

Compatibility Determination

Introduction: The U. S. Fish and Wildlife Service (Service) reviewed hunting for compatibility while developing the Atchafalaya National Wildlife Refuge (Refuge) Comprehensive Conservation Plan (CCP) (FWS 2011). This Compatibility Determination (CD) updates the compatibility determination for recreational hunting in that document. It would continue migratory birds, big game and small game hunting on the Refuge. The development of this CD is based upon the public involvement process associated with the 2011 CCP that helped inform the development of the 2016 Recreational Hunting Plan and Environmental Assessment.

Use: Recreational Hunting

Refuge Name: Atchafalaya National Wildlife Refuge

County: St. Martin and Iberville Parishes

Date Established: October 26, 1984

Establishing and Acquisition Authority:

Public Law 98-548 established Atchafalaya National Wildlife Refuge on October 26, 1984.

16 U.S.C. 742f (b)(1) (Fish and Wildlife Act of 1956).

Refuge Purposes: These purposes and the mission of the National Wildlife Refuge System are fundamental to determining the compatibility of proposed uses for the Refuge. The purposes of the Refuge are:

- (1) To provide for the conservation and management of fish and wildlife within the Refuge;
- (2) To fulfill the international treaty obligations of the United States with respect to fish and wildlife; and
- (3) To provide opportunities for scientific research, environmental education, and fish and wildlife-oriented recreation, including hunting, fishing, and trapping, bird watching, nature photography, and others.

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. (National Wildlife Refuge System Administration Act of 1966, as amended) (16 U.S.C. §668dd-668ee).

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 (NEPA) of 1969 (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 Code of Federal Regulations (CFR) Subchapter C; 43 CFR 3101.3-3]
Emergency Wetlands Resources Act of 1986 (S.B. 740)
North American Wetlands Conservation Act of 1990 (103 Stat. 1968; 16 U.S.C. 4401-4412)
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 (16 U.S.C. 470 aa-47011), Public Law 96-95, approved October 31, 1979 (93 Stat. 721)
Native American Graves Protection and Repatriation Act of 1990

Description of Use:

Hunting on the Refuge includes big game, small game, and migratory birds. Big game hunting consists of Refuge hunts for deer and wild turkey. Feral hogs may be taken incidentally during any Refuge hunt by properly licensed and/or permitted hunters

bearing a license and gear legal for specified seasons in progress, except take of hogs is prohibited during nighttime raccoon seasons.

Small game hunting consists of squirrels, rabbits, and raccoons. Migratory bird hunting consists of hunts for migratory and resident waterfowl (e.g., ducks, and coots), woodcock, snipe, rail, mourning doves, and gallinules. All hunting on the Refuge is within state bag limits and with certain limited seasons.

The additions to this CD and the reason for it being updated is to ensure that current compliance documentation and policy obligations have been met. There are no expected impacts on state or federal listed endangered or threatened species. Figure 2 shows how the Refuge, LDWF, and COE lands are intermingled within the Sherburne Complex.

All hunting seasons on the Refuge coincide with the managing agencies within the Sherburne Complex. Due to the numerous boundaries and multi-ownership, all hunting and fishing regulations are set within the Sherburne Complex when applicable, making it easier from not only a law enforcement standpoint but also to provide the public maximum opportunities

A self-clearing permit is required for all activities on the management area, which requires daily check-in, check-out, and bag reports. All hunters are required to check in/out at selected checkpoints and complete a harvest report card for all hunts. The permits are available at kiosks along the entrance roads to the area. All persons must abide by LDWF licensing requirements. Licenses may be purchased from the LDWF or other local suppliers of licenses.

Hunts offered include deer (open season and lottery; archery, muzzleloader, and gun); turkey (open season and lottery); fox and grey squirrel; rabbit; raccoon; waterfowl, snipe, rail, and gallinules; woodcock, and mourning dove. The take of feral hogs is restricted to the hunting seasons in progress and only by properly licensed hunters with guns or archery equipment legal for the season in progress. Opportunities for handicapped (wheelchair bound) hunters are available that include marked ATV/UTV trails and deer and waterfowl hunting areas that include wheelchair accessible blinds. In addition, youth hunts are offered for deer (lottery), waterfowl (lottery), and squirrel each year.

Availability of Resources (Cost for Use): The hunt program will be administered and conducted by LDWF as part of Sherburne Complex. Funds are available to sustain the existing hunt program.

Anticipated Effects of the Use: The effects of hunting on the Refuge were evaluated in the Environmental Assessment (FWS 2011) for the Refuge's CCP. The biological, social, cultural and other effects of the Refuge's hunting program are evaluated in the Environmental Assessment for the 2016 Recreational Hunting Plan on Atchafalaya NWR. The document concludes that no significant or adverse effects are known or anticipated with the hunt program on the Refuge. No significant or adverse effects are known or anticipated to other users, public safety, habitat, cultural resources, Refuge

facilities, non-target species or target species. Relevant findings are summarized as follows:

Short-term effects:

No adverse short-term effects are expected on the populations of the species hunted (migratory birds, small game, white-tailed deer, and turkey). Although, managed hunting opportunities can result in local disruption of individual animals' daily routines and would result in injury and mortality of individuals, no adverse effect on these populations has been documented. Hunting of deer helps to manage deer population health and limit the negative impacts to wildlife and habitat from over browsing. Small game animal populations are capable of sustaining harvest because of their short reproduction cycles.

Long-term effects:

Hunting on the Refuge has been enjoyed by hunters for almost 30 years with no indication of adverse biological impacts associated with the Refuge's hunting program. However, should it become necessary, the Refuge has the latitude to adjust hunting seasons and bag limits annually, or to close the Refuge entirely if there are safety issues or other concerns that merit closure. This latitude, coupled with monitoring of wildlife populations and habitat conditions by the Refuge and the LDWF, would ensure that long-term negative impacts to either wildlife populations and/or habitats on the Refuge are unlikely. Removing hogs would positively affect the populations of native hunted species.

All hunting activities would be conducted within the constraints of sound biological principles and refuge-specific regulations established to restrict illegal or questionable activities. Monitoring activities through wildlife inventories and assessments of public use levels and activities would be utilized, and public use programs would be adjusted as needed to limit disturbance.

Should hunting pressure increase on the Refuge, alternatives such as reduction of number of hunters selected for quota hunts, a reduction in the number of days of hunting, or restrictions on that part of the Refuge open to hunting, could be utilized to limit impacts. These types of actions would help to ensure compatibility of hunting on the Refuge.

Cumulative effects:

Significant cumulative effects are not anticipated from hunting activities on the Refuge. Deer, turkey, small game, and migratory bird hunting has occurred on the Refuge for many years. Populations of game species in the state have remained stable while being hunted under the State's guidelines. Hunting regulations for both endemic and migratory game species are based on specific statewide and nationwide harvest objectives. Migratory bird regulations are established at the federal level each year following a series of meetings involving both state and federal biologists. Therefore, hunting on the Refuge

should not have additive effects on deer, turkey, raccoon, squirrel, or rabbit populations.

Public Review and Comment: As a popular Refuge activity, Recreational Hunting Plans and compatibility documents have incorporated public involvement. The Refuge CCP process included extensive public involvement and comment as documented in that plan (see Chapter III and Appendix V). The Service solicited public comment for the 2016 Recreational Hunt Plan and associated Environmental Assessment. The 30-day review period began September 23, 2015 and ended on October 23, 2015. A news release announcing the comment period was sent to local newspapers (The Advocate Newspaper, The Daily Advertiser Newspaper, The Times Picayune Newspaper, and the Louisiana Sportsman Magazine). Copies of the document were made available at Refuge Headquarters. The document was also made available on the Refuge (<http://www.fws.gov/atchafalaya/>) website.

Determination (check one below):

Use is Not Compatible

Use is Compatible with Following Stipulations

Stipulations Necessary to Ensure Compatibility: Refuge-specific hunting regulations are detailed and regularly updated in the Code of Federal Regulations (50 CFR part 32). Additionally:

1. Hunting will be in accordance with applicable state (LDWF) regulations and the Refuge 2016 Recreational Hunting Plan.
2. Refuge hunting regulations are printed each summer and are available for pick up at Sherburne WMA. The regulations may also be printed from the LDWF website.
3. Youth Hunts - Individuals 17 or younger must possess a hunter safety certification or proof of successful completion of a hunter safety course. Youth must be accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for youth younger than 16 years of age. Adults may not possess a firearm. Youth may possess only one firearm while hunting. Legal firearms are the same as described for deer hunting. The supervising adult shall maintain visual and voice contact with the youth at all times, except properly licensed youth 16-17 years old and youth 12 years old or older who have successfully completed a hunter safety course may hunt without a supervising adult.
4. Allowable equipment - Any weapons possessed by hunters must be specified as appropriate and permitted by state and Refuge regulations. Only non-toxic shot of the appropriate size specified by state and federal regulations will be allowed by hunters utilizing shotguns in the pursuit of waterfowl. State regulations apply to all stands and blinds
5. All hunts will be designed to provide quality user opportunities based upon estimated wildlife population levels and biological parameters.

6. License and permits - All hunters are required to possess and carry all applicable state and federal permits, licenses, and stamps while hunting.
7. Reporting requirements – Each hunter will be required to fill out a self-clearing permit and place it in the permit box after each day’s hunt.
8. Hunter training and safety - All hunters are required to comply with state regulations regarding the Hunter Safety Course. Youth hunters are required to have the Hunter Safety Course.
9. Hunters access the Refuge on open roads, by vehicle or by foot, by ATV/UTV and bicycles and are limited to designated trails or roads. All motor vehicles are restricted to designated roads and parking areas.
10. Hunt season dates and bag limits will be adjusted as needed to achieve balanced population levels within carrying capacities, regardless of impacts to user opportunities.
11. As additional data are collected and the Hunt Plan is revised, additional Refuge-specific regulations could be implemented. These regulations could include, but may not be limited to, Refuge permit requirements, and closed areas on a permanent or seasonal basis to reduce disturbance to specific wildlife species or habitats, such as bird rookeries, wintering waterfowl, or threatened/endangered species, or to provide for public safety.

Justification: Hunting, a wildlife-dependent recreational activity, has been identified in the National Wildlife Refuge System Improvement Act of 1997 as a priority public use, provided it is compatible with the purpose for which the Refuge was established. As outlined, the Service determined that hunting on the Refuge does not materially detract from or interfere with the fulfillment of the purposes of the Refuge or the mission of the National Wildlife Refuge System. Hunting activities on the Refuge are not expected to adversely impact the biological integrity, diversity, and environmental health of the Refuge or the National Wildlife Refuge System. Hunting is an acceptable form of wildlife-dependent recreation compatible with the purposes for which the Refuge was established.

Hunting supports Refuge management goals and objectives as outlined in the 2011 Comprehensive Conservation Plan (CCP), including goals 1 (Fish and Wildlife Population Management), 2 (Habitat Management), 3 (Visitor Services), 4 (Resource Protection), and 5 (Refuge Administration), and the 2016 Recreational Hunting step-down management plan tiered from the CCP.

Hunting of deer is beneficial to native species, including deer, and is therefore considered compatible with Refuge purposes. The harvest of surplus animals is one tool used to maintain wildlife populations at a level compatible with wildlife and habitat management goals and objectives. Overabundance of animals, such as hogs and deer, can have detrimental impacts to native habitats and wildlife. In addition to recreational opportunities, hunting to control populations of deer will be beneficial to native species and habitats, and is therefore considered compatible with Refuge purposes.

Turkey hunting is a wildlife-dependent activity; as outlined, turkey hunting on the Refuge does not negatively impact the Refuge's or area's turkey populations. Turkey hunting is considered compatible with Refuge purposes.

Small game (e.g., fox and grey squirrel, rabbit, and raccoon) hunting is a wildlife-dependent activity. Studies examining the effects of hunting on rabbits and squirrels have shown that their populations are not affected by hunting, but are limited by available food resources. Small game such as squirrels, rabbits, and raccoons are prolific breeders whose populations are not significantly impacted by hunting activities. Small game hunting is considered compatible with Refuge purposes.

NEPA Compliance for Refuge Use Description:

- 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:

Approval of Compatibility Determination

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