

COMPATIBILITY DETERMINATION
Natural History Filming at Bison Range Complex

Use:

Filming and video taping by established companies for natural history programs whose main theme focuses on fish, wildlife and plants and their habitats.

Refuge Name:

National Bison Range Complex:

National Bison Range, Ninepipe National Wildlife Refuge, Pablo National Wildlife Refuge, Swan River National Wildlife Refuge, Lost Trail National Wildlife Refuge, Northwest Montana Wetland Management District

Establishing and Acquisition Authorities:

National Bison Range -	35 Stat.267-8 Executive Order 3596 72 Stat. 561, August 12, 1958
Ninepipe NWR -	Executive Order 3503, June 25, 1921
Pablo NWR -	Executive Order 3503, June 25, 1921
Swan River NWR -	Migratory Bird Conservation Act, 16 U.S.C. 715-715r
Lost Trail NWR -	Migratory Bird Conservation Act, 16 U.S.C. 715-715r Refuge Recreation Act of 1969 (U.S.C. 460k-460k4)
NW Montana WMD -	Migratory Bird Conservation Act, 16 U.S.C. 715-715r Migratory Bird Hunting and Conservation Stamp Act, 16 U.S.C. 718

Purposes:

35 Stat.267-8 (May 23, 1908): ...for a permanent national bison range for the herd of bison...

Executive Order 3596 (December 22, 1921): ...as refuges and breeding grounds for birds.

72 Stat. 561 (August 12, 1958): ...to provide adequate pasture for the display of bison in their natural habitat.

Executive Order 3503 (June 25, 1921):a refuge and breeding ground for native birds.

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

Refuge Recreation Act of 1969 (U.S.C. 460k-460k4):managed for incidental fish and wildlife-oriented recreational development, the protection of natural resources, and/or the conservation of endangered or threatened species.

Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718):

...(funds) shall be available for the location, ascertainment, and acquisition of suitable areas for migratory bird refuges under the provisions of the Migratory Bird Conservation Act...

....all of the provisions of such Act which the administration and protection of lands acquired thereunder, except the inviolate sanctuary provisions of such Act, shall be applicable to areas acquired.....

National Wildlife Refuge System Mission:

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 Proposed Uses:

To allow producers of natural history films to obtain footage of wildlife in their native habitat as well as scenic footage on refuge lands. Subjects and themes must support and enhance the mission of the US Fish and Wildlife Service to conserve fish, wildlife, plants and their habitats.

Availability of Resources:

Personnel are available to process applications for special use permits, dispensing refuge information, and providing general orientation and monitoring of film makers. The decision to issue a special use permit for natural history filming on refuge lands will be based in part on the need for and availability of refuge personnel to guide film makers into closed areas. Film makers granted a permit will be able to access areas open to the public without a guide so long as they follow established rules and regulations.

Anticipated Impacts of the Use:

Natural history films can build a stronger base of public understanding, support, and awareness of the National Wildlife Refuge System beyond that portion of the American public who visit refuges.

Short term impacts include the temporary displacement of nesting birds and other wildlife to adjacent habitats upon the initial positioning and removal of portable blinds, camera equipment, etc. No long term adverse impacts to resources are expected if recommended stipulations are followed. No impacts are expected on area vegetation. Minimal conflicts are expected with public recreational users.

Public Review and Comments:

Staff at the Bison Range issued a news release on July 23, 2002 announcing the availability of a draft compatibility determination for filming of natural history films on Bison Range Complex Lands for review and comments (see attached copy of news release and Appendix A for listing of media receiving release). The draft

was also available on the Bison Range website (<http://bisonrange.gov>). A number of drafts were mailed, emailed or faxed (see Appendix B).

The public was given 5 weeks to provide feedback and comments. The Range received no inquiries for a copy of the draft nor any comments.

Determinations:

This use is compatible XX **This use is *not compatible***

The following stipulations are required to ensure compatibility:

- The film company must have applied for and received a special use permit for each project. Information needed to process the permit will include: description of project objectives and themes, intended audience, types of equipment to be used, estimated amount of time to spend in the field, and bonding information. Applicants will allow at least two weeks for the Project Leader to process the permit and determine appropriateness of project. (See Appendix C - Commercial Audio-Visual Production Application.)
- Permit holders must provide advance notice of at least one week prior to each refuge access. Details will include: date(s) and length of visit, filming agenda (locations, species, etc.) and the number and name(s) of film crew.
- Utmost care will be exercised to insure no natural, historic, or cultural features are injured, and after completion of the work, the area will be restored to its prior condition or left in a condition satisfactory to the refuge manager.
- Photographing, videoing or filming of wildlife will be permitted only when such wildlife will not be molested, harmed, or disturbed thereby unless specifically included in the special use permit. Trained or untrained, wildlife captured elsewhere will not be allowed in any production.
- The refuge manager or her/his designee will be required to accompany the film crew under certain conditions (i.e., access into a closed area, filming a T & E species) to insure no undo disturbance. Compensation to cover administrative and salary costs will not be greater than \$50.00 per hour.

Justification:

The Service recognizes the crucial link between public awareness and effective management of the System. The American people cannot appreciate or support what they do not know exists or do not understand. The Service must build a stronger base of public understanding, support, and activism beyond that portion of the American public who visit National Wildlife Refuges.

Appendix A - Listing of New Releases emailed/faxed

Newspapers

Lake County Leader (Polson)
Sander's County Ledger (Thompson Falls)
CharKoosta News (Pablo)
Daily Interlake (Kalispell)
Missoulian (Missoula)
Missoula Independent (Missoula)
Hungry Horse News (Hungry Horse)
Bigfork Eagle (Bigfork)
Western Montana News (Libby)
Great Falls Tribune (Great Falls)

Radio

KUFM (Missoula Public Radio)
KERR (Polson AM)
KGGL (Missoula FM)
KOFI (Kalispell FM)

Television

KECI (Missoula)
KPAX (Missoula)
KTMF (Kalispell)
KUFM (Missoula public television)
KAJ (Kalispell)
CCFW (Kalispell)

Appendix B: Copies of draft Compatibility Determination mailed, emailed, faxed.

Montana Film Office (Helena)
Travel Montana (Helena)
Glacier Country (Helena)
Rocky Mountain Elk Foundation (Missoula)
Flathead Convention Visitors Association (Kalispell)
Boone & Crockett Club (Missoula)
Montana Department of Fish, Wildlife and Parks (MTFWP - Helena)
Montana Department of Fish, Wildlife and Parks (MTFWP - Kalispell)
Bill Thomas, Film Unit, MTFWP (Missoula)
Confederated Salish & Kootenai Tribes (Main office - Pablo)
Confederated Salish & Kootenai Tribes (Biological offices - Polson)
Boone & Crockett Club (Missoula)
Ducks Unlimited, Inc. (Kalispell)
Pheasants Forever (Mission Valley Chapter, Polson)
Pheasants Forever (Kalispell Chapter, Whitefish)
Missoula Chamber of Commerce
Polson Chamber of Commerce
Kalispell Chamber of Commerce
Bigfork Chamber of Commerce
Great Falls Chamber of Commerce
Columbia Falls Chamber of Commerce
Bitterroot Valley Chamber of Commerce
Ninepipes Museum of Early Montana (Charlo)
St. Regis Travel (St. Regis)