

Draft Compatibility Determination

Title

Draft Compatibility Determination for Wildlife Observation and Photography at Little Pend Oreille National Wildlife Refuge

Refuge Use Category

Wildlife Observation and Photography

Refuge Use Type(s)

Photography, video, filming, or audio recording (non-wildlife-dependent, non-commercial). Recreational photography, videography, filming, or other recording of sight or sound, the subject matter of which is not Refuge natural or cultural resources, or associated public uses, and is not for commercial, news, or educational purposes.

Photography. Refuge visitation for the purpose of photographing Refuge natural or cultural resources (including fish, wildlife, plants, and their habitats) or public uses of those resources (not for commercial, news, or educational purposes).

Wildlife observation. Viewing of fish, wildlife, plants, or their habitats by Refuge visitors.

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 “Environmental Education, Interpretation, Wildlife Observation and Photography” 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). Environmental education and interpretation are being reviewed in a separate CD.

What is the use?

We are proposing to allow wildlife observation and photography to take place in areas open to the public during normal operating hours and therefore would not require a Special Use Permit (SUP). Photography use would typically involve taking still photographs or filming wildlife or scenery for personal use. Wildlife observation would involve the viewing of fish, wildlife, or plants, or their habitats by Refuge visitors in areas open to the public. Wildlife observation and photography also includes means of access, such as by vehicle, hiking, bicycling, horseback riding, boating, cross-country skiing, and snowshoeing as well as incidental uses that facilitate wildlife observation and photography (e.g., picnicking), and the use of infrastructure such as trails, blinds, or observation decks.

Is the use a priority public use?

Yes

Where would the use be conducted?

Wildlife Observation and Photography occur on areas open to public access on the main unit of the Little Pend Oreille NWR (LPO) as well as the Kaniksu and Cusick units

(Figure 1). The majority of the visits for wildlife observation and photography occur along the Refuge's Auto Tour Route and public use facilities associated with it.

The 10-mile Auto Tour Route, 6.7 miles of developed hiking trails, boardwalks, overlooks, and observation blind were designed to provide visitors optimum viewing opportunities for Refuge wildlife, as well as allowing them to experience the different habitats and scenic points found on the Refuge. This CD covers all existing public use facilities developed for wildlife observation and photography, as well as the planned River Gorge Overlook.

The River Gorge Overlook project would include upgrading an old gravel road to accommodate two-way vehicle traffic; construction of a parking lot; construction of a 1/3-mile accessible gravel trail; and an accessible overlook viewing area with interpretive panels. This site would interpret the history of the railroad bridge that once spanned the gorge at that site and the riverine ecology of the Little Pend Oreille River.

Entry 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?

Wildlife observation and photography can occur throughout the year, although the majority of the visits for these uses occur during the spring, summer, and fall seasons.

The Auto Tour Route is closed seasonally to vehicles Jan 1 through April 14 each year. However, visitors can still access this road and other gated roads by foot, snowshoe, cross-country skiing, bicycle, and horseback riding, unless otherwise posted. Bicycling, snowshoeing, cross-country skiing, and horseback riding on Little Pend Oreille NWR are addressed in separate CDs.

How would the use be conducted?

Visitors can observe and photograph wildlife from vehicles, on foot, and by bicycling, horseback riding, snowshoeing, and cross-country skiing on designated roads and trails, throughout the Refuge. Visitors walking, snowshoeing and cross-country skiing are also allowed to travel 'off trail' to engage in these uses. Bicyclists and horseback riders must remain on maintained roads, including those closed to motorized vehicles, and on trails designated for bicycles and horses. Roads and their open/closure status can be found in Refuge brochures and on the Refuge website, www.fws.gov/refuge/little_pend_oreille.

Organized groups and/or special events may be considered for a Special Use Permit by the Refuge Manager on a case-by-case basis. The Refuge Manager, at their discretion, may issue a Special Use Permit for groups less than 25. Groups with 25 participants or larger must obtain a Special Use Permit.

Each request for a SUP (if warranted) will be evaluated for impacts to wildlife, habitats Refuge resources, priority public uses, and as appropriate, wilderness character. Conditions may be added to the SUP on a case-by-case basis to minimize the anticipated impacts to resources, and to ensure that any impacts which cannot be avoided, minimized, or mitigated remain temporary and negligible. Some requests may require further analysis of the impacts of the proposed activity on special status species or cultural resources, which may require additional compliance with the National Environmental Policy Act (NEPA), and consultation under any other relevant laws.

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 a SUP would not be issued.

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

The administrative needs to manage existing wildlife observation and photography use can be met with existing staff resources. Annual maintenance of existing facilities, including roads and trails incur costs, but costs are not directly related to wildlife observation and photography since facilities are shared with other priority public uses. Construction of the River Gorge Overlook Interpretive Site will cost approximately \$60,000, funded primarily by a private donation through the Friends of Little Pend Oreille NWR. The Biarly/Bear Creek interpretive site is estimated to cost approximately \$10,000.

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, flood plains, cultural resources, and socioeconomics 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

Wildlife observation and photography are priority public uses as defined by the Refuge System Administration Act of 1966, as amended by the Refuge System

Improvement Act of 1997. If compatible, these priority public uses are to receive enhanced consideration over other general public uses on national wildlife refuges.

Wildlife observation and photography are popular activities and are expected to continue into the future. These uses are conducted to provide compatible wildlife observation and photography opportunities for visitors to enjoy the Refuge's resources, and 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. These uses will provide opportunities for visitors to directly observe and learn about wildlife and habitats at their own pace in an unstructured environment. These uses 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 facts upon which Service management programs are based, consequently fostering an appreciation for the importance of wildlife and habitats.

Participation in these uses is expected to contribute to a more informed public, with an enhanced stewardship ethic and greater support for wildlife conservation. Furthermore, these uses will provide an intrinsic, safe, outdoor recreational opportunity in a scenic setting, with the realization that those who come strictly for recreational enjoyment will be enticed to participate in the more enhanced facets of the visitor use program and can then become informed supporters for wildlife conservation. By allowing these uses, 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 wildlife observation and photography is expected to benefit and promulgate the Refuge's purposes and the Refuge System's mission.

Short-term impacts

The principal impacts associated with wildlife observation and photography 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 a number of 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 wildlife observation and photography, and the use and periodic maintenance of existing roads, trails, and support facilities 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

General Effects from Wildlife Observation and Photography:

Wildlife observation and photography activities have both direct and indirect impacts on wildlife distribution, behavior, and habitats. The most frequent impacts are disturbances to large birds and mammals from people approaching too close and from vehicle presence (Forman and Alexander 1998). These impacts are most severe during periods of mating, nesting, lambing, and fawning. However, because people participating in wildlife observation and photography generally do not venture far from roads and trails, impacts from these visitors are only a portion of the overall wildlife disturbance. Access for wildlife observation and photography is provided by motorized vehicle routes and several established routes and trails on the Refuge. Roads and vehicle use can cause a number of impacts to soils, water, habitat, fish, and wildlife (Trombulak and Frissell 2000). Vehicle use is allowed on routes within the Refuge where these impacts are anticipated to be minimal, or where planned management actions such as re-routing, realignment, and seasonal closures would acceptably minimize 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 visitors engaged in wildlife observation and photography is walking off road and the subsequent 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, over the course of this use, no adverse long-term impacts have been observed.

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 National Wildlife Refuge in the form of vehicle traffic on roads, people, pets, domestic stock, wildlife, and tools and equipment taken onto the Refuge. However, such an impact to the Refuge by participants engaged in wildlife observation and photography 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 impacted 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 and Other Resources:

Nearly all of the Refuge is currently opened 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 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. Groups with 25 participants or larger must obtain a Special Use Permit. The Refuge Manager, at their discretion, may issue a Special Use Permit for groups less than 25.
2. 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.
3. 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.

4. 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.
5. 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.
6. Youth educational groups are required to have a sufficient number of adults to supervise their groups, which is generally 1:10 (one adult for every ten youths) for ages 14 and up, and 1:6 for ages 14 and under. These ratios are subject to change at the discretion of Refuge staff based on discussions with class leaders, comfort level of staff, and best judgement.
7. Personal portable photo or viewing blinds must be removed at the end of each day.
8. Motorized vehicles are allowed on established roads open to the public.
9. Parking along roadsides is permitted but vehicles may not block roads, gates, or trails.
10. Bicycles and horseback riding is allowed on designated trails and established roads closed to motorized vehicle traffic.
11. Hiking, walking, snowshoeing, and cross-country skiing is allowed off-trail.
12. Non-motorized boats are allowed on Refuge lakes. Boats with electric motors are allowed on Potter's Pond only.
13. Activities requiring off road/trail access or access between sunset and sunrise would require a Special Use Permit or be managed by Refuge staff.
14. Directional, informational, and interpretive signs and publications will be posted and maintained to keep visitors on roads and trails as well as help educate the public on minimizing wildlife and habitat disturbance.
15. 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.

16. Regulations will be available at information kiosks on site, through a Refuge brochure, and will be posted on the Refuge website. Regulations are also available by contacting Refuge staff for information.

Justification

The National Wildlife Refuge System Administration Act of 1966 (as amended) identifies wildlife observation and photography as two of six priority public uses on national wildlife refuges. The law states that, when managed in accordance with principles of sound fish and wildlife management and administration, wildlife observation and photography, and the other priority wildlife-dependent recreational uses “have been and are expected to continue to be generally compatible uses.” The Act further states that these priority public uses should receive enhanced consideration over other general public uses in Refuge planning and management, and directs the USFWS to provide increased opportunities for the public to safely engage in outdoor activities such as fishing and hunting.

Wildlife observation and photography, as outlined in this compatibility determination, would not conflict with national policy to maintain the biological diversity, integrity, and environmental health of Little Pend Oreille NWR. 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 wildlife observation and photography on Little Pend Oreille National Wildlife Refuge. The relatively limited number of individual wildlife expected to be adversely affected as a result of these uses 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 wildlife observation and photography at Little Pend Oreille NWR, in accordance with the stipulations provided here, will not materially interfere with or detract from the National Wildlife Refuge System mission or the purposes of the Refuge. Rather, appropriate and compatible wildlife observation and photography would be a use of Little Pend Oreille National Wildlife Refuge through which the public can develop an appreciation for 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

2039

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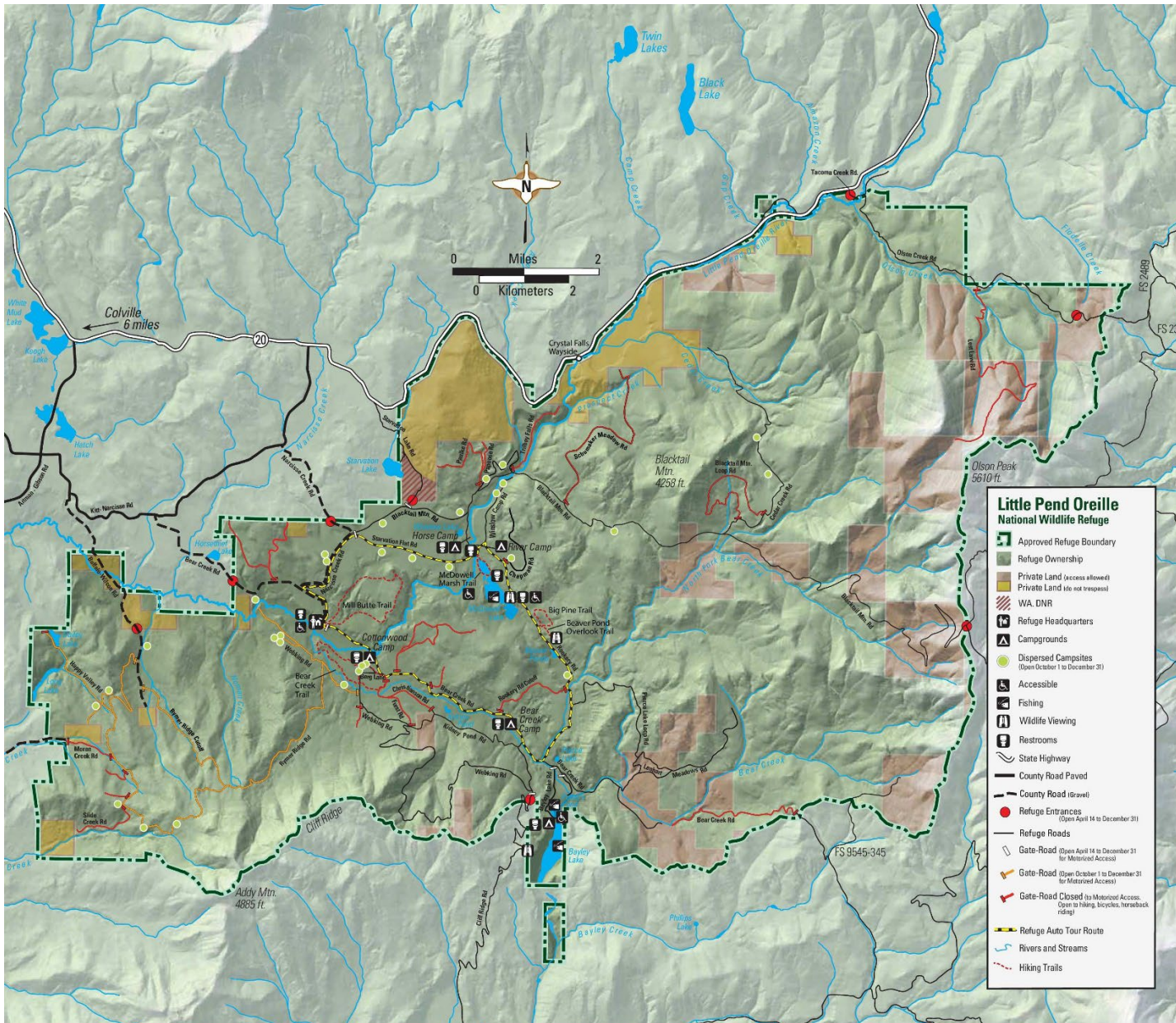


Figure 1. Public access, Little Pend Oreille National Wildlife Refuge