

Draft Compatibility Determination

Use: Guided Interpretive Tours

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 is a guided interpretive tour led by a tandem of two staff members or a staff member and a trained volunteer. Visitors ride behind a tractor in a trailer that is specifically designed to transport people. Along the route, a volunteer or staff member that is in the trailer ensures safety and makes note of and explains specific plants, animals, and ecosystems. Moreover, they place a special emphasis on how the Refuge is being effectively managed to promote the viability of such plants, animals, and ecosystems. At especially notable points of interest, the tractor will stop, and once the tractor is parked and shutoff, the tandem leading the tour will provide visitors with an in-depth interpretation of the plants, animals, and ecosystems they are seeing and how the USFWS has facilitated their health and development.

Is the use a priority public use?

The *Guided Interpretive Tours* fall under three of the Big Six priority public uses. First, the tours provide environmental education and interpretation. Through the tours, visitors learn about the wildlife on the Refuge and how the management of the Refuge promotes such wildlife. Second, the guided tours provide the opportunity for visitors to observe wildlife they might otherwise not notice without the direction of the tour guides. Third, the guided tours provide an opportunity for visitors to photograph any wildlife they see during the tour.

Where would the uses be conducted?

This use is conducted along roads on the Refuge that are open to public use. Offering guided tours through the Refuge has been identified as a suitable strategy through which Refuge staff can provide priority public uses. See the 4th strategy of Objective 3-4 in the approved Swan Lake NWR CCP, for example (U.S. Fish and Wildlife Service 2011: 43). The Refuge Manager will take steps to pragmatically select routes whenever this use is conducted, with special consideration being given to not disturbing potentially sensitive wildlife and habitat conditions.

When would the use be conducted?

When approved by the Refuge Manager, this use will be conducted during daylight hours at designated events. The use will not occur when the interior of the Refuge is closed, so that crucial migratory bird habitat is protected.

How would the use be conducted?

A staff member will work in tandem with either another staff member or trained volunteer to execute this use. A staff member that is certified to operate equipment will always be in charge of driving the tractor. While both will be tasked with ensuring safety, the other staff member/volunteer will be in charge of ensuring the safety of those in the trailer while the tractor is moving. Both the driver and trailer coordinator will have walky-talkies so that they can effectively and instantly communicate to one another even while the tractor is moving. Both the driver and trailer coordinator will also have a plan that has been approved by the Refuge Manager of the route they will be taking, interpretive information to emphasize on the way, and the list of designated stopping points that are of special interpretive interest. While this team is conducting the interpretive tour, there will also be a Refuge staff member at the Refuge Visitor Center with a walky-talky. This staff member will be available for assistance in case of emergencies.

More specifically, the use will be conducted in the following manner. A certified Refuge staff member (tractor operator) will first inspect the tractor, the specially equipped person transportation trailer, and the connection between the two before each use. Once its proper and safe working condition is verified by the staff member, Refuge visitors and the staff/volunteer will be allowed to board the transportation trailer. A total of up to 25 passengers will be allowed on the trailer, including the trailer coordinator. After everyone has sat down in the trailer, the staff member/volunteer in charge of the trailer will give a brief speech explaining that visitors are required to remain seated and keep their hands and feet inside the trailer unless otherwise instructed by either the tractor driver or trailer coordinator. After these instructions have been given to the group, the staff member in charge of driving the tractor will be notified that the group is ready to begin the tour. The tractor driver will then start the tractor and proceed at a pace of no more than 10 mph. Once the guided tour has reached its first designated special point of interest, the tractor will be stopped and put in park. Following this, the tractor driver will engage the emergency brake on the tractor. Following this, the tractor drivers will walky-talky the trailer coordinator that it is now safe for the visitors to exit the trailer. The trailer coordinator will then communicate with visitors that it is fine to stand up and exit the trailer if they so choose. At this point, visitors will gather around the team leading the interpretive tour, who will then provide an interpretive account of the point of interest. During this time visitors will be encouraged to take

photographs of wildlife if they so choose. Once the interpretation of the special point of interest has been completed, the boarding procedure used at the Refuge Visitor Center will be followed. This process will be repeated at every designated special point of interest until visitors arrive back at the Refuge Visitor Center.

Why is this use being proposed?

The use corresponds to three of the U.S. Fish and Wildlife Service Big Six Priority Uses, fulfilling, the findings in Section 2 (2) and (6) of the National Wildlife Refuge System Improvement Act of 1997 regarding Refuge public uses (U.S. Congress 1997).

It fulfills Executive Order 12996 (1996), Section 2 (a) Public Use, with regards to the big six priority public uses, and Section 3 Directives to the Secretary of the Interior (d) to provide increased opportunities for families to experience wildlife dependent recreation...

The tours help 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 and photography are promoted through the use. Regarding Objective 3-5, wildlife interpretation is facilitated by assisting visitors with interpretations of what they are seeing, hearing, etc. along the tour. Regarding Objective 3-6, visitors receive environmental and conservation education through interpretation during the tours. Specific emphasis is being placed on conservation education by illustrated to visitors the manner in which Refuge management facilitates the development of habitat on the Refuge. Regarding Objective 3-8, a volunteer opportunity is created for those that wish to become trained tour instructors. Regarding Objective 3-9, community relations are facilitated by offering visitors the opportunity to interact with Refuge staff and experience the Refuge in a way they have previously been unable to. This offers another opportunity to build connections with the community, increasing their stake and investment in the Refuge and USFWS more generally. Together then, this use is being proposed because it meets multiple USFWS priority uses and Swan Lake NWR CCP objectives.

Availability of Resources:

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

A working tractor, specially designed trailer for the transportation of people, three walky-talkies, and the time of Refuge staff, including a certified tractor operator, are the resources required to properly and safely administer this program.

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

Current Refuge resources can ensure that this use will be adequately, properly, and safely administered. The Refuge currently has multiple working tractors capable of pulling the trailer that will be utilized for this use, along with multiple certified tractor operators. The Refuge has a trailer that has been specially manufactured to transport people. The trailer has aluminum benches to sit on, and safety rails to ensure those being transported do not accidentally fall over the side. Further, there is a gate on the back of the trailer to ensure no

one falls off the back of the trailer. At current levels of staffing Swan Lake NWR can meet the staffing commitment.

Accessibility: The trailer utilized for this use is designed to safely haul people. It has a standard 2" ball hitch with a safety chain for hooking up to the tractor. It is built low to the ground with a 12 inch step up to the trailer. We also have a small step for those that need further assistance with loading and unloading the trailer. There is also a rail on each side to grab to improve stability while loading or unloading from the trailer. Wheel chairs are not allowed on the trailer. If the person in a wheel chair cannot be safely put on the trailer and utilize the seats without the use of their wheel chair we do allow them to follow along on the tour in their personal vehicle. When following along actions are taken at the interpretive stops to make sure they are included, such as conducting the interpretive talk by the vehicle.

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. Because special steps will be taken by the Refuge Manager to ensure that tours avoid areas crucial for migratory birds, 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-terms by encouraging them to recognize the active role the Service is playing in promoting wildlife. 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 use is not expected to adversely affect migratory bird populations that occur on the Refuge. There is no take involved, and the Refuge Manager will ensure that tours do not disrupt crucial migratory bird habitat.

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 interpretive tours being offered 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. Areas adjacent to access roads and the interior roads of the Refuge would be affected by the increased traffic linked to the interpretive tours. 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.

Habitat

This use would cause minimal habitat disturbance, since it will take place in areas already open to public.

Biological Integrity, Diversity, and Environmental Health

The *Guided Interpretive Tours* are not expected to adversely impact the biological integrity, diversity, and environmental health of the Refuge. This use will occur only a few days a year, and only during short durations when it does occur. Moreover, the use will not occur in areas that are being heavily utilized by migratory birds during crucial migratory periods. 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. 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

This use will be scheduled by the Refuge Manager so that it does not conflict with other uses. Public safety issues are addressed by the special steps being taken to ensure the safety of the visitors on the guided tours. First, the tractor and trailer will be inspected prior to each use. Second, a certified equipment operator will always be driving the tractor. Third, there will always be a Refuge staff member or trained volunteer in charge of coordinating the visitors in the trailer. For example, they will ensure that passengers remain seated, with their hands and feet inside the trailer, whenever the tractor is on or moving. Fourth, a Refuge staff member will always be on call at the Refuge Visitor Center in case of emergency. Five, a plan detailing the expected route of the tour and all its stops will be constructed before each use. This ensures safety by making sure all staff members/volunteers are on the same page. Moreover, it ensures safety by making it so that the Refuge staff member who is on call in case of emergency can quickly and easily find the tour if necessary. Sixth, all members of the tour team will have working walky-talkies to ensure they can communicate effectively and instantaneously with one another. Seventh, this use will never occur on the Refuge in areas currently open for hunting. This activity will be evaluated each time it is utilized to make sure unforeseen changes don't cause negative impacts upon other uses or the safety of Refuge visitors.

In addition to the above considerations, the cumulative impact of this activity on other wildlife-dependent recreation or public safety at Swan Lake NWR is expected to be minimal. Not only will this use occur irregularly, the Refuge Manager will ensure that it does not interfere with other wildlife-dependent uses.

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 use must be approved by the Refuge Manager prior to being conducted.
2. The Refuge Manager will always take steps to ensure the interpretive tour does not disrupt heavily utilized and crucially important migratory bird habitat.
3. A staff member that is a certified equipment operator will always inspect and operate the equipment that has been approved for this use.
4. There will always be a staff member or trained volunteer coordinating the trailer.
5. There will always be a staff member on call at the Refuge Visitor Center, in case of emergency.

Justification:

In lieu of the considerations above, and with the stipulations previously described, the *Guided Interpretive Tours* will not materially interfere with or detract from the NWRS mission or purposes of Swan Lake NWR. Environmental education and interpretation, wildlife photography, and wildlife viewing are all priority public uses of the Refuge System that the *Guided Interpretive Tours* address. Further, the *Guided Interpretive Tours* help achieve five of the Refuge objectives detailed in the approved CCP for Swan Lake. 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)
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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/NWRImprovementact.pdf>)
- 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.