

Draft Compatibility Determination

Title

Draft Compatibility Determination for Natural Resource Collection (non-commercial) on Little Pend Oreille National Wildlife Refuge

Refuge Use Category

Natural Resource Collection

Refuge Use Type(s)

Animal product gathering (non-commercial). The collection of shed antlers, owl pellets, seashells, bones or other animal parts or products for personal use or recreational purposes (does not include hunting, fishing, aquaculture, or other collection of living organisms).

Plant gathering (non-commercial). The collection of berries, fruits, grasses, marsh plants (e.g., cattails or sweet grass), seaweed, mushrooms, nuts, roots, wild rice or other plants, plant parts, or plant products for non-subsistence, non-research purposes.

Refuge

Little Pend Oreille National Wildlife Refuge

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

"... as a Refuge and breeding ground for migratory birds and other wildlife..."
(Executive Order 8401, dated May 2, 1939)

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

"... suitable for (1) incidental fish and wildlife-oriented recreational development, (2) the protection of natural resources, (3) the conservation of endangered species or threatened species ..." (16 U.S.C. 460k-1) ... the Secretary ... may accept and use ... real ... property. Such acceptance may be accomplished under the terms and conditions of restrictive covenants imposed by donors ... 16 U.S.C. 460k-2 (Refuge Recreation Act (16 U.S.C. 460k-460k-4), as amended).

"... for the development, advancement, management, conservation, and protection of fish and wildlife resources ..." (16 U.S.C. 742f(a)(4) ... for the benefit of the United States Fish and Wildlife Service, in performing its activities and services. Such acceptance may be subject to the terms of any restrictive or affirmative covenant, or condition of servitude ... 16 U.S.C. 99 742f(b)(1) (Fish and Wildlife Act of 1956).]

.. for conservation purposes. Consolidated Farm and Rural Development Act (7 U.S.C. 2002).

National Wildlife Refuge System Mission

The mission of the National Wildlife Refuge System (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) reviews and replaces the CD for “Berry Picking, Mushroom Gathering, and Antler Collecting” in the 2000 Little Pend Oreille National Wildlife Refuge Comprehensive Conservation Plan (CCP) and associated Environmental Assessment and Finding of No Significant impact (USFWS 2000).

What is the use?

Animal product gathering (non-commercial) and plant gathering (non-commercial). We propose to allow the gathering of native wild edibles (wild berries, fruits, nuts, mushrooms, etc.), plant parts (seeds, leaves, pinecones, etc.), shed antlers and animal bones on Refuge lands for personal use. Personal use is for the individual’s own consumption and/or enjoyment and not for commercial use. Sale of the items collected from the Refuge or the sale of items made from these items by the individual is considered commercial use and is prohibited.

Is the use a priority public use?

No

Where would the use be conducted?

Gathering is permitted on areas open to public access on the main unit of Little Pend Oreille NWR and on the Kaniksu and Cusick units.

Entry on to all or portions of the Refuge may be temporarily suspended and posted closed due to unusual or critical conditions affecting public safety or any of the resources managed by the Refuge.

When would the use be conducted?

The collection of plant and animal products is allowed year-round, during daylight hours only. Most of the wild edibles, plant parts, and bone collection would occur

during the spring, summer, and fall months. Shed collecting would most likely occur March through April but is allowed anytime throughout the year.

How would the use be conducted?

Wild edibles would be hand harvested by picking the products from the plant or gathering what has fallen to the ground. Plant parts can be picked by hand. The digging of root materials is not allowed. The use of power tools is prohibited. The use of hand tools is not allowed (e.g., berry picker or rake).

All collected materials must be for personal use only. Visitors may collect no more than 3 gallons of all plant products per year.

Visitors typically walk, bike, or drive along the Refuge roads and trails and then venture off-road by foot as the wild edibles are located. Damaging non-edible trees, shrubs or any other vegetation is prohibited.

Seeds from native plants can be gathered if they are not protected by Federal or Washington State laws. A list of federally protected plants can be found at [Federally listed species WA](#) and a list of Washington state protected species can be found at [Rare plants of WA](#).

The collection of invasive plant species is prohibited. An invasive plant species is a plant that is not native to Washington and can harm people and/or the natural resource. If a species is prohibited or restricted it is unlawful to possess, introduce, import, sell or offer that species. A list of Washington's Invasive Species can be found online by searching for "Prohibited Plants and Seeds in Washington State" in an internet browser.

These activities are most often done in conjunction with other wildlife dependent activities such as wildlife observation, photography, camping, hunting, and fishing, however some individuals visit the Refuge entirely for the purpose of collecting plant and animal products. Collection of these products is not a wildlife-dependent recreational use and occurs infrequently.

If the use conflicts with Refuge resources, Refuge management programs, or priority wildlife-dependent uses, the participant(s) must identify in advance the methods/strategies required to minimize or eliminate the potential impact(s) and conflict(s). If unacceptable impacts cannot be avoided, then the use will not be permitted.

Why is this use being proposed or reevaluated?

This use is being reevaluated in accordance with Service policy, 603 FW 2.11H(2).

Availability of Resources

Annual maintenance and upkeep of existing facilities requires approximately \$5,000. Current levels of use (approximately 200 visits annually for all non-priority uses

combined) can be managed with existing resources. Additional staff and funding will not be necessary to improve and/or expand capacity for existing and/or increased levels of natural resource collection.

Maintenance of Refuge roads incur costs, but costs are not directly related to natural resource collection since facilities are shared with other priority public uses.

Anticipated Impacts of the Use

This CD includes written analyses of the environmental consequences on a resource when the impacts on that resource could be more than negligible and therefore considered an “affected resource.” Based on best professional judgement and nearly 25 years of managing this use at the Refuge, air quality, water quality, flood plains, cultural resources, socioeconomics, and geology and soils will not be more than negligibly impacted by the action and have been dismissed from further analyses.

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

Natural resource collection is not a priority public use on Service lands per the Refuge System Improvement Act of 1997, and is generally conducted as a hobby or for recreation. However, natural resource collection can provide access to compatible recreational opportunities for visitors to enjoy the Refuge's resources, to gain or increase their understanding of and appreciation for fish, wildlife, wildlands ecology, the relationships of plant and animal populations within the ecosystem, and wildlife management. This use will provide opportunities for visitors to directly observe and learn about wildlife and habitats at their own pace in an unstructured environment. This use will enhance the public's understanding of natural resource management programs and ecological concepts to enable them to better understand the problems facing natural resources and to realize what impact the public has on wildlife resources. Additionally, the public can learn about the Service's role in conservation and better understand the biological basis upon which Service management programs are based, consequently fostering an appreciation for the importance of wildlife and habitats.

By allowing this use with the stipulations described below, we will provide opportunities and facilitate programs in a manner and at locations on the Refuge that offer high quality, wildlife-dependent recreation while maintaining the current levels or increased levels of natural resource values.

Therefore, use of Little Pend Oreille National Wildlife Refuge for plant and animal product gathering is expected to benefit and promulgate the Refuge's purposes and the Refuge System's mission.

Short-term impacts

The principal impacts associated with plant and animal product gathering are loss of vegetation, soil compaction, and erosion from trampling in localized areas, and the displacement or habituation of wildlife due to human presence and activities.

Periodic maintenance or upgrades performed by Service staff or volunteers to existing supporting facilities (public roads and trails) also have the potential to cause short-term impacts to fish and wildlife in the form of visual disturbance, noise, vegetation loss, soil manipulation, runoff, and dust and vehicle emissions.

Immediate responses by wildlife to human activity can range from behavioral changes including nest abandonment, altered nest placement, and change in food habits to physiological changes such as elevated heart rates, increased energetic costs due to flight or flushing, or even death (Belanger and Bedard 1990; Kight and Swaddle 2007; Miller and Hobbs 2000; Miller et al. 1998; Morton et al. 1989). According to Knight and Cole (1990), there are three wildlife responses to human disturbance: avoidance, habituation, and attraction. The magnitude of the avoidance response may depend on several factors including the type, distance, movement pattern, speed, and duration of the disturbance; the time of day, time of year, weather; and the animal's access to food and cover, energy demands, and reproductive status (Fernández-Juricic et al. 2007; Gabrielsen and Smith 1995; Knight and Cole 1990). Habituation is defined as a form of learning in which individuals stop responding to stimuli that carry no reinforcing consequences for the individuals that are exposed to them (Alcock 1993). A key factor for assessing how wildlife will respond to disturbance is the predictability of the use. Often, when a use is predictable— for example, when visitors stay on a trail, boardwalk, or viewing deck —wildlife will habituate to and accept human presence (Oberbillig 2000).

The impact of plant and animal product collection and periodic maintenance or upgrades of existing roads, trails, and support facilities (public access roads) is expected to be adverse, but minor and localized, due to the relative low-level of anticipated use, the relatively large size of the Refuge, and stipulations imposed on the use. With stipulations described below, this use generally would result in negligible animal mortality; minor, short-term wildlife disturbance; localized compaction of soil and loss of vegetation; and no introduction of contaminants.

Long-term impacts

Potential Impacts to Habitat:

Habitat effects associated with vehicle use on roads opened to the public are primarily vegetation loss and soil erosion. Seasonal vehicle restrictions on most unimproved roads within the Refuge mitigate impacts to fish, wildlife and road conditions and ensure the wildlife-dependent uses which these roads support remain compatible with the purposes for Little Pend Oreille NWR.

The primary impact to habitat by plant and animal product collectors walking off road is the trampling of vegetation and the potential creation of social trails. Pedestrians can cause structural damage to plants and increase soil compaction and erosion (DeLuca et al. 1998; Whittaker 1978). However, no adverse long-term impacts have been observed to date.

There is the potential for introduction of invasive, non-native plant species associated with visitors participating in plant and animal product collecting. Most invasive plants need some form of transportation to reach new areas (Trombulak and Frissell 2000). Several potential modes of transportation, or “vectors,” continually travel throughout Little Pend Oreille NWR in the form of vehicle traffic on roads, people, pets, horses, wildlife, and tools and equipment taken onto the Refuge. However, such an impact to the Refuge by plant and animal product collectors would be considered minor.

Monitoring of public use in identified sensitive wildlife habitats would be used to determine if impacts from wildlife observation and photography could impact the health, vigor, or productivity of fish, wildlife, or their habitats in these areas. If such potential for impact is identified, the Refuge would increase public notification and education regarding those impacts and/or close the areas to public use for critical periods or longer if necessary.

Potential Impacts to Wildlife in General:

The long-term effects of wildlife disturbance are more difficult to assess but may include altered behavior, decreased vigor or productivity, or death of individuals; altered population abundance, distribution, or demographics; and altered community species composition and interactions. However, while impacts of the use can be serious for individual plants and animals and perhaps localized rare populations, they are generally of little significance to populations or species, landscape integrity, or regional biological diversity. Moreover, unless a localized, rare population is affected by a single impacted site, the intensity, size, and distribution of impacts are not relevant to the significance of impacts assessed at large spatial scales (Cole 1989).

Potential Impacts to Cultural Resources:

Nearly all of the Refuge is open to public use, including hunting, fishing, wildlife observation, wildlife photography, environmental education, interpretation, and horseback riding. All recreation uses and activities are regulated and managed to avoid significant effect to biological integrity, diversity, and environmental health. The most noticeable disturbance effects occur along the network of maintained roads and trails which support recreation uses and activities within the Refuge. As such, it is unlikely that this relatively low-use activity would negatively affect cultural resources. The possible threat of inadvertent collection of prehistoric artifacts would be further mitigated through outreach, education, and enforcement of Refuge regulations.

Mitigation of Potential Impacts:

To prevent or minimize these potential long-term impacts, Refuge staff would work to ensure that visitors follow stipulations through law enforcement, Refuge and volunteer presence, and various forms of outreach. Refuge staff and law enforcement would regularly assess roads, trails, and support facilities for safety and quality of visitor experience, wildlife disturbance, cultural resources, and impacts to soil and vegetation. The Refuge would also monitor these areas for non-native invasive species and implement appropriate control measures. If use levels are resulting in unacceptable impacts to Refuge resources, visitor experience, or public safety, the use may be modified or relocated to prevent additional impacts and restore habitat.

Public Review and Comment

The draft compatibility determination will be available for public review and comment for 14 calendar days to provide comments following the day the notice is published. The public will be made aware of this comment opportunity through our social media outlets and letters to potentially interested parties. A hard copy of this document will be posted at the Refuge Headquarters (1310 Bear Creek Road, Colville, WA 99114). It will be made available electronically on the Refuge website (https://www.fws.gov/refuge/little_pend_oreille/). Please let us know if you need the documents in an alternative format. Concerns expressed during the public comment period will be addressed in the final Compatibility Determination.

Determination

Is the use compatible?

Yes

Stipulations Necessary to Ensure Compatibility

1. We allow non-commercial plant and animal product gathering by hand only, as limited to the surface collection of plant and animal products. The Service would administer and manage plant and animal product gathering within Little Pend Oreille NWR through outreach, education, and law enforcement.
2. Plant product gathering is not to exceed 3 gallons of plant products (e.g. fruit, berries, nuts, pine cones, mushrooms) per year.
3. Destroying, collecting, cutting, or removal of plants or their roots is prohibited.
4. This use is allowed during daylight hours only.
5. No threatened, endangered or invasive species may be harvested or cut.

6. Introducing, planting or cultivation of plants for harvest is prohibited.
7. Plant and animal products are for personal use only and cannot be sold or traded. The sale of a plant and/or animal collected on the Refuge is a commercial activity, which is prohibited.
8. We allow vehicles only on roads and routes during those times of the year specified and that are designated “open” on maps and that are signed or otherwise marked for such use. Roads marked as “Closed” are not open to vehicle use at any time. Off-road use is prohibited. Blocking of access along any road is prohibited.
9. The permittee and all associated personnel agree to conduct activities in a safe manner, in compliance with all Refuge regulations and policies, and with precaution to avoid damage to resources, property, or personnel. Refuge staff will not be held responsible for loss of, or damage to, equipment.
10. A copy of the Special Use Permit must be in the permittee or associate’s possession at all times while exercising the privileges of the Permit. A copy of the Permit must be shown to any USFWS employee or Federal law enforcement officer upon request.
11. Failure to abide by any part of the Special Use Permit; violation of any Refuge-related provision or Code of Federal Regulations; or violation of any pertinent state regulation (e.g., fish or game violation) will, with due process, be considered grounds for revocation of the permit and could result in denial of future permit requests for lands administered by the USFWS. This provision applies to all persons working under the authority of the permit.
12. Visitors are prohibited from collecting and removing any archaeological or historic artifacts, samples, or mementos from the Refuge. If cultural resources, or archaeological or historic artifacts are encountered, leave the item(s) in place and contact the Refuge Manager or nearest USFWS employee.
13. Refuge staff and volunteers will monitor uses to ensure compatibility, refine user estimates, and evaluate compliance. Potential conflicts between user groups will also be evaluated. The Refuge will maintain an active law enforcement presence to ensure visitor compliance with all Refuge rules and regulations.

Justification

Plant and animal product gathering, 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 the stipulations outlined

above, it is anticipated that wildlife populations will find sufficient food resources and resting places such that their abundance and use of the Refuge will not be measurably lessened as a result of allowing plant and animal product gathering on Little Pend Oreille NWR. The relatively limited number of individual wildlife expected to be adversely affected as a result of this use will not cause wildlife populations to materially decline, the physiological condition and production of species present will not be impaired, their behavior and normal activity patterns will not be altered dramatically, and their overall welfare will not be negatively impacted. Based on available science and best professional judgement, the Service has determined that plant and animal product gathering at Little Pend Oreille 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 purposes of the Refuge. Rather, appropriate and compatible plant and animal product gathering would be a use of the Refuge through which the public can increase their understanding and appreciation of wildlife and their habitats, as well as the role of the National Wildlife Refuge System in resource conservation.

Signature of Determination

Refuge Manager Signature and Date

Signature of Concurrence

Assistant Regional Director, NWRS, Pacific Region 1, Signature and Date

Mandatory Reevaluation Date

2034

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