

Seney National Wildlife Refuge

Established 1935

Compatibility Determination

Use: Commercial Recording (photography, videography, filming, and audio recording)

Refuge Name: Seney National Wildlife Refuge

Establishing and Acquisition Authorities:

Migratory Bird Conservation Act 16 U.S.C & 7 15d

Seney National Wildlife Refuge was established in 1935... "...as a refuge and breeding ground for migratory birds and other wildlife: ..." Executive Order 7246, dated Dec. 10,1935

Refuge Purpose(s):

"...for use as an inviolate sanctuary, or for any other management purpose, for migratory birds." 16 U.S.C. 71 5d (Migratory Bird Conservation Act)

"... 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. n 668dd(a)(2) (National Wildlife Refuge System Administration Act)

National Wildlife Refuge System Mission:

The mission of the National Wildlife 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.

Description of Use:

What is the use?

This compatibility determination (CD) evaluates the photography, videography, filming, and audio recording (collectively referred to as "recording") conducted on the Refuge of natural, historic, or cultural subjects for commercial use. Commercial recording typically involves creating a documentary film, taking still photographs, or recording wildlife sounds that are intended to be sold for income or revenue or traded for goods or services. This CD does not apply to news media activities.

Where would the use be conducted?

Commercial recording of natural, historic, or cultural subjects will be restricted to areas of the more than 95,000 acre Seney National Wildlife Refuge and the 53 acre Whitefish Point Unit determined appropriate by the Refuge Manager. Locations of recording would be restricted seasonally to avoid impacts to sensitive wildlife, Closed Areas, No Hunting Zones, and specially designated areas where human disturbance through recording could be detrimental. Commercial recording will be managed via a Special Use Permit (SUP). Special needs will be considered on a case-by-case basis and are subject to Manager's approval. Commercial still photography, without models, sets or props, that takes place in areas normally open to the public, during normal operational hours and doesn't require special vehicle access would not require a SUP.

How and when would the use be conducted?

The use will typically be conducted by a recording crew who may or may not be accompanied by a Refuge staff member. All times of recording and forms of transportation will require pre-approval from the Refuge Manager and stipulations regarding Refuge access, locations, timing, and other stipulations will be addressed in the SUP under "Special Conditions."

Why is this use being proposed?

The Refuge receives three to five inquiries from professional photographers and videographers each year who wish to showcase the Refuge in their recordings. Wildlife observation and wildlife photography are priority public uses on National Wildlife Refuges. Allowing appropriate commercial recording on the Refuge will allow a greater segment of the public to enjoy Seney National Wildlife Refuge while promoting the Great Lakes ecosystems and the National Wildlife Refuge System. Quality recordings can be excellent educational and inspirational media and commercial recording within this context is consistent with the goals of the Refuge.

Availability of Resources:

There is sufficient staffing and funding available at this time for the Refuge to provide personnel to review proposals related to this use and prepare a SUP. The Refuge Manager reserves the right to assign a staff member to accompany permittee(s) during times of recording and assist with transportation if deemed advantageous to the Refuge.

Anticipated Impacts of the Use:

Commercial recording activities could cause temporary disturbance to wildlife and short-term impacts to habitat. Additionally, activities could cause short term, localized temporary disturbance to any concurrent public use activities. Disturbance is expected to be localized and of short duration. Wildlife disturbed generally has abundant cover and food on adjacent areas of the Refuge and disturbance is likely to have impacts (fright and flight) of short duration.

Vehicles can transport non-native seeds which may cause the spread of invasive species. Any private vehicles going behind locked gates are subject to refuge standard inspection and washdown protocols.

Any commercial recording will be allowed via SUP which will include specific Special Conditions. These Special Conditions will be adapted to individual requests to minimize impacts to vegetation and wildlife and ensure that the use is consistent with goals of the Refuge and the National Wildlife Refuge System. These Special Conditions may include, but not be limited to, minimum distances to species, timing, limits on size of recording crews, number of visits to specific sites, equipment, fees etc.

Public Review and Comment:

This CD will be widely released to news media and posted for 14 days at the Refuge as well as on the Refuge website.

Determination:

Use is not compatible

Use is Compatible with the following stipulations

Stipulations Necessary to Ensure Compatibility:

To ensure compatibility with National Wildlife Refuge System and Seney National Wildlife Refuge goals and objectives and to minimize or exclude adverse impacts as described above, the activity can only occur under a number of stipulations:

1. All applicable State and Federal regulations apply. The permittee is responsible for acquiring or renewing any necessary State and Federal permits prior to beginning or continuing their project.
2. A Special Use Permit (SUP) will be issued to the commercial recording applicant. The permittee is responsible for ensuring that all persons conducting activities allowed under the SUP are familiar with and adhere to the conditions of the SUP. Person(s) operating under this permit shall carry a copy of the SUP when conducting recording activities, available for display upon request.
3. The Refuge Manager or designee will provide guidance to reduce impacts to fish, wildlife, plants or Refuge visitors and address these in the Special Conditions of the SUP.
4. Permittee(s) may be subject to fees.
5. Permittee and crews are subject to Refuge regulations including restricted areas unless otherwise allowed through the SUP.
6. No clearing or removal of trees or vegetation is authorized. Disturbance to existing vegetation is to be minimized to the greatest extent possible.
7. The Refuge Manager or designee can suspend, modify or terminate any recording that is already permitted and in progress, should unacceptable, unforeseen, or unexpected impacts or issues arise.
8. Refuge staff must be present when recording Federal threatened or endangered species. A determination on the potential impacts of the work on these species must be completed and approved prior to commencement of recording.
9. No bait or attractant may be used to bring wildlife into view or proximity.
10. Failure to abide by any part of the SUP; violation of any refuge-related provision in Code of Federal Regulations (CFR) Title 50, Subchapter C, Part 32, Section 32.41; or violation of any pertinent state regulations will, with due process, be considered grounds for revocation of the SUP and could result in denial of future permit requests on lands administered by the U.S. Fish and Wildlife Service. This provision applies to any person working or visiting under the authority of this permit. Appeals of decisions relative to permits are handled in accordance with 50 CFR 32.41.