

## **COMPATIBILITY DETERMINATION**

**Use:** *Build and operate Coastal North Carolina National Wildlife Refuges Gateway Visitor Center and Headquarters on Roanoke Island Tract*

**Refuge Name:** Alligator River National Wildlife Refuge.

**Date Established:** 1984

**Establishing and Acquisition Authority(ies):** 16 U.S.C. Sec 742f(a)(4) (Fish and Wildlife Act of 1956), 16 U.S.C., Sec. 460k-1 (Refuge Recreation Act of 1952), 16 U.S.C., Sec. 668dd(a)(2) (National Wildlife Refuge System Administration Act of 1966), and 16 U.S.C., Sec. 3901 (b) 100 Stat. 1583 (Emergency Wetland Resources Act of 1986).

**Refuge Purpose:** The purpose of Alligator River National Wildlife Refuge, as reflected in the refuge's authorizing legislation, is to protect and conserve migratory birds, and other wildlife resources through the protection of wetlands, in accordance with the following laws:

*...for the development, advancement, management, conservation, and protection of fish and wildlife resources... 16 U.S.C. Sec 742f(a)4 (Fish and Wildlife Act of 1956);*  
*...for the benefit of the United States Fish and Wildlife Service, in performing its activities and services... 16 U.S.C. Sec. 742f(b)1 (Fish and Wildlife Act of 1956).*  
*...suitable for (1) incidental take of fish and wildlife-oriented recreational development, (2) the protection of natural resources, (3) the conservation of endangered species... 16 U.S.C., Sec. 460k-1 (Refuge Recreation Act of 1952);*  
*...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., Sec. 460k-2; 16 U.S.C., Sec. 460k-460k-4 (Refuge Recreation Act of 1952);*  
*...conservation, management, and restoration of fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans... 16 U.S.C., Sec. 668dd(a)(2) (National Wildlife Refuge System Administration Act of 1966).*  
*...for the conservation of the wetlands of the Nation in order to maintain the public benefits they provide and to help fulfill international obligations contained in various migratory bird treaties and conventions...16 U.S.C., Sec. 3901 (b) 100 Stat. 1583 (Emergency Wetland Resources Act of 1986).*

### **National Wildlife Refuge System Mission:**

The mission of the Refuge System, as defined by the National Wildlife Refuge System Improvement Act of 1997, 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.*

### **Other Applicable Laws, Regulations, and Policies:**

Antiquities Act of 1906 (34 Stat. 225)

Migratory Bird Treaty Act of 1918 (15 U.S.C. 703-711; 40 Stat. 755)

Migratory Bird Conservation Act of 1929 (16 U.S.C. 715r; 45 Stat. 1222)

Migratory Bird Hunting Stamp Act of 1934 (16 U.S.C. 718-178h; 48 Stat. 451)

Criminal Code Provisions of 1940 (18 U.S.C. 41)  
Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d; 54 Stat. 250)  
Refuge Trespass Act of June 25, 1948 (18 U.S.C. 41; 62 Stat. 686)  
Fish and Wildlife Act of 1956 (16 U.S.C. 742a-742j; 70 Stat. 1119)  
Refuge Recreation Act of 1962 (16 U.S.C. 460k-460k-4; 76 Stat. 653)  
Wilderness Act (16 U.S.C. 1131; 78 Stat. 890)  
Land and Water Conservation Fund Act of 1965  
National Historic Preservation Act of 1966, as amended (16 U.S.C. 470, et seq.; 80 Stat. 915)  
National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd, 668ee; 80 Stat. 927)  
National Environmental Policy Act of 1969, NEPA (42 U.S.C. 4321, et seq; 83 Stat. 852)  
Use of Off-Road Vehicles on Public Lands (Executive Order 11644, as amended by Executive Order 10989)  
Endangered Species Act of 1973 (16 U.S.C. 1531 et seq; 87 Stat. 884)  
Refuge Revenue Sharing Act of 1935, as amended in 1978 (16 U.S.C. 715s; 92 Stat. 1319)  
National Wildlife Refuge Regulations for the Most Recent Fiscal Year (50 CFR Subchapter C; 43 CFR 3101.3-3)  
Emergency Wetlands Resources Act of 1986 (S.B. 740)  
North American Wetlands Conservation Act of 1990  
Food Security Act (Farm Bill) of 1990 as amended (HR 2100)  
The Property Clause of the U.S. Constitution Article IV 3, Clause 2  
The Commerce Clause of the U.S. Constitution Article 1, Section 8  
The National Wildlife Refuge System Improvement Act of 1997 (Public Law 105-57, USC668dd)  
Executive Order 12996, Management and General Public Use of the National Wildlife Refuge System, March 25, 1996  
Title 50, Code of Federal Regulations, Parts 25-33  
Archaeological Resources Protection Act of 1979  
Native American Graves Protection and Repatriation Act of 1990

**Description of Use:** *Build and operate Coastal North Carolina National Wildlife Refuges Gateway Visitor Center and Headquarters on Roanoke Island Tract*

In 1991, the refuge acquired a 35-acre tract of land on Roanoke Island for the expressed purpose of building a Visitor Center and Administrative Headquarters for the complex. This facility was included in the AR CCP and will simply facilitate all the public uses for which CD's have already been written and approved. Therefore, this CD covers only the facility itself. Roanoke Island is situated between North Carolina's Outer Banks and the Dare County Mainland, home of Alligator River National Wildlife Refuge.

Funding has been obtained through the American Reinvestment and Recovery Act (ARRA) for the design and construction of a new Visitor Center and Headquarters Complex. The Coastal NC NWRs Gateway Visitor Center and Headquarters facility will be approximately 17,840 sq. ft. of climate-controlled space. Due to the location, there is an extremely high potential for visitation. As a result, the expectation is that the new facility will serve as a "gateway" visitor center for all of

the coastal North Carolina refuges and thus increase the visibility of and visitation to each of them.

The new facility will be designed and constructed around the Service's standard large 2-Story Administration/Visitor Center plan. The modified plan will be further refined during the design phase of the design/build contract.

The Visitor Center will include a book store, exhibit space, an environmental education classroom, a multi-purpose room and exterior interpretive facilities. The Headquarters offices will be shared by approximately 30 Service employees. These personnel serve several Service programs including Alligator NWR, Pea Island NWR, Law Enforcement, Prescribed Fire, and the Ecological Services Red Wolf Recovery Team. The facility will allow the Service to vacate existing GSA leased space which will save over \$120,000 annually.

The facility will include water-saving elements i.e. rainwater harvesting, low-flow fixtures and grey water reuse. It will be very energy efficient and will reduce the average energy costs of a building of its size by at least 30%. In addition, our goal is for at least 40% of the facilities energy needs to come from renewable energy sources such as solar and wind.

Environmental education and interpretation will be the primary public activities at the Visitor Center and grounds; however, information about hunting, fishing, photography, and other public opportunities will also be disseminated from the facility. The focus will be to increase the public's knowledge and understanding of wildlife, national wildlife refuges, ecology, and land management, as well as contribute to the conservation of natural resources.

Annual visitation to the site is anticipated to be approximately 200,000.

**Availability of Resources:** The planning/design, engineering, and construction of the Headquarters/Visitor Contact Station are funded through the ARRA. Based on a review of the project's and the refuge's budgets allocated for this facility and these activities, funding is adequate to ensure compatibility and to administer these uses at anticipated levels. The current programs are dependent on volunteers. The management of the volunteer program will continue to be essential to successfully implement the education and visitor use program.

**Anticipated Impacts of the Use:** Construction of facilities, such as buildings, roads, parking lots, boardwalks, kiosks and observation platforms, will certainly alter portions of the natural environment on the tract of land on Roanoke Island. FWS staff or contractors will obtain proper permits through the county, state, and federal regulatory agencies prior to construction to ensure resource protection. The use of on-site, hands-on, action-oriented activities to accomplish environmental education and interpretive tours may impose a low-level impact on the sites used for these activities. These low-level impacts may include trampling of vegetation and temporary disturbance to wildlife species in the immediate area. Educational activities held off of the refuge will not create any biological impacts on the resource.

**Public Review and Comment:** Methods used to solicit public review and comments included mailing post cards to people showing interest during the comprehensive conservation planning (CCP) process; copies of the draft CCP were distributed to local, state, and federal agencies, to government officials representing the area, and to the public on request; made available in local libraries, and news releases which were published as follows: 6/7/06 in the Virginia Pilot/Ledger Star and the Raleigh News and Observer, 6/8/06 in the Coastland Times, and 6/11/06 in the Outer Banks Sentinel. In addition, local radio stations broadcast the announcement intermittently during the comment period. This compatibility determination was part of the Draft Comprehensive Conservation Plan and Environmental Assessment for Alligator River National Wildlife Refuge, which was announced in the Federal Register on May 30, 2006 (71 FR 30687) and made available for public comment for 45 days until July 14, 2006. Appendix D. of the AR CCP summarizes the public comments.

In addition, an Environmental Assessment specifically focusing on the construction of this facility was written in May, 2009. The document was available for public comment for 35 days with the comment period closing on June 5, 2009. Legal notices were published in the following newspapers: Outer Banks Sentinel (4/29/09), Coastland Times (5/7/09, 5/10/09, 5/12/09), Virginia Pilot (5/3/09). During the comment period, the document was available both from the refuge website and in the refuge office. No public comments were received. During approximately the same time period, the document was distributed through the NC Clearinghouse. Comments received were summarized and will be addressed in the final document, once a Soil & Sediment Management Plan has been submitted to the state. This plan will be a part of the design/build contract for the facility.

Notice of request for comments for this compatibility determination was published as a legal notice in the Outer Banks Sentinel (6/24/09), Coastland Times (6/11/09), and Virginia Pilot/Ledger Star (6/19/09). The document was available in the Refuge Office in Manteo and on the refuge web site. The comment period closed July 5, 2009

**Determination (check one below):**

Use is Not Compatible

X Use is Compatible with Following Stipulations

**Stipulations Necessary to Ensure Compatibility:** Zoning of visitor activities by time and space, clustering public use facilities, proper monitoring, educating visitors, and enforcement will ensure compatibility with the purposes of the refuge and mission of the National Wildlife Refuge System. Using fewer than 4 acres of this 35-acre tract demonstrates the concept of treading lightly on the land, especially since this tract was purchased for the expressed purpose of using it for the Visitor Center and Headquarters. Through periodic evaluation of visitor use areas, the visitor services program will assess resource impacts. If the refuge staff determines that human impacts are detrimental to important natural resources, the staff will take actions to reduce or eliminate those impacts. Major portions of the 35-acre tract on Roanoke Island will remain undeveloped, without public interpretive facilities. Proper planning and placement of facilities will ensure that wetlands, wildlife, fish, and plant communities are not negatively impacted beyond the footprint of the facility.

**Justification:** The 1997 National Wildlife Refuge System Improvement Act identified environmental education and interpretation as activities that refuges should provide and

expand. Educating and informing the public through structured environmental education courses, interpretive materials, and guided tours about migratory birds, endangered species, wildlife management, and ecosystems will lead to improved support of the Service's mission to protect our natural resources. This facility will meet the need to reach visitors to the area and residents of the Outer Banks with the message of the USFWS and the NWRS.

**NEPA Compliance for Refuge Use Decision:** *Place an X in appropriate space.*

Categorical Exclusion without Environmental Action Statement

Categorical Exclusion and Environmental Action Statement

Environmental Assessment and Finding of No Significant Impact

Environmental Impact Statement and Record of Decision

**Mandatory 15-Year Re-evaluation Date:** 7/10/2024

**Approvals:**

**Signature:** Refuge Manager:

±

(Signature and Date)

**Review:** Project Leader:

±

(Signature and Date)

**Review:** Regional  
Compatibility Coordinator:

±

(Signature and Date)

**Review:** Refuge Supervisor:

±

(Signature and Date)

**Concurrence:** Regional Chief:

±

(Signature and Date)