

Compatibility Determination

Title

Compatibility Determination for Wildlife Observation and Photography, Hanalei National Wildlife Refuge.

Refuge Use Category

Wildlife Observation and Photography

Refuge Use Type(s)

Wildlife observation.

Photography.

Photography, video, filming, or audio recording (news and educational).

Refuge

Hanalei National Wildlife Refuge.

Refuge Purpose(s) and Establishing and Acquisition Authority(ies)

Refuge Purpose(s):

“... to conserve (A) fish or wildlife which are listed as endangered species or threatened species...or (B) plants...” (Endangered Species Act of 1973, as amended [16 U.S.C. 1531-1544])

Establishing and Acquisition Authority(ies):

Endangered Species Conservation Act of 1969, as amended (16 U.S.C. 668aa).

National Wildlife Refuge System Mission

The mission of the National Wildlife Refuge System, otherwise known as 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 (Pub. L. 105-57; 111 Stat. 1252).

Description of Use

Is this an existing use?

Yes. This Compatibility Determination (CD) replaces and expands upon the CD for Environmental Education/Wildlife Observation (1994).

What is the use?

This CD covers visitation for the purpose of observing and photographing natural resources (including wild plants and animals, wildlife habitats, landscapes, cultural resources, and cultural activities) or public uses of those resources. “Wildlife observation” includes viewing of fish, wildlife, plants, or their habitats by refuge visitors. “Photography” includes still photography, videography, filming, or other recording of sight or sound to be made within the Refuge.

Is the use a priority public use?

Yes

Where would the use be conducted?

The newly opened Hanalei Viewpoint (Viewpoint) site, located on Kūhio Highway, offers opportunities for wildlife observation and photography with two primary viewing areas looking out on the Hanalei NWR. The site includes parking for 25 cars, two buses, interpretive displays, vault toilets, seating, and native plantings that will provide students, residents, and visitors with opportunities to learn about the natural and cultural history of the Hanalei Valley and the Hanalei NWR. Specifically located away from breeding populations of native wetland bird species, a National Environmental Policy Act Finding of No Significant Impacts was issued for the site on November 26, 2019 (USFWS 2019).

Wildlife observation and photography also occurs along the first ¼-mile of the ‘Okolehao Trail, a public trail that ascends a hillside into the Halele‘a Forest Reserve; and at the small viewing area at the Ducks Unlimited ponds managed wetland. Wildlife observation and photography within closed areas of the Refuge are determined on a case-by-case basis with approval of the Refuge Manager.

This CD does not propose any expansion of public use along ‘Ōhiki Road.

When would the use be conducted?

The Viewpoint will be available for wildlife observation and photography year-round during daylight operating hours when the site is open to the public. Availability of the viewing area outside of the Ducks Unlimited ponds will vary in coordination with biologists to avoid bird breeding and molting cycles in the different units. Nēnē (Hawaiian goose) and a‘eo (Hawaiian stilt) breed seasonally, however, maoli koloa

(Hawaiian duck), 'ālae 'ūla (Hawaiian moorhen), and 'ālae ke'oke'o (Hawaiian coot) species peak during their breeding season but can breed year-round (see Figure 2 at end of document). The Ducks Unlimited ponds may only be viewed during daylight hours.

How would the use be conducted?

Wildlife observation and photography may be self-guided at the Viewpoint. These uses are enhanced with brochures, wildlife and plant lists, electronic media, interpretive signs, trails, sanctioned docents and viewing overlooks.

Visitors are allowed to access areas open to the public but are required to stay on or within designated trails and viewing areas. Use of Refuge in Hanalei Valley, accessible via 'Ōhiki Rd, is limited by the availability of parking stalls at and near the 'Ōkolehao Trailhead and at the Ducks Unlimited (DU) pond grassy parking area. The high vantage points of the Viewpoint are located at a safe distance and prevent most interactions with sensitive wildlife or habitat.

Wildlife observation and photography may also be conducted via guided hikes or small events in coordination with biologist recommendations. These activities are led by Refuge personnel or Refuge-authorized agents, primarily in conjunction with special event days (National Wildlife Refuge Week, Migratory Bird Day, World Wetland Day). Guided hikes may provide for observation and photography in areas not typically accessible to the public.

Guided commercial tours at the Viewpoint will be required to operate under a Special Use Permit with designated stipulations for the purposes of participating in activities related to wildlife observation and photography. Commercial tours are described, with additional stipulations, in a separate compatibility determination. This compatibility determination only covers non-commercial filming and photography. Commercial filming and photography for the Hanalei Refuge will be handled under a separate compatibility determination specific to that proposed use.

Why is this use being proposed or reevaluated?

Wildlife observation and photography are identified as priority public uses in the National Wildlife Refuge Improvement Act (NWRS Administration Act as amended in 1997, 16 USC 668dd). Opportunities to view wildlife and habitat are limited in nearby Hanalei town, without aids of interpretation or species information. These uses are being reevaluated as required after 15 years and to include the expanded area of the refuge, a new viewpoint constructed along Kūhio Highway. The Viewpoint provides an amazing view of the Refuge, Hanalei Valley, River and Bay and is anticipated to be the most visited Hanalei NWR location for photography for the general public.

Availability of Resources

The Refuge currently has adequate facilities, budget, and staff to support the annual costs associated with the proposed wildlife observation and photography on the Refuge. Additional fees or permits are not required to participate in these activities for non-commercial use.

Anticipated Impacts of the Use

Potential impacts of a proposed use on the refuge's purpose(s) and the Refuge System mission

The purpose of the Refuge is to aid in the recovery of federally listed species. At Hanalei NWR, the management focus is supporting the recovery of five threatened and endangered waterbirds: ae'o, 'alae ke'oke'o, 'alae 'ula, koloa maoli, and nēnē. 'Ōpe'ape'a (Hawaiian hoary bat) may utilize the air space for twilight foraging or the trees fringing the property for nesting, however, impacts will be negligible to those species, so long as the stipulations are followed.

There are no anticipated effects to air and water quality, geology and soils, floodplains, wilderness, socioeconomics, or refuge management and operations document. Expanding the scope of this new CD with the Viewpoint site is not anticipated to add any additional impacts, rather it is expected that less visitors will travel on 'Ōhiki road, thus improving current habitat conditions for endangered waterbirds with reduced vehicular strikes. An Environmental Assessment was completed for the Viewpoint with a Finding of No Significant Impact (USFWS 2019).

The Hanalei Valley, including the Refuge, contains numerous historic and pre-contact resources. During the 1980s, the Hanalei Valley was identified by the National Trust for Historic Preservation as an important site for rural preservation. Potential impacts to cultural resources exist, but stipulations outlined within this compatibility determination will mitigate potential impacts by including clear maps depicting areas of authorized access and prohibitions related to cultural resources.

Use of the Refuge for wildlife observation and photography will generally instill an appreciation of wildlife, plants, and their habitats found on the Refuge. These activities support the refuge's purposes and the Refuge System mission as they will not create noticeable disturbance with our focal species.

Short-term impacts

The effects of wildlife observation and photography upon wildlife would likely be associated with disturbance. Photographers and wildlife observers will not be allowed in closed areas except by manager-approval, or via limited guided experiences offered to the community for special events spread throughout the calendar year.

Long-term impacts

The long-term impacts to wildlife resources may include altered behavior; altered population abundance, distribution, or demographics; and altered community species composition and interactions. Disturbance can cause nest desertion and affect survival of individual birds, their eggs, nestlings, or broods and alter behavior of nonbreeding waterbirds. Habituation to some types and levels (intensity and frequency) of human disturbance appears to vary among species, within species, between resident and migratory populations (Miller and Hobbs 2000).

Endangered birds are struck and killed by vehicles on 'Ōhiki Road at a rate of about 1 endangered bird lost per month. Mitigation measures to decrease vehicle strikes include increased signage to drive slowly, community public service announcements, and increased staff presence at the Refuge. Habitats and vegetation may be negatively impacted by foot traffic; however, dedicated parking areas and signage will minimize potential impacts.

Overall, it is expected that expanding wildlife observation and photography to the Viewpoint would cause only minimal wildlife disturbance, if any at all. As an on-going permitted activity, changes in wildlife use patterns on the Refuge are not anticipated. The Viewpoint is located at a safe distance and prevents most interactions with sensitive wildlife or habitat. Wildlife photographers can be important advocates for birds and the Refuge, if they follow simple guidelines and help educate their peers on responsible photography and wildlife observation.

Public Review and Comment

The draft compatibility determination was available for the public review and comment for 14 calendar days from March 14-28, 2024. The public was notified through local news media, postings at local libraries and community centers, emails to potentially interested people and stakeholders such as adjacent landowners, state natural resource agencies, and Native Hawaiian Organizations. The State and Native Hawaiian Organizations were provided notice of availability. A summary of comments and agency responses is posted on the refuge website at <https://www.fws.gov/refuge/Hanalei>.

Determination

Is the use compatible?

Yes

Stipulations Necessary to Ensure Compatibility

1. Do not approach, feed, or disturb waterbirds. Remain far enough away to avoid disturbing the birds (ideally 20+ feet). If the birds show any sign of agitation as a result of your presence, quietly and slowly retreat until the birds no longer appear disturbed.
2. The Refuge will monitor the effects of visitor activities on wildlife and discuss and internally re-evaluate the program annually, with a larger discussion and revision of this document as needed.
3. Hanalei NWR wetland units will continue to be mostly closed to public use. Information about visitation to the Refuge, including maps clearly depicting open areas and Refuge entry point(s), would be posted on signs, in kiosks, online, and at other appropriate locations, and would be available at the Kaua'i National Wildlife Refuge Complex office.
4. Visitors are prohibited from straying outside the areas depicted on the attached maps and beyond the closed area signs. Travel within Refuge is limited to designated roads, parking lots and trails.
5. The Refuge will work with the County of Kaua'i to add or maintain signage and other features for 'Ōhiki Road, potentially including the following:
 - a. Speed limit (15 mph) and/or speed bumps or other speed-limiting devices.
 - b. A sign noting that 'Ōhiki Rd is a dead-end road.
 - c. A sign advising drivers that the road is single lane and advising against stopping or parking along the road.
 - d. Enhanced trail head and parking signs at 'Ōkolehao trail.
 - e. Increased signage prohibiting parking along 'Ōhiki Rd.
6. The Refuge would remain open to photography and wildlife observation activities during daylight hours only, unless pre-approved in writing by Refuge Manager in advance of a scheduled program.
7. Visitors are prohibited from bringing dogs, cats, or other pets with them to the Refuge. An exception is a service animal, as defined under the American Disabilities Act (1990).
8. Construction of new or maintaining existing structures on the Refuge is prohibited except with prior written approval of the Refuge Manager.
9. Visitors are prohibited from collecting and removing any archaeological or historic artifacts, abiotic or biological specimens or samples, or mementos from the Refuge.

10. Littering, dumping refuse, abandoning equipment or materials, or otherwise discarding any items on the Refuge is prohibited.
11. The Viewpoint will allow food and drinks in designated areas, so long as all trash is cleaned up and packed out.

No changes could be made to any of these stipulations without specific, prior written approval of the Refuge Manager. In addition to the stipulations listed above, visitors are required to comply with Refuge System-related and other applicable laws, regulations, and policies.

Justification

The stipulations outlined above would help ensure that the use is compatible on Hanalei NWR. Wildlife observation and photography, as outlined in this compatibility determination, would not conflict with the national policy to maintain the biological diversity, integrity, and environmental health of the refuge. Based on available science and best professional judgement, the Service has determined that Wildlife Observation and Photography at Hanalei NWR, in accordance with the stipulations provided here, would not materially interfere with or detract from the fulfillment of the National Wildlife Refuge System mission or the purpose of the Hanalei NWR. Rather, appropriate and compatible Wildlife Observation and Photography would enhance visitor experience through which they can further develop an appreciation for wildlife and wild lands.

Signature of Determination

Refuge Manager Signature and Date

HEATHER ABBEY

Digitally signed by HEATHER ABBEY
Date: 2024.04.24 11:57:58 -10'00'

Signature of Concurrence

Assistant Regional Director Signature and Date

Mandatory Reevaluation Date

2039

Literature Cited/References

Miller, J.R. and N.T. Hobbs, 2000. Recreational trails, human activity, and nest predation in lowland riparian areas. *Landscape and Urban Planning* 50(4):227–236.

USFWS. 2011. Recovery Plan for Hawaiian Waterbirds, Second Revision.

USFWS. 2019. Hanalei Valley Viewpoint Final Environmental Assessment, Hanalei National Wildlife Refuge.

USFWS. 2021. Wetland Management and Waterbird Conservation Plan, Hanalei National Wildlife Refuge.

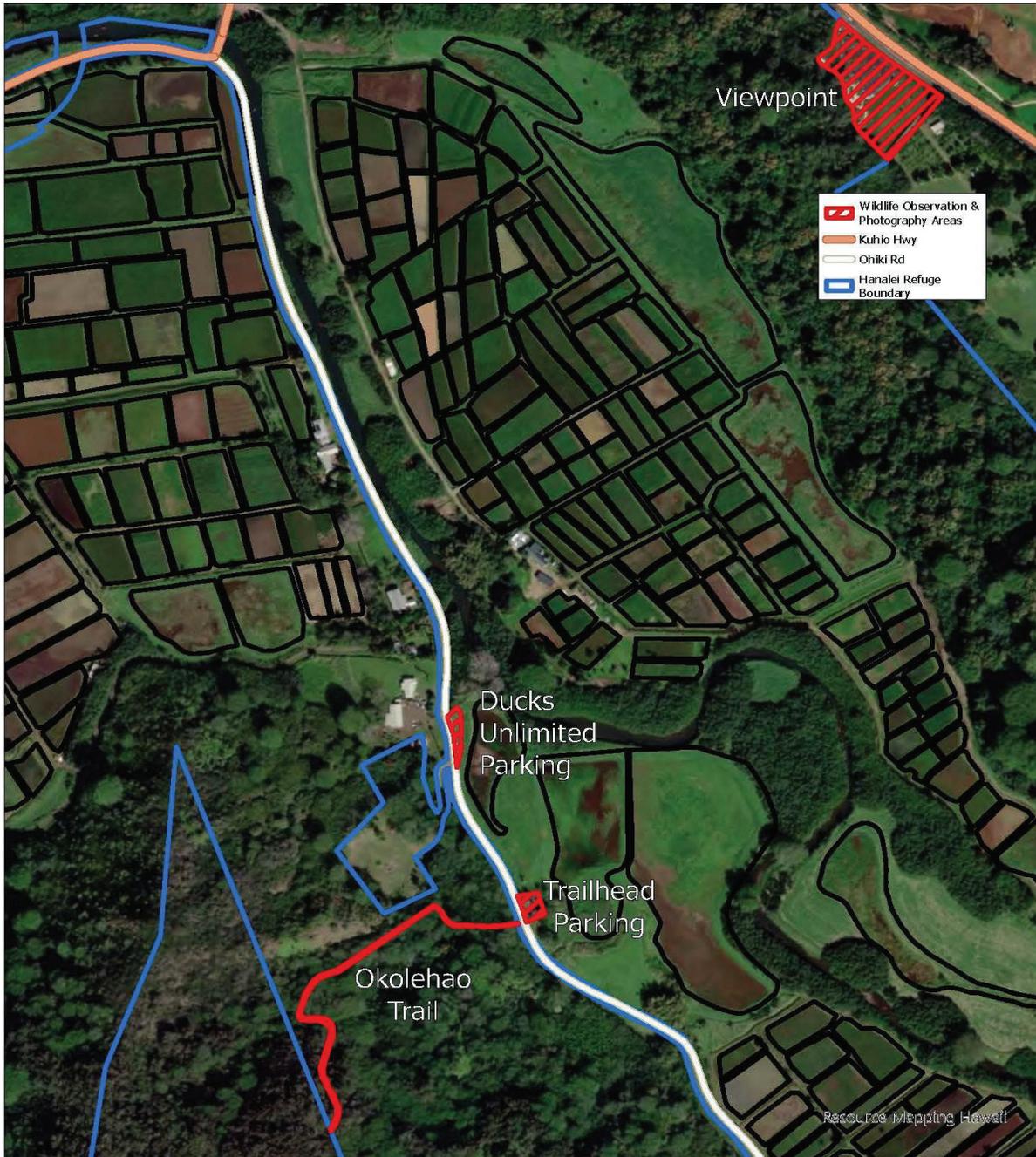
Figure(s)



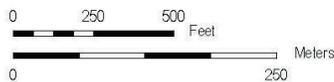
U.S. Fish & Wildlife Service

Hanalei National Wildlife Refuge Wildlife Observation and Photography Map

2024



Produced Kauai National Wildlife Refuge Complex,
Kilauea, Hawaii
Produced: April 18, 2024;
Basemap: World Imagery
File: Hanalei_Public_Access.aprx



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Datum: WGS 84

Figure 1 Hanalei NWR Photography and Wildlife Observation map



Figure 2 Breeding periods of focal species of threatened and endangered Hawaiian waterbirds