakesly and Reese 1988).

The establishment of permanent trails helps to somewhat reduce disturbance by pedestrians to

wildlife. Because animals show greater flight response to humans moving unpredictably than humans following a distinct path, permanent trail establishment helps to mitigate some of the adverse effects of human disturbance (Gabrielsen and Smith 1995).

Non-motorized boating can affect refuge resources in a number of ways. Studies show that canoes and kayaks disturb wildlife (Bouffard 1982; Kaiser and Fritzell 1984; Knight 1984; Kahl 1991). They may affect waterfowl broods, wintering waterfowl, shorebirds, raptors and wading-birds, but their low speed and their use primarily during the warmer months would mitigate those impacts, especially on wintering waterfowl and raptors.

Burger (1995) writes “Effects of recreationists on birds can be classified as indirect (habitat loss, increased predators) and direct (death, displacement, and reduced reproductive success).” The presence of recreationists is detrimental because it restricts the available foraging habitat for nesting landbirds, may eliminate the abundance of some types of nesting habitats, and may reduce the availability of some types of prey food species due to disturbance.

The location of recreational activities impacts species in different ways. Miller et al. (1998) found that nesting success was lower near recreational trails, where human activity was common, than at greater distances from the trails. A number of species have shown greater reactions when pedestrian use occurred off trail (Miller et al. 1998). The level of recreation use and ground-based disturbance from visitors would be largely concentrated at trails and other access points. Disturbance to landbirds in proposed areas for these uses is expected to be minimal since most visitors will use designated walking trails and access routes.

For songbirds, Gutzwiller et al. (1997) found that singing behavior of some species was altered by low levels of human intrusion. Pedestrian travel can impact normal behavioral activities, including feeding, reproduction, and social behavior.

Some other species, such as wood thrush, will avoid areas frequented by people, such as developed trails and buildings, while other species, particularly highly social species such as Eastern tufted titmouse, Carolina chickadee, or Carolina wren, seem unaffected or even drawn to a human presence. When visitors approach too closely to nests, they may cause the adult bird to flush exposing the eggs to weather events or predators. Provided that visitor use is confined to trails, disturbance during the breeding season will be limited to the trail area. The extent of this disturbance on either side of the trail also depends on visibility, the density of vegetation through which the trail is laid.

Impacts to fisheries from visitors engaged in wildlife observation, photography, environmental education and interpretation are expected to be temporary and minor. Use of boats and canoes will cause increased suspension of bottom sediments, which should not adversely affect biochemical oxygen demand (BOD) for fisheries resources. Boat motors may also harm submerged or emergent vegetation, which may cause a minimal impact to protective cover for fisheries. Accidental introduction of invasive plants, pathogens, or exotic invertebrates attached to boats or canoes is a concern.

Additional impacts of the public use program are described 1999 Pond Creek NWR comprehensive conservation plan and environmental assessment.

PUBLIC REVIEW AND COMMENT:

This compatibility determination will be made available for public review and comment for a 14-day period by 1) posting on refuge bulletin board/kiosk, 2) posting on refuge website and social media networks, 3) public media press release.

DETERMINATION (CHECK ONE BELOW):

USE IS NOT COMPATIBLE

USE IS COMPATIBLE WITH FOLLOWING STIPULATIONS

NEPA Compliance for Refuge Use Decision: Place an X in appropriate space.

Categorical Exclusion without Environmental Action Statement
516 DM 8, 8.5 (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.

Categorical Exclusion and Environmental Action Statement

Environmental Assessment and Finding of No Significant Impact

Environmental Impact Statement and Record of Decision

STIPULATIONS NECESSARY TO ENSURE COMPATIBILITY:

The refuge will manage these four priority public uses (wildlife observation, photography, environmental education, and interpretation) in accordance with federal and state regulations and review it annually to ensure wildlife and habitat goals are achieved and that these programs are providing safe, high quality experiences for participants. The refuge based these stipulations on our 1999 CCP and Environmental Assessment and refuge-specific regulations.

To ensure compatibility with refuge purposes and the mission of the National Wildlife Refuge System, wildlife observation, photography, environmental education, and interpretation can occur on the refuge if the refuge-specific regulations highlighted in this document and following stipulations are met:

1. This use must be conducted in accordance with state and federal regulations, and special refuge regulations published in the Public Use Regulations brochure.
2. 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.

3. 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.
4. Areas may be closed on the refuge without prior warning.
5. Do not litter. This is a carry-in carry-out refuge.
6. Motor vehicles and boats are restricted to designated routes, parking areas, and boat launching ramps.
7. The Visitor Contact Station is open weekdays from 7:30am to 4:00pm.
8. Designated seasonal closures must be followed to minimize conflict among user groups and minimize wildlife disturbance e.g. deer muzzleloader and gun hunt seasons.
9. Dogs must remain leashed.
10. Blocking gates, boat ramps, or roadways with any vehicle is prohibited.
11. Use or possession of any electronic call or other device used for projecting vocal sounds or wildlife.
12. Searching for or removing any object of antiquity including arrowheads, pottery, or other artifacts.
13. Physically challenged users are encouraged to consult with the refuge staff for available options and alternatives that may make their visit more enjoyable.

JUSTIFICATION:

Wildlife observation, photography, environmental education, and interpretation are priority wildlife-dependent uses for the National Wildlife Refuge System through which the public can develop an appreciation for fish and wildlife (Executive Order 12996, March 25, 1996 and the National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997 (Public Law 105-57)). The Service's policy is to provide expanded opportunities for wildlife-dependent uses when compatible and consistent with sound fish and wildlife management and ensure that they receive enhanced attention during planning and management.

One of the goals of the National Wildlife Refuge System (System) is providing the public an understanding and appreciation of fish and wildlife ecology, wildlife habitat and the human role in the environment. The Service strives to provide priority visitor uses when compatible with the purpose and goals of the refuge and the mission of the System. The National Wildlife Refuge System Improvement Act of 1997 identifies these uses as priority public uses for National Wildlife Refuges, along with hunting and fishing. Through allowing these uses, we will enhance and facilitate the public use programs at Pond Creek NWR.

Conflicts between visitors are localized and are addressed through law enforcement, public education, and continuous review and updating to public use regulations. Conflicts are further

reduced by the establishment of seasonal area closures.

Specific refuge regulations address equity and quality of opportunities for visitors and help safeguard refuge habitats. Impacts from this proposal, short-term and long-term, direct, indirect, and cumulative, are expected to be negligible and are not expected to diminish the value of the refuge for its stated objectives. Stipulations above will ensure proper control of the means of use and provide management flexibility should detrimental impacts develop. Allowing this use also furthers the mission of the National Wildlife Refuge System by providing activities and information for the benefit of the American public while conserving fish, wildlife, and plant resources on the refuge.

This activity will not interfere with or detract from the mission of the Refuge System or the purpose for which the refuge was established. It is further supported by the 2002 Visitor Services and Educational Plan for Pond Creek NWR.

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**SIGNATURE: REFUGE
MANAGER:**_____

(Signature and date)

**REVIEW: REGIONAL COMPATIBILITY
COORDINATOR:**_____

(Signature and date)

**REVIEW: REFUGE
SUPERVISOR:**_____

(Signature and date)

**CONCURRENCE: REGIONAL
CHIEF:**_____

(Signature and date)

MANDATORY 10- OR 15-YEAR REEVALUATION DATE:
