

## **Draft Compatibility Determination**

**Use:** Bird Identification Workshop

**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.

“... 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 is a *Bird Identification Workshop* that is led by volunteers from the Audubon Society. The workshop is completed in two portions, a classroom portion and a field portion. The classroom portion is conducted at the Refuge Visitor Center. It focuses on classroom instruction about the basics of identifying a specific group of birds. For the field portion, workshop participants carpool to bird observation points at various locations on the Refuge that have been approved by the Refuge Manager. The observation points are pre-determined and are optimal sites to see the species that are the focal group of the workshop. During this field portion participants can utilize the skills they have learned to observe birds, while still receiving the guidance of a more experienced birder. During this time they are encouraged to take pictures of any birds they may see.

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

This use falls under the category of Education and Interpretation, Wildlife Observation, and Wildlife Photography, which are all priority public uses of the National Wildlife Refuge System according to National Wildlife Refuge System Act of 1997 (U.S. Congress 1997), Executive Order 12996 (1996), and National Policy Issuance #96-09 (U.S. Fish and Wildlife Service 1996). This use allows Swan Lake NWR to host individuals who can learn about its mission and the importance of refuge management for bird habitat. Additionally, they have the opportunity to observe and photograph wildlife while on the Refuge, which are also priority public uses (Exec. Order 12996 1996; U.S. Fish and Wildlife Service 1996; U.S. Congress 1997).

**Where would the use be conducted?**

The classroom portion of the *Bird Identification Workshop* will be conducted inside the Refuge Visitor Center. This is part of the area that has been identified as suitable for environmental education and interpretation in the approved Swan Lake NWR CCP (U.S. Fish and Wildlife Service 2011: 44). The field portion will occur on the Refuge at areas approved by the Refuge Manager. The sites chosen will be in areas that are already open to general public uses from March through October.

**When would the use be conducted?**

This use typically occurs on a Friday afternoon and during the day on Saturday, but can also occur at other times deemed appropriate by the Refuge Manager. The classroom portion of the workshop lasts approximately 2-3 hours on Friday evening. The field portion takes place on Saturday, beginning shortly after daylight and continuing usually to late morning or around noon. There may be some instances where the field portion continues throughout the day if there are plenty of birds to observe. Participants are encouraged to bring a sack lunch if they plan to stay for the day. It would be over by the evening at the latest. It will occur intermittently from March through October when the entire Refuge is open to visitors. The Refuge may host up to four of these workshops a year.

**How would the use be conducted?**

The *Bird Identification Workshop* is led by volunteers from the State and local Audubon Society at a time approved by the Refuge Manager. These workshops generally focus on a particular group of birds such as sparrows, raptors, shorebirds, etc.; and are conducted at a time those birds are readily observable on the Refuge. Once the Refuge Manager and workshop leader agree on a suitable time, the event is then announced in the local media and the Missouri Bird website ([www.mobirds.org](http://www.mobirds.org)). On the day of the use, Refuge staff or volunteers set up tables and chairs in the Refuge Visitor Center for participants to utilize during the first part of the workshop. The workshops are limited to 25 participants, and they must pre-register at the Refuge prior to the *Bird Identification Workshop*. During pre-registration participants will give us their name and number and will let us know if they require accessibility considerations so we can make sure we accommodate them when determining the field observation points (for more details see the Accessibility Section of this CD).

During the classroom portion of the workshop, the volunteer leader teaches participants about the basics of bird identification with regards to the group of birds featured for that particular *Bird Identification Workshop*. At the beginning of the workshop the Refuge Manager or other Refuge staff will give a brief overview of Swan Lake NWR with a focus on management for birds. Once this portion of the workshop is complete, the field portion is conducted on the Refuge. During the field portion, participants carpool to the observation points where the focal group of species is easily observed. While at the observation points the workshop leader points out birds and answers any questions participants may have with regards to identification. The location of these points is pre-determined by the Refuge Manager prior to the workshop, so as to not interfere with other Refuge activities that might be going on at the same time. Participants carpool to the observation points, which limits the number of vehicles accessing these sites. They will only have access to roads open to the public or Refuge administrative roads, if necessary and preapproved by the Refuge Manager.

Once they arrive at the site they get out of their car and walk a short distance to the observation points. Sometimes these are along the roadside, and other times are a short walking distance of 100 yards or less from the road. During this time participants observe wildlife, and take pictures of them if they so choose.

### **Why is this use being proposed?**

The *Bird Identification Workshop* is being proposed because it fulfills both general USFWS objectives and objectives that are specific to Swan Lake NWR, as determined by federal policy and the Swan Lake CCP (U.S. Fish and Wildlife Service 2011), respectively. Consequently, it facilitates the missions of USFWS and Swan Lake NWR in the short and long-term.

Regarding general Federal objectives, this is an event that meets three of the Big Six public uses of the Refuge. Specifically, this use promotes environmental education and interpretation, viewing wildlife, and the photographing of wildlife. Moreover, it meets the 605 FW 1 General Guidelines for Wildlife-Dependent Recreation, which in Section 1.7 reads:

We promote the Refuge System mission through strong national and *local communication, consistent outreach*, wildlife-dependent recreation opportunities, and *special events that showcase the Refuge System's roles in conservation efforts*. We also use these means to increase the public's understanding and appreciation for conservation and natural resources and expose a broader spectrum of the public to the enjoyment of natural resources. *We encourage refuge managers to host special events* and seek local media coverage for National Wildlife Refuge Week, International Migratory Bird Day, National Hunting and Fishing Day, Youth Hunting Days, National Fishing Week, hunts for individuals with disabilities, and celebrations of refuge anniversaries, where appropriate [*emphasis added*] (U.S. Fish and Wildlife Service 2006).

This activity helps to achieve these stated purposes. In particular, it facilitates communication with the public, is an example of outreach, and is a special event that showcases the Refuge System's role in conservation. Consequently, this use fulfills compatible uses outlined in the National Wildlife Refuge System Improvement Act of 1997 (U.S. Congress 1997). In particular, it achieves the objectives outlined in Sections 2.2 and 2.6 by facilitating an appreciation of wildlife conservation and promoting environmental education.

Additionally, it enhances partnerships with other conservation oriented agencies and members of the public who already are or who could become partners in conservation. Consequently, the proposed use fulfills USFWS objects as outline in Executive Order 12996 (1996) and the National Policy Issuance #96-09 (U.S. Fish and Wildlife Service 1996). Section 3 of the National Policy Issuance #96-09 reads:

Partnerships: America's sportsmen and women were the first partners who insisted on protecting valuable habitat within wildlife refuges. Conservation partnerships with other Federal agencies, State agencies, Tribes, organization s, industry, and the

general public can make significant contributions to the growth and management of the Refuge System (U.S. Fish and Wildlife Service 1996).

This proposed use fulfills this objective of conservation partnerships by building relationships with potential partners in conservation (participants) and current partners (volunteers/participants).

Moreover, the *Bird Identification Workshop* helps staff achieve Objectives: 3-4 (Wildlife Observation and Photography); 3-5 (Interpretation); 3-6 (Environmental/Conservation Education); 3-8 (Friends and Volunteers); and 3-9 (Community Relations) of the approved Swan Lake NWR CCP (U.S. Fish and Wildlife Service 2011:44-45). Regarding Objective 3-4, wildlife observation is promoted through the use by giving workshop participants the opportunity to observe a number of different wildlife. Regarding Objective 3-5, wildlife interpretation is facilitated by the classroom portion of the workshop. Regarding Objective 3-6, visitors receive environmental and conservation education through interpretation. Specific emphasis is placed on conservation education by illustrating to visitors the manner in which Refuge management facilitates the development of bird habitat on the Refuge. Regarding Objective 3-8, a volunteer opportunity is created for a member of the Audubon Society who will lead the workshop. Regarding Objective 3-9, community relations are facilitated by offering people the opportunity to interact with Refuge staff and experience the Refuge in a way they would otherwise be unable to. This offers another opportunity to build connections with the community, increasing their stake and investment in the Refuge and USFWS more generally. In summary, this use is being proposed because it meets multiple USFWS and Swan Lake NWR objectives.

#### **Availability of Resources:**

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

Refuge staff is needed to plan, approve, and set up aspects of this proposed use. The classroom portion will need audio visual equipment, tables, and chairs. To carry out this workshop we will also need willing volunteers who are qualified to carry out this activity with regards to classroom delivery and field referencing of the subject birds. Binoculars, viewing scopes, and field guides are necessary to effectively carry out this workshop.

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

The activities that are mentioned in the "How Would This Use Be Conducted" Section of this Compatibility Determination require Refuge staff or volunteers to set up and tear down tables and chairs in the Visitors Center before and after the workshop, respectively. Additionally, the Refuge Manager must approve of and coordinate this use. If no staff or qualified volunteers are available to do this, these activities will not be carried out. The Refuge owns all the equipment necessary for this use such as chairs, tables, and audio visual equipment. Current Refuge staff and volunteers are capable of adequately setting up, cleaning up, and coordinating the activities during this use.

We do have access to multiple people within Audubon to successfully lead this workshop. Participants are told to bring binoculars, viewing scopes, and their favorite field guide if they

have them. The workshop leaders and local Audubon Chapter does provide some additional scopes and a variety of field guides for the workshop.

**Accessibility:** The Visitor Center is accessible. There is accessible parking located in the Visitor Center parking lot as well. Those that have accessibility issues will be allowed to utilize their own vehicle during the field portion. If we have someone identified in the group, through pre-registration, we will take that into account when pre-determining the observation points to make sure they can be accessed by all participants. This is usually not a problem. In the rare case in which we cannot find a quality place to view the focal birds for the workshop that is accessible, we will make other accommodations. These other accommodations may include: permitting the accessible vehicle to drive off the road, if feasible, safe, and can be done so with minimal disturbance; or making sure at least one of the observation points is accessible no matter the species seen there, and making sure one of the workshop leaders is present with the disabled participant(s) at the site(s).

### **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. This use does not adversely affect the ability of the Refuge to fulfill this purpose. This activity fulfills three priority public uses designated by the National Wildlife Refuge System. Consequently, it supports the goals of the NWRS. Moreover, the use also offers the potential to build broader constituencies of users who are informed about the management practices of Swan Lake NWR in particular, and the NWRS more generally. Consequently, community members are encouraged to become active stakeholders that are supportive of the USFWS in the immediate and long-term by encouraging them to recognize the active role the Service is playing in promoting wildlife near their homes. All together then, the use supports the goals of the USFWS in the short and long-term.

#### **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 event is not expected to adversely affect migratory bird populations that occur on the Refuge. There is no take involved, and the classroom portion of the activity occurs in developed areas that provide little habitat benefit to migratory birds. The field portion observation points are carefully coordinated with the Refuge Manager with regards to timing and location to reduce the risk of disturbance to migratory birds. The use does not occur during times when the interior of the Refuge is closed during peak periods of waterfowl migration.

##### 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 by various forms of recreation. The author documents that disturbances can alter behavior (e.g. foraging time), population structure, and distribution patterns of wildlife. It is highly unlikely that the *Bird Identification Workshop* would cause some or all of these effects in any

significant manner at Swan Lake NWR. A number of measures have been undertaken to mitigate these effects, and they are not expected to occur at levels that would interfere with the purposes of the Refuge. The area that will be primarily affected by the classroom portion is the area surrounding the Visitor Center. This area has already been identified as suitable for educational activities (U.S. Fish and Wildlife Service 2011: 44). Areas adjacent to access roads would be affected by the increased traffic linked to the Workshop. Importantly though, all of these roads will already be open to the public when this use occurs. Consequently, additional impact on water birds would be minimal during the field portion. The field portion does occur at times outside peak migration periods and in areas already open to visitors by foot. The group size is limited to minimize disturbances that would be caused by large groups accessing these areas. Carpooling is also utilized to decrease traffic going to and from the observation points.

### Habitat

Activities from this use would cause little or no habitat disturbance, since they will either take place in areas already open to public use or that have been selected by the Refuge Manager to ensure minimal habitat disturbance to sensitive areas.

### Biological Integrity, Diversity, and Environmental Health

Activities from this program are not expected to adversely impact the biological integrity, diversity, and environmental health of the Refuge. This event occurs only intermittently. Further, the Workshop occurs in areas that are already open to public use. An Intra-Service Section 7 Biological Evaluation for listed Endangered Species present on the Refuge has been conducted for the sites where this use will occur. The Least Tern (*Stemula antillarum*) and Piping Plover (*Charadrius melodus*) were assigned a “May affect but Not Likely to Adversely Affect” determination. The Indiana Bat (*Myotis sodalis*) was assigned with a “No Effect” determination. Finally, 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 addressed by the placement of this activity in areas that have been set up for these types of programs.

This use will not occur at a time when it would conflict with the goose or deer hunting programs at Swan Lake NWR. The Refuge Manager will take steps to ensure this use does not conflict with other uses that occur at Swan Lake NWR.

This use will be evaluated each time it occurs to make sure unforeseen changes don't cause negative impacts upon other uses or safety issues for Refuge visitors.

When carpooling to the observation points the participants will share rides to limit the number of cars. With a limit of 25 participants this should make the carpool include 4-7 vehicles. The carpool will be led by the volunteer leader who will stop at predetermined sites and then make sure the other cars are parked safely to the side of the road. Traffic in these sites is very minimal and at low speeds.

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, a controlled situation, and only occurring 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. All activities, dates, and times are approved by the Refuge Manager prior to the event being formally publicized.
2. The placement of all activities, with regards to observation points and destination routes for accessing the observation points, is determined by the Refuge Manager and given to the workshop leader through a Special User Permit prior to the event. These points and routes are also discussed between the Refuge Manager and workshop leader prior to the workshop. If there is any confusion over the plan, the Refuge Manager and workshop leader will drive the designated routes to the observation points prior to the event.

**Justification:**

In lieu of the considerations above, and with the stipulations previously described, the *Bird Identification Workshop* will not materially interfere with or detract from the NWRS mission or purposes of Swan Lake NWR. Environmental education and interpretation and wildlife viewing and photography are priority public uses of the Refuge System that the Workshop fulfills. Further, the Program helps achieve five of the Refuge objectives detailed in the approved CCP for Swan Lake (U.S. Fish and Wildlife Service 2011). Consequently, providing this activity contributes to achieving USFWS goals and Swan Lake NWR objectives. Well-designed environmental education and interpretation programs can be effective resource management tools that provide an opportunity to encourage positive visitor attitudes of natural resource management, refuges, the Refuge System, and the Service. Consequently, the short and long-term objectives of Swan Lake NWR and USFWS are supported by this use.

**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>)
- 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>)
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- U.S. Congress. 1997. *National Wildlife Refuge System Improvement Act of 1997*. Passed October 9, 1997. Retrieved February 6, 2014 (<http://www.fws.gov/northeast/planning/downloads/NWRSImprovementact.pdf>)
- U.S. Fish and Wildlife Service. 1996. *National Policy Issuance #96-09: Subject: Executive Order 12996—Management and General Public Use of the National Wildlife Refuge System*. By Bruce Blanchard. Released December 30, 1996. Effective March 25, 1996. Retrieved February 6, 2014 ([http://www.fws.gov/policy/npi96\\_09.html](http://www.fws.gov/policy/npi96_09.html))
- U.S. Fish and Wildlife Service. 2006. *605 FW 1: General Guidelines for Wildlife-Dependent Recreation*. By Division of Conservation, Planning and Policy. Released July 26, 2006. Retrieved online February 6, 2014 (<http://www.fws.gov/policy/605fw1.html>)
- 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.