

Final Environmental Assessment

Migratory Bird Hunting

on

TRUSTOM POND NATIONAL WILDLIFE REFUGE
South Kingstown, Rhode Island

For Further Information, Contact:
Refuge Manager
U. S. Fish and Wildlife Service
Rhode Island National Wildlife Refuge Complex
50 Bend Road
Charlestown, RI 02813

Prepared by:
U. S. Department of Interior
Charlestown, Rhode Island
April 2007

UNITED STATES FISH AND WILDLIFE SERVICE

ENVIRONMENTAL ACTION STATEMENT

Within the spirit and intent of the Council on Environmental Quality's regulations for implementing the National Environmental Policy Act (NEPA), and other statutes, orders, and policies that protect fish and wildlife resources, I have established the following administrative record and determined that the action of opening Trustom Pond NWR to migratory bird hunting pursuant to section 4 of the National Wildlife Refuge System Administration Act of 1966 as amended by the National Wildlife Refuge Improvement Act of 1997, and the National Wildlife Refuge Recreation Act of 1962.

Check One:

is a categorical exclusion as provided by 51 6 DM 2, Appendix I and 516 DM 6, Appendix 1. No further NEPA documentation will therefore be made.

is found not to have significant environmental effects as determined by the attached environmental assessment and finding of no significant impact.

is found to have significant effects and, therefore, further consideration of this action will require a notice of intent to be published in the Federal Register announcing the decision to prepare an EIS.

is not approved because of unacceptable environmental damage, or violation of Fish and Wildlife Service mandates, policy, regulations, or procedures.

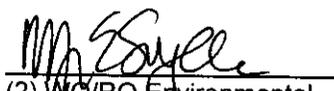
is an emergency action within the context of 40 CFR 1506.11. Only those actions necessary to control the immediate impacts of the emergency will be taken. Other related actions remain subject to NEPA review.

Other supporting documents (list):

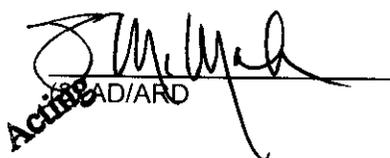
Signature Approval:


(1) Originator

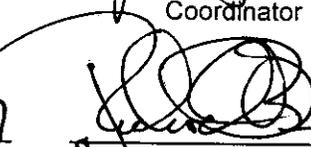
4/24/07
Date


(2) WO/RO Environmental
Coordinator

4/25/07
Date


AD/ARD

4-27-07
Date


Director/Regional
Director

4-27-07
Date

**FINDING OF NO SIGNIFICANT IMPACT
TRUSTOM POND NWR
MIGRATORY BIRD HUNTING OPPORTUNITIES**

The U.S. Fish and Wildlife Service proposes to open to migratory bird hunting on Trustom Pond National Wildlife Refuge. The Environmental Assessment (EA) for hunting opportunities was issued in a March 2007 draft. The Hunt EA evaluated two hunt program alternatives, carefully considering their impacts on the environment, and their potential contribution to the mission of the National Wildlife Refuge System, and the refuge's purposes and goals. Hunting activities will be permitted, but administratively limited to those areas specified in the refuge-specific regulations. All or parts of the refuge may be closed to hunting at any time if necessary for public safety, to provide wildlife sanctuary, or for other reasons.

The Service has analyzed the following alternatives to the proposal in an Environmental Assessment (copy attached):

Alternative A: This was the No Action Alternative in the EA required by the Council of Environmental Quality's regulations on implementing the National Environmental Policy Act. Under this alternative, there would be no change from our current hunt programs on refuge lands. The refuge would continue existing programs they currently have in place. No new efforts are undertaken.

Alternative B: This alternative was the Service's Proposed Action in the Draft EA. This alternative offers opportunities for migratory bird hunting. These new hunting opportunities would be limited to a specific, 20-acre unit of the refuge and the season would follow dates and other regulations established by the State of Rhode Island.

The preferred alternative was selected over the other alternatives because:

1. The preferred alternative would allow the refuge to manage wildlife populations, allow the public to harvest a renewable resource, promote a wildlife-oriented recreational opportunity, increase awareness of Trustom Pond NWR and the National Wildlife Refuge System, and meet public demand.
2. The preferred alternative is compatible with general Service policy regarding the establishment of hunting on National Wildlife Refuges.
3. The preferred alternative is compatible with the purpose for which Trustom Pond NWR was established.
4. This proposal does not initiate widespread controversy.
5. There are no conflicts with local, state, regional, or federal plans or policies.

Implementation of the agency's decision would be expected to result in the following environmental, social, and economic effects:

1. The refuge could better manage wildlife populations.
2. This would allow the public to harvest a renewable resource.
3. The public would have increased opportunity for wildlife-oriented recreation.
4. Local businesses would benefit from hunters visiting from surrounding parishes.
5. The Service will be perceived as a good steward of the land by continuing traditional uses of land in coastal Rhode Island.

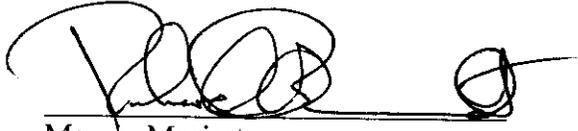
Copies of the Environmental Assessment are available by writing:

Rhode Island NWRC
50 Bend Road
Charlestown, RI 02813

Therefore, it is my determination that the proposal does not constitute a major Federal action significantly affecting the quality of the human environment under the meaning of section 102(2)(c) of the National Environment Policy Act of 1969 (as amended). As such, an environmental impact statement is not required. This determination is based on the following factors (40 CFR 1508.27):

1. **Both beneficial and adverse effects have been considered and this action will not have a significant effect on the human environment (EA, page 12-20).**
2. **The project will not significantly effect any unique characteristics of the geographic area such as proximity to historical or cultural resources, wild and scenic rivers, or ecologically critical areas (EA, pages 18-19).**
3. **There will be no cumulative significant impacts on the environment. Cumulative impacts have been analyzed with consideration of other similar activities on adjacent lands, in past action, and in foreseeable future actions (EA, page 20).**
4. **The actions will not significantly affect any site listed in, or eligible for listing in, the National Register of Historic Places, nor will they cause loss or destruction of significant scientific, cultural, or historic resources (EA, page 18).**
5. **The actions are not likely to adversely affect endangered or threatened species, or their habitats (EA, page 17).**

References: Environmental Assessment for Migratory Bird Hunting at Trustom Pond
NWR (2007), Hunting Plan, Compatibility Determination, Letters of Concurrence,
Refuge-specific Regulations, Intra-Service Section 7 Evaluation



Marvin Moriarty
Regional Director
U.S. Fish and Wildlife Service
Hadley, Massachusetts

Acting

4-27-07
Date

Introduction

As a result of a 2003 lawsuit filed by the Fund for Animals, the U.S. Fish and Wildlife Service (Service) is required to amend environmental assessments that describe hunting programs at sixteen national wildlife refuges located in the Northeast Region. The amended environmental assessments will address the cumulative impacts of hunting at all refuges which were named in the lawsuit. This document addresses the hunting program at Trustom Pond National Wildlife Refuge (NWR) in Rhode Island.

Presently, a 20-acre, upland field is open to migratory bird hunting. This parcel is part of an approximately 52-acre satellite property separate from the main body of the refuge, where most public use activities occur. As an historical context, goose hunting occurred on this property since the mid-1960s. Beginning in 1968, the Rhode Island Department of Environmental Management (RIDEM) began managing hunting operations in this area through a cooperative agreement with the farmer who owned the land. When the refuge acquired the property in 1986, the former owner's right to continue a hunting program was extended through the 1986-87 hunting season via a clause in the warranty deed. The present hunting program was formalized with a 1988 Environmental Assessment of the Trustom Pond Master Plan (USFWS 1988) and a 1989 hunt plan (USFWS 1989). Hunting was evaluated further in the Refuge Complex's 2000 Comprehensive Conservation Plan (CCP) and Environmental Assessment (USFWS 2000). Although these previous documents discussed hunting, an evaluation of cumulative impacts was lacking. An analysis of cumulative impacts is therefore the major focus of this assessment.

Chapter 1 Purpose and Need for Action

The primary purpose of the proposed action is to evaluate a hunting program for migratory birds at Trustom Pond National Wildlife Refuge. This applies solely to a 20-acre parcel separate from the main body of the refuge. Because this is an upland, short-grass field, conditions are most suited to the hunting of Canada geese, although hunting opportunities would also be available for other migratory birds, including mourning dove and ducks. The unit would be managed by RIDEM as part of its South Shore Management Area. Hunting regulations would follow those established annually by the State of Rhode Island.

The proposed action is needed to manage wildlife populations, to allow the harvest of a renewable resource, to promote a wildlife-oriented recreational opportunity that is compatible with the purpose for which the refuge was established, to increase awareness of Trustom Pond NWR and the National Wildlife Refuge System, and to meet public demand. Hunting of some populations, such as resident Canada geese, is a worthwhile management tool in reducing overabundant, and sometimes, nuisance, populations. Hunting provides the public with the opportunity to harvest a renewable resource in a traditional manner, and is a familiar practice in this area. The previously mentioned South Shore Management Area occupies 230 acres in the surrounding area, as does a

private hunting preserve. As members of the public take part in the refuge's hunting program, they become more familiar with the refuge and the National Wildlife Refuge System. A positive relationship between hunters and the refuge and refuge system is developed by meeting the local demand for public land hunting.

Chapter 2 Alternatives Including the Proposed Action

This chapter discusses the alternatives considered for hunting on Trustom Pond NWR. For the purpose of this assessment, we are using a timeframe that precedes establishment of a refuge hunt program, therefore a “no action” alternative equates to no hunting program. The alternatives considered are the 1) proposed action which implements a migratory bird hunting program and 2) no action which constitutes no hunt program.

2.1 No Action Alternative: No Hunt Program

Under this alternative, no hunting would occur on Trustom Pond NWR. Instead of being maintained in a strictly short-grass cover, the two, 10-acre fields would be maintained in a mixture of slightly taller form, warm-season grasses and wildflowers, which currently dominates the northern section of this area. There would be no change to current public use of the main body of the refuge, including the availability of nature trails, guided programs, and special events.

2.2 Proposed Action (Preferred Alternative): Migratory Bird Hunting Program

The proposed action would open a 20-acre parcel (two, 10-acre fields) to migratory bird hunting. Although in theory, this site will be open to mourning dove, woodcock, duck, and goose hunting, for all practical purposes, its upland, short-grass vegetation makes it most suitable for goose hunting. This parcel is a satellite of the main refuge and is bounded, in rough terms, by Matunuck Schoolhouse Road to the north, Cards Pond Road to the south, and private agricultural lands to the east and west. The State of Rhode Island administers five additional fields in the immediate area as part of the South Shore Management Area. These fields are principally open to migratory bird hunting. A private hunting preserve also exists in the vicinity. The proposed hunting program would be managed by RIDEM as part of its South Shore Management Area (the parcel referred to by RIDEM as Field or Unit #1). Season dates, bag limits, and all other hunting regulations would follow established State and Federal guidelines. Vegetation in these upland fields would be managed as native cool season grasses which will be mowed or hayed in late summer in order to provide suitable foraging and resting habitat for Canada geese.

RIDEM will implement a reservation system for goose hunters whereby only one party, consisting of up to four hunters, may hunt the field at one time. Each day will be divided into morning and afternoon periods, so that a maximum of two parties or eight hunters may use the field in a given day.

Chapter 3 Affected Environment

Trustom Pond Refuge is located on the south coast of Rhode Island in South Kingstown, Washington County (see map). The main body of the Refuge is bordered by private land and the community of Green Hill to the west; by Matunuck Schoolhouse Road to the north; by private land to the northeast and east, and by Block Island Sound to the south. Two privately owned parcels lie inside its northern boundary. The Refuge also owns a separate, 52-acre satellite parcel, roughly one-half mile east of its main body. This parcel is bordered by private farmland to the west and east, Matunuck Schoolhouse Road on the north, and Cards Pond Road on the south. The proposed 20-acre hunting area is located within this unit.

In 1974, Mrs. Ann Kenyon Morse donated the first 365 acres to the Refuge. In 1980, an approved Environmental Assessment expanded the acquisition boundary to 1,000 acres. In 1982, The Audubon Society of Rhode Island donated 151 acres. The Refuge presently encompasses 787 acres. When considering the cooperative management of grasslands between the Refuge and adjacent landowners, virtually all the land within the acquisition boundary falls under conservation management.

Funding and authorization for the refuge acquisition was provided through the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222), as amended, and the Refuge Recreation Act of 1962 (16 U.S.C. c-1).

3.1 Topography, Geology and Hydrology

The terrain at Trustom Pond Refuge is gently rolling and slopes south to the ocean. Slopes are generally less than 5 percent. The Refuge is located on a coastal outwash plain created by glacial meltwater carrying and depositing unsorted till and sorted sand, gravel, silts, and clay. Most soils on the Refuge are silt loams in the Bridgehampton and Enfield series. Other areas, which were maintained as pasture but were not cultivated, are stony loams in the Charlton series.

Trustom Pond is a 160-acre brackish coastal pond that serves as the centerpiece of the Refuge, and has the distinction of being the only coastal pond in Rhode Island without houses on its shoreline. It is also the only coastal salt pond in Rhode Island that lies entirely within a national wildlife refuge, and whose waters are fully managed by the Service. The pond varies between 1 to 6 feet in depth, with substrates varying from mud to coarse sands. There is no permanent breachway; however, natural breaching occurs periodically as an overland sheet flow during periods of extreme high water.

During high water, Trustom Pond flows into adjacent Card's Pond, a 43-acre brackish coastal pond. Card's Pond averages 1.5 feet in depth. The Refuge boundary includes roughly the southwestern one-sixth of its perimeter. There is no permanent breachway in Cards Pond; however, it is mechanically breached eight to ten times throughout the year, primarily in response to landowners' concerns about the high water table backing up into their septic and well systems.

3.2 Vegetation

Trustom Pond NWR contains a diverse collection of vegetation cover-types, with upland forest and grasslands the two most predominant cover types. In fact, areas managed by the Service and neighboring landowners as native grasslands total nearly 200 acres. Red maple swamp is the dominant freshwater forested wetland cover type. A detailed plant list for the Refuge is available from the Refuge Office upon request (George 1999).

A combination of mowing and prescribed burning has maintained the newly established grasslands. The burns are designed to consume dead vegetation, control invasive, exotic plants, and invigorate the warm season grasses. Established fields are mowed twice in the first year for weed control. Horseweed and ragweed are the principle problem species. Current management strategies require that restored grasslands be mowed or burned every 3 to 5 years to control woody vegetation. We monitor during both the growing and dormant seasons using photo points and Robel pole readings. A Trustom Pond Grasslands Progress Report makes several recommendations about the mix of seed and the timing of burning, mowing, and herbicide application (Flores 1998).

Shrublands and Forest

Shrublands and forest compose 39 percent of Trustom Pond Refuge, mostly on its western portion. Shrublands are dominated by shadbush, northern arrowwood, and bayberry, whereas forests are dominated mainly by red maple and black oak. We brush-hog approximately 5 acres of old field brush land (formerly sheep pasture), primarily composed of Autumn olive and black cherry. Such areas that are too rocky to maintain as grasslands are being maintained as early successional shrub habitat.

Invasive Plants

Invasive species have several strongholds on the Refuge. *Phragmites* is found around much of the edge of Trustom Pond; autumn olive is found on the edges of most fields; honeysuckle are found on the edges of shrublands and forest; and Asian bittersweet is found along hedgerows adjacent to fields. *Phragmites* dominates approximately 25 acres of emergent wetland; invasive plants dominate at least 14 acres of upland on the Refuge.

A combination of herbicide treatments and mechanical control are employed each year in the management of these invasive plants.

3.3 Biological Resources

Wetlands

Freshwater wetlands of various types account for about 70 acres, or 11 percent, of Trustom Pond Refuge. Five freshwater ponds totaling about 8 acres occur on the Refuge. The largest of these, the 4-acre “mud pond,” lies along Moonstone Beach Road. The

only man-made pond is a small farm pond created when the former owners of the farm dammed a small creek drainage near the present Refuge maintenance facility.

The refuge's Moonstone Beach is one of the State's few remaining undeveloped barrier beaches. Without the natural processes of sand removal and replenishment, beach loss occurs. Since 1961, beach profile surveys at Moonstone and other beaches on the South Shore have documented widespread decline in sand volume. When dune habitat is lost, the barrier beaches cannot absorb large waves, and lack the volume of sand required by adjustments in beach profile during storms. The beach provides important nesting habitat for piping plovers and least terns. In order to protect these species, Moonstone Beach, above the mean high tide line, is closed to public use from April 1 to September 15.

Wildlife

The diversity of vegetation and habitat types within Trustom Pond Refuge gives rise to a diverse fauna. Appendix A lists trust species and habitat of management concern.

Waterfowl

Trustom Pond is well known in southern New England as a premiere migrating and wintering spot for waterfowl. It is one of the few coastal ponds in Rhode Island where minimal public use near the pond offers an undisturbed resting area for waterfowl. For its size, the pond attracts a significant diversity of waterfowl, some species in very large numbers. Table 2-10 (RI NWR CCP) displays peak numbers for waterfowl observed between 1992-1999.

Shorebirds

Other than piping plover and least tern, many shorebird species also benefit from the seasonal closure of Moonstone Beach, particularly during fall migration. Maintaining a beach closure through September 15 ensures that migrating shorebirds have an undisturbed rest area on Moonstone Beach.

Grassland Birds

Trustom Pond Refuge is one of the few protected places left in Rhode Island where bobolink and eastern meadowlark still nest. In 1995, the Refuge began a grassland management program aimed at restoring up to 200 acres of former old fields, shrub lands, and crop lands to native grasslands. Both eastern meadowlark and bobolink are target species for the grassland restoration program. Upland sandpiper and grasshopper sparrow are also very desirable, but the acreage available probably limits the ability to support breeding populations of these species. In 1997, an upland sandpiper was observed for the first time in one restored field, but we have not documented nesting. Historic, early successional, native coastal sandplain habitat was likely a mosaic of young shrublands and grasslands. As we develop our Habitat Management Plan, we will continue to consider habitat patchiness and the habitat implications for bird species.

Neotropical Migrants

Throughout the mid-90s, the Refuge has cooperated with the University of Rhode Island to monitor Neotropical species of interest in a red maple swamp on the Refuge, using the Monitoring Avian Productivity Station (MAPS) program. Each year during the nesting season, 10 mist nets are used for 6 hours every 10 days to catch birds. This project has demonstrated that the swamp is important nesting habitat for wood thrush, veery, northern water thrush, Canada warbler, and a variety of other Neotropical species. MAPS results are available at the Refuge Complex office.

Mammals

A study by Paton, et al. (1998) found nine species of small mammals on the Refuge. The most abundant species was the masked shrew, followed by the short tailed shrew, red-backed vole, meadow vole, meadow jumping mouse, star-nosed vole, water shrew, and smoky shrew. Large mammals include the usual common species: white-tailed deer, fox, raccoon, mink, coyote, cottontail rabbit, woodchuck, and skunk.

Fish

Approximately 10 species of fish currently inhabit Trustom and Card's Ponds, although relative abundance cannot be determined. It is important to recognize that the ecology of fish in Trustom and Card's Ponds has changed dramatically over the years with the reduction in breaching that has occurred. The large populations of smelt, oysters, white perch, and alewife that supported a commercial industry are no longer there. Some white perch, alewife, and flounder will use Trustom Pond if breaching coincides with their runs. Other species in Trustom Pond include Atlantic silver-sides, mummichogs, sheepshead minnows, banded killifish, striped killifish, herring, mullet, and pipefish.

Invertebrates

Information on the availability of intertidal invertebrates is significant for shorebird management. Systematic surveys of invertebrates have been done on certain portions of Trustom Pond Refuge. A 1997 summer sample of invertebrates collected at Moonstone Beach was compared to other beaches to determine seasonal abundance of invertebrates in the intertidal zone and on the beach itself. A beach invertebrate survey was also conducted during the North Cape Oil Spill Damage Assessment in 1998 and during a piping plover behavior/disturbance study (Hoopes, et al. 1989). A study to determine the presence of federally-listed northeastern beach tiger beetle occurred in 1996. No northeastern tiger beetles were found, but two other species of beach tiger beetle occur on the Refuge.

Since 1993, several tick surveys have been done in the forested uplands of the Refuge to document the presence of deer ticks carrying Lyme disease. One survey showed that the refuge had the second highest density of deer ticks in the state. Surveys of Trustom Pond benthos were done during the 1970's by Refuge staff. Surveys were also conducted

during the North Cape Oil Spill Damage Assessment, and by the Greater Scaup Contaminants Study (Cohen 1998). Reports are on file at the Refuge Complex office.

Reptiles and Amphibians

Two studies of reptiles and amphibians have been completed at Trustom Pond Refuge. Johnson (1994) found 11 species of amphibians and 5 species of reptiles. Paton et al. (1998) found 10 species of amphibian and 4 species of reptiles. Species richness results were identical in the two studies. Both are on file at the Refuge office.

The significance of the Refuge Complex for amphibians should not be underestimated. Paton et al. (1998) states that "...the Rhode Island Refuge Complex provides critical habitat for amphibians in southern Rhode Island." These may be the only lands where these species can exist south of Route 1 due to suburbanization. Further, Chris Raithe (RIDEM, pers. comm.) stated that Route 1 is a complete barrier to amphibian movement, reaffirming the importance of the Refuge in sustaining meta-populations of amphibians and reptiles.

An interesting result of the Paton study is that Trustom Pond Refuge has some of the largest populations of amphibians documented in Rhode Island, including four-toed salamander, spotted salamander, and red-spotted newt.

3.4 Threatened and Endangered Species

Piping plover is the only federally-listed species breeding on Trustom Pond Refuge. It uses the beach strand areas and Moonstone Beach and the intertidal shallows. Bald eagle and roseate tern use the Refuge during migration. Bald eagles are typically observed in the vicinity of Trustom Pond and Moonstone Beach, while roseate terns are occasionally viewed along the shoreline. Management and protection for piping plovers is a priority for the Refuge Complex. Tremendous resources are channeled into protecting and monitoring nesting beach habitats, both on Moonstone Beach and non-Refuge beaches along the South Shore. It is important to recognize that many other shorebird species benefit from piping plover management as well, especially the State-threatened least tern.

A variety of State-listed species, predominately plants, are also found on the Refuge. These include wild coffee (*Triosteum aurantiacum*), hyssop-leaved hedge nettle (*Stachys hyssopifolia*), dragon's mouth orchid (*Arethusa bulbosa*), Indian grass, sea pink, and wood lily (*Lilium philidelphicum*). State-listed vertebrates found on the Refuge include four-toed salamander (*Hemidactylus scutullatum*) and osprey (*Pandion haliaetus*).

3.4 Cultural Resources

Section 106 of the National Historic Preservation Act of 1966, as amended, requires the Service to evaluate the effects of any of its actions on cultural resources (historic, architectural, and archeological properties) that are listed or eligible for listing in the National Register of Historic Places. In accordance with the regulations under Section

106, the Service consulted with the State Historic Preservation Officer (SHPO) on our draft CCP.

The SHPO's comments were primarily informational, providing details on archeological sites the Service was previously unaware of. Their only other comment was an offer to assist in the development of interpretive programs highlighting human use of the landscape in prehistoric and historic times. The Service's Regional Historic Preservation Officer concluded that our management program was in compliance with Section 106 (Wilson 2002, pers. comm.).

Chapter 4 Environmental Consequences

This chapter describes the foreseeable environmental consequences of implementing the two management alternatives in Chapter 2. This evaluation is conducted in two parts. First, there is a discussion of the effects common to all alternatives. Secondly, the cumulative impacts, commitment of resources, short versus long-term productivity, and unavoidable adverse effects inherent in the alternatives are discussed. When detailed information is available, a scientific and analytic comparison between alternatives and their anticipated consequences is presented, which is described as “impacts” or “effects.” When detailed information is not available, those comparisons are based on the professional judgment and experience of refuge staff and Service and State biologists

As described in Chapter 2, two alternatives are being considered:

No Action Alternative: No Hunt Program, hunting would not be allowed on Trustom Pond NWR. The 20-acre site proposed for hunting would be maintained in a mixture of slightly taller form, warm-season grasses and wildflowers, which currently dominates the northern section of this area. There would be no change to current public uses occurring on the main body of the Refuge.

Proposed Action (Preferred Alternative): Migratory Bird Hunting, would open to hunting a 20-acre upland field contained within a satellite parcel of Trustom Pond NWR. The hunt program would be administered by RI DEM as part of the adjoining South Shore Management Area. State and Federal regulations would apply regarding season length, bag limits, etc. Vegetation within the parcel will be maintained in short grasses to provide resting and foraging habitat for geese.

4.1 Effects Common to All Alternatives

4.1.2 Environmental Justice

Executive Order 12898 “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” was signed by President Bill Clinton on February 11, 1994, to focus federal attention on the environmental and human health conditions of minority and low-income populations with the goal of achieving environmental protection for all communities. The Order directed federal agencies to develop environmental justice strategies to aid in identifying and addressing disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority and low-income populations. The Order is also intended to promote nondiscrimination in federal programs substantially affecting human health and the environment, and to provide minority and low-income communities access to public information and participation in matters relating to human health or the environment. This assessment has not identified any adverse or beneficial effects unique to minority or low-income populations in the affected area.

4.1.3 Impacts of No Action Alternative: No Hunt Program

Under this alternative, hunting would not occur on Trustom Pond NWR, and there would be no change to current public uses. There would be a slight, insignificant, change in habitat management programs, as the two, 10-acre fields proposed for hunting would be maintained in a mixture of slightly taller form, warm-season grasses and wildflowers, which currently dominates the northern section of this area.

Disadvantages of this alternative are as follows: wildlife populations, especially resident Canada geese which are increasingly viewed as occurring at nuisance levels and which are targeted under this program, would not be actively managed; the public would not have the opportunity to harvest a renewable resource, participate in wildlife-oriented recreation that is compatible with the purposes for which the refuge was established, have an increased awareness of Trustom Pond NWR and the National Wildlife Refuge System; nor would the Service be meeting public use demand. Relations would not be enhanced with the local community or the RI DEM under this alternative.

Benefits of this alternative include the following: there would be no additional disturbance to other wildlife and plants, and opportunities to kill non-target animals due to malicious or illegal activities would be reduced. Additionally, half of the 20-acre field will be maintained in a slightly more diverse vegetative community.

4.1.4 Impacts of Proposed Action (Preferred Alternative): Migratory Bird Hunting

Under the proposed action, a total of 20 acres will be opened to migratory bird hunting on Trustom Pond NWR, representing the only areas on the Refuge Complex open to hunting at this time. The hunt will be managed by RI DEM (register to hunt the unit) and seasons will be within the framework of the RI DEM regular state seasons, but could be more restrictive. Refuge management goals and objectives may require occasional modifications to the hunting program as harvest data, public use pressure, and other refuge programs are considered.

Disadvantages of this alternative include disturbance to other wildlife and plants, the potential killing of non-target animals due to malicious or illegal activities, and damage to refuge property such as gates and signs, vandalism which currently occurs at a low level. Costs associated with a hunting program are expected to be minimal; RI DEM administers the hunt, while refuge staff mow or hay the field prior to the hunting season, however this would constitute only a slight increase in cost as the field would be mowed in the absence of the hunt, only not as frequently. These costs should be minimal relative to total refuge operations and maintenance costs, and would not diminish resources dedicated to other refuge management programs.

Benefits of this alternative include improved management of wildlife populations, allowing the public to harvest a renewable resource, promoting a wildlife-oriented recreational opportunity that is compatible with the purpose for which the refuge was established, increasing awareness of Trustom Pond NWR and the National Wildlife

Refuge System, and meeting public demand. This proposal will provide additional wildlife-oriented recreation to the public in a state where these opportunities are vanishing. Additionally, these public lands provide a “no cost option” to hunters who cannot afford private hunting preserves. The refuge anticipates a good reaction to the opening of these lands to hunting from both the public and RI DEM.

4.2 Cumulative Impacts Analysis

4.2.1 Anticipated Direct and Indirect Impacts of No Hunt Program on Wildlife Species.

4.2.1.1 Migratory Birds

The lack of a hunting program will result in a management regime of maintaining the vegetation in slightly taller form, warm-season grasses and wildflowers that will render the area unsuitable for geese, while slightly enhancing the area for grassland-dependent birds such as bobolink and eastern meadowlark. However, viewed in the context of a 10-acre change within a 200-acre mosaic of grasslands, these effects are insignificant to the bird species involved.

4.2.1.2 Non-hunted Wildlife

Without the presence of hunters in this area, there will be very little human activity in the fields and therefore, disturbance to non-hunted wildlife will be reduced to nearly zero with this alternative.

4.2.1.3 Endangered Species

The land under consideration does not provide habitat for endangered species, therefore the management actions undertaken to maintain these fields in warm season grasses will have no effect to endangered species.

4.2.2 Anticipated Direct and Indirect Impacts of Proposed Hunt on Wildlife Species.

4.2.2.1 Migratory Birds

The U.S. Fish and Wildlife Service annually prescribes frameworks, or outer limits, for dates and times when hunting may occur and the number of birds that may be taken and possessed. These frameworks are necessary to allow State selections of season and limits for recreation and sustenance; aid Federal, State, and tribal governments in the management of migratory game birds; and permit harvests at levels compatible with population status and habitat conditions. Because the Migratory Bird Treaty Act stipulates that all hunting seasons for migratory game birds are closed unless specifically opened by the Secretary of the Interior, the Service annually promulgates regulations (50 CFR Part 20) establishing the frameworks from which States may select season dates, bag limits, shooting hours, and other options for each migratory bird hunting season. The

frameworks are essentially permissive in that hunting of migratory birds would not be permitted without them. Thus, in effect, Federal annual regulations both allow and limit the hunting of migratory birds.

Migratory game birds are those bird species so designated in conventions between the United States and several foreign nations for the protection and management of these birds. Under the Migratory Bird Treaty Act (16 U.S.C. 703-712), the Secretary of the Interior is authorized to determine when "hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, or export of any ... bird, or any part, nest, or egg" of migratory game birds can take place, and to adopt regulations for this purpose. These regulations are written after giving due regard to "the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of such birds, and are updated annually (16 U.S.C. 704(a)). This responsibility has been delegated to the U.S. Fish and Wildlife Service as the lead federal agency for managing and conserving migratory birds in the United States. Acknowledging regional differences in hunting conditions, the Service has administratively divided the nation into four Flyways for the primary purpose of managing migratory game birds. Each Flyway (Atlantic, Mississippi, Central, and Pacific) has a Flyway Council, a formal organization generally composed of one member from each State and Province in that Flyway. Trustom Pond NWR is within the Atlantic Flyway.

The process for adopting migratory game bird hunting regulations, located in 50 CFR part 20, is constrained by three primary factors. Legal and administrative considerations dictate how long the rule making process will last. Most importantly, however, the biological cycle of migratory game birds controls the timing of data-gathering activities and thus the dates on which these results are available for consideration and deliberation. The process of adopting migratory game bird hunting regulations includes two separate regulations-development schedules, based on "early" and "late" hunting season regulations. Early hunting seasons pertain to all migratory game bird species in Alaska, Hawaii, Puerto Rico, and the Virgin Islands; migratory game birds other than waterfowl (e.g. dove, woodcock, etc.); and special early waterfowl seasons, such as teal or resident Canada geese. Early hunting seasons generally begin prior to October 1. Late hunting seasons generally start on or after October 1 and include most waterfowl seasons not already established. There are basically no differences in the processes for establishing either early or late hunting seasons. For each cycle, Service biologists and others gather, analyze, and interpret biological survey data and provide this information to all those involved in the process through a series of published status reports and presentations to Flyway Councils and other interested parties (USFWS 2006).

Because the Service is required to take abundance of migratory birds and other factors into consideration, the Service undertakes a number of surveys throughout the year in conjunction with the Canadian Wildlife Service, State and Provincial wildlife-management agencies, and others. To determine the appropriate frameworks for each species, we consider factors such as population size and trend, geographical distribution, annual breeding effort, the condition of breeding and wintering habitat, the number of

hunters, and the anticipated harvest. After frameworks are established for season lengths, bag limits, and areas for migratory game bird hunting, migratory game bird management becomes a cooperative effort of State and Federal Governments. After the Service establishes final frameworks for hunting seasons, the States may select season dates, bag limits, and other regulatory options for the hunting seasons. States may always be more conservative in their selections than the Federal frameworks but never more liberal. Likewise, season dates and bag limits for National Wildlife Refuges open to hunting are never longer or larger than the State regulations.

NEPA considerations by the Service for hunted migratory game bird species are addressed by the programmatic document, "Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FSES 88-14)," filed with the Environmental Protection Agency on June 9, 1988. We published Notice of Availability in the Federal Register on June 16, 1988 (53 FR 22582), and our Record of Decision on August 18, 1988 (53 FR 31341). Annual NEPA considerations for waterfowl hunting frameworks are covered under a separate Environmental Assessment, "Duck Hunting Regulations for 2006-07," and an August 24, 2006, Finding of No Significant Impact. Further, in a notice published in the September 8, 2005, Federal Register (70 FR 53376), the Service announced its intent to develop a new Supplemental Environmental Impact Statement for the migratory bird hunting program. Public scoping meetings were held in the spring of 2006, as announced in a March 9, 2006, Federal Register notice (71 FR 12216). More information may be obtained from: Chief, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, MS MBSP-4107-ARLSQ, 1849 C Street, NW, Washington, DC 20240.

Although the goose harvest was 14 and 20 birds in the 2004-05 and 2005-06 seasons, respectively, the harvest was much greater in the years preceding Service acquisition of the property. Between 1980-1986, an average of 93.5 half-day hunter outings (range: 83-106) resulted in an average goose harvest of 84.7 (range: 26-130). Based on these past and present harvest records, we estimate that on an annual basis, hunters will harvest an average of 80 Canada geese under the proposed action. This is a fraction of the annual peak (i.e., greatest number observed at one time) 500-1,000 Canada geese typically observed on Trustom Pond. Also, several hundred Canada geese are often observed in the neighboring State-managed and private agricultural fields. On a state-wide basis, this harvest impact represents 2% of Rhode Island's average annual goose harvest of 3,867 between 1999-2004 (range: 3,200-5,000), and an even more minute fraction of the flyway harvest of 587,700 during the same time period (range: 404,500-716,700) (USFWS 2005). This level of harvest is viewed as insignificant.

Because hunters are not asked to report their harvest of mourning dove, the projected harvest is less certain. However, the dove harvest is expected to be limited mostly to the occasional, incidental bird because the fields are maintained in grass and not the grain crops more desired by doves and dove hunters. Therefore, we would expect the dove harvest to not exceed 30 individuals in any given season. This is an insignificant level of harvest when compared to the 900-3,100 birds harvested in Rhode Island in 2004 and

2005, respectively, and to the millions of doves harvested throughout the eastern management unit (USFWS 2006).

As with ducks, the dryness of the site does not make it suitable habitat for woodcock, although it is possible that “flyover” ducks and incidental woodcock are taken. If any such hunter take occurred, it would be insignificant to the species as a whole when considering range-wide species populations and hunter harvest.

The act of hunting parties walking to and from the goose blind and shooting at their quarry will impart only a minimal level of disturbance to migratory birds; most of the walking is done at the beginning and end of the half-day hunt period when birds are less often present in the fields and shooting is intended to occur when birds are coming in to the decoy spread. While geese may be denied use of the fields during active hunts, they have the option of foraging among hundreds of acres of surrounding farmland, or resting on Trustom Pond.

4.2.2.2 Non-hunted Wildlife

For purposes of this assessment, the term “non-hunted wildlife” applies to all species with the exception of migratory game birds (i.e., waterfowl and morning dove). This would specifically include common “game” species, such as white-tailed deer, turkey, ring-necked pheasant, bobwhite quail, cottontail rabbit, and gray squirrel, as well as furbearers such as coyote, raccoon, striped skunk, opossum, and weasels. The category of “non-hunted wildlife” also applies to non-hunted migratory birds such as songbirds, wading birds, raptors, and woodpeckers; small mammals such as voles, moles, mice, shrews, and bats; reptiles and amphibians such as snakes, turtles, salamanders, frogs and toads; and invertebrates such as butterflies, moths, insects and spiders.

Regional and flyway effects to non-hunted migratory birds are not anticipated given the small scope of the hunting program. Disturbance by hunting to non-hunted migratory birds should not have cumulative negative impacts because the hunting season does not coincide with the nesting season. Long-term future impacts that could occur if reproduction was reduced by hunting are not relevant for this reason. Disturbance to the daily wintering activities, such as feeding and resting, of birds may occur. However, in most cases, such disturbance by hunters is often fleeting, as they traverse the field to enter the blind. This would be analogous to the level of disturbance caused by non-consumptive users walking trails or setting up photographic equipment in other parts of the refuge.

The disturbance caused to non-hunted wildlife by hunters would be the most likely negative cumulative impact. However, the level of disturbance would likely be mitigated for the following reasons. Many small mammals, including bats, are inactive during winter when the majority of the hunting season occurs. In addition, many of these species are also nocturnal. Finally, with the exception of grasses and goldenrods, the fields lack structure (e.g., trees, old barns) that is attractive cover for certain wildlife. These features make hunter interactions with small mammals rare. Hibernation or torpor

by cold-blooded reptiles and amphibians also limits their activity during the hunting season when temperatures are low. Hunters will rarely encounter reptiles and amphibians during most of the hunting season. Encounters with reptiles and amphibians in the early fall are few and should not have cumulative negative effects on reptile and amphibian populations. Invertebrates are also not active during cold weather and will have few interactions with hunters during the hunting season.

Poisoning from the ingestion of lead-shot is a serious consideration for birds, particularly waterfowl. Because of this, Federal and State statutes have required the use of non-toxic shot for waterfowl hunting since the late 1970s. Although recommended, the use of non-toxic shot is not required of mourning dove hunters; therefore, this is a relevant issue for the subject hunt. However, the issue is mitigated by the low popularity the site has with dove hunters and because the low amount of lead shot used is dispersed across a wide upland area and not concentrated in open water areas as typically characterized this affliction. After evaluation of the above considerations, the indirect effects to non-hunted wildlife are deemed insignificant.

4.2.2.3 Endangered Species

Endangered and threatened species that regularly utilize the refuge are limited to the piping plover, a species whose habitat requirements are restricted to sandy beaches, and near-shore areas. No such habitat occurs within the area proposed for hunting. Roseate terns, occasional visitors, likewise inhabit similar areas and therefore are not expected to occur within the hunt area. Bald eagles are also occasional visitors to the refuge. Their occurrence in the fields open to hunting would be viewed as a rarity and neither they nor their prey are anticipated to be affected by this action. A Section 7 Evaluation was completed during formulation of both the Trustom Pond Master Plan and CCP. It was determined that the proposed alternative, which included this hunting opportunity would not affect these federally-listed species.

4.2.3 Anticipated Direct and Indirect Impacts of No Hunt Program on Refuge Programs, Facilities, and Cultural Resources.

4.2.3.1 Wildlife-Dependent Recreation

The fields proposed for hunting are not otherwise open to the public; therefore the current management regime will have no effect to wildlife-dependent recreation.

4.2.3.2 Refuge Facilities

The current management regime will necessitate periodic maintenance of refuge gates and signs. This activity is expected to be of a routine nature and minimal costs, covered by our annual appropriation.

4.2.3.3 Cultural Resources

Current management will be limited solely to regular maintenance of the vegetation within the fields; therefore, there will be no effect to cultural or historic resources.

4.2.4 Anticipated Direct and Indirect Impacts of Proposed Action on Refuge Programs, Facilities, and Cultural Resources.

4.2.4.1 Wildlife-Dependent Recreation

Trustom Pond NWR hosted an estimated 112,284 visitors in FY 2006. This level of visitation is similar to previous years. The overwhelming majority of these visitors hiked the refuge's three miles of nature trails in pursuit of bird watching, photography, or simply, for a nice walk in a natural setting. The next largest group of visitors surf fished from Moonstone Beach. These visits occurred on the main unit of the refuge, approximately one-half mile distant from the refuge hunting area. In contrast, the refuge had 30 hunters (0.03% of overall visitation). This level of use was down considerably from the 96 hunters reported in FY2005, but still relatively insignificant compared to overall visitation.

Conflicts between hunters and other user groups have not occurred to date, and none are anticipated as the major public use area is physically removed from the hunting unit. Also, the public has come to recognize the refuge's hunting unit as a part of the South Shore Management Area, which is a series of six fields that are opened to the public each fall and winter for hunting.

As part of this proposed program, licensed hunters must first register with the RI DEM and reserve a hunting space prior to hunting a field. In this way, access is both controlled and limited to only lawful hunters. At season's end, hunters must also supply RI DEM with a report of the geese they have harvested. Based on the pattern, location, and timing of birdwatching, photography, interpretive, and fishing visits, the proposed action will not impact these other wildlife-dependent recreational uses.

4.2.4.2 Refuge Facilities

This hunting program will require periodic maintenance of a simple metal gate and a pit blind. This is expected to be of minor cost to the refuge and have no effect to animal or plant life or the public and is therefore viewed as insignificant. No parking area will be maintained for this use.

4.2.4.3 Cultural Resources

The preferred alternative does not include the construction of new trails or facilities; therefore, there will be no effect on the refuge's cultural and historic resources.

4.2.5 Anticipated Impacts of No Hunt Program on Refuge Environment and Community.

As a result of implementing this alternative, the refuge expects no effects to the refuge environment which consists of soils, vegetation, air quality, water quality and solitude.

4.2.6 Anticipated Impacts of Proposed Hunt on Refuge Environment and Community.

The refuge expects no significant, adverse impacts of the hunting program on the refuge environment which consists of soils, vegetation, air quality, water quality and solitude. Some disturbance to surface soils and vegetation would occur in areas selected for hunting due to the formation of walking paths; however this would be considered minimal given the low rate of usage expected. Habitat degradation is not expected through implementation of the hunt itself, as access is limited daily to no more than eight individuals (four each in morning and afternoon parties).

The harvest of Canada geese will have a minimal beneficial effect on vegetation within and beyond the refuge as this species, and in particular, “resident” Canada geese are recognized as overgrazing their environment. The control of Canada goose populations on refuges throughout the National Wildlife Refuge System conserves the cumulative health of habitats within the flyways, and by extension, improves conditions for a diverse array of wildlife, as well as, the visiting public.

The refuge expects impacts to air and water quality to be immeasurable and only due to emissions generated by the one or two vehicles that park at the hunting site each day. The effect of a refuge hunt on overall air and water quality in the region will be insignificant, compared to the contributions of industrial centers, power plants, and non-refuge vehicle traffic. Water quality will not be affected as open water areas do not exist within the hunting area.

Impacts associated with solitude are expected to be minimal given that the refuge’s hunting area is lightly used and that it is bordered by State hunting areas and a private hunting preserve. In addition, housing in the surrounding area is at a generally low density, with the exception of a nearby residential street. The physical separation between the hunting area and main unit, with its network of nature trails will avoid conflicts among user groups.

The refuge will work closely with State and private partners to minimize impacts to adjacent lands and their associated natural resources; however, no indirect or direct impacts are anticipated. The implementation of this hunt will represent the only hunting opportunity available on the Refuge Complex, providing an opportunity that has become less abundant in the past few decades with increasing suburbanization. The refuge does not expect the minimal increase in hunting related visitation to contribute in any measurable way to additional revenues for the local community.

4.2.7 Other Past, Present, Proposed, and Reasonably Foreseeable Hunts and Anticipated Impacts: No Hunt Alternative.

There would be no additional hunts opening in the hunt program and therefore, the cumulative effect of this alternative is not expected to be significant.

4.2.8 Other Past, Present, Proposed, and Reasonably Foreseeable Hunts and Anticipated Impacts: Hunting Program Alternative.

Cumulative effects on the environment result from incremental effects of a proposed action when these are added to other past, present, and reasonably foreseeable future actions. While cumulative effects may result from individually minor actions, they may when viewed as a whole, become significant over time.

The implementation of the proposed action described in this assessment includes actions relating to the refuge hunt program. These actions would have both direct and indirect effects (e.g., new site inclusion would result in increased public use, thus increasing littering, noise, and vehicular traffic); however due to the low level of use when compared to general refuge recreation, the cumulative effects of this action is not expected to be significant.

4.2.9 Anticipated Impacts if Individual Hunts are Allowed to Accumulate: No Hunt Alternative.

Because this alternative does not allow for additional hunts, there is no anticipated impact of accumulated hunts.

4.2.10 Anticipated Impacts if Individual Hunts are Allowed to Accumulate: Hunting Program Alternative.

This alternative allows for the hunting of migratory birds at Trustom Pond NWR within a specified 20-acre site and during the season specified by State and Federal hunting regulations. No other hunts occur on the refuge or are anticipated in the near future. Therefore, the cumulative effects of this action are not expected to be significant.

Chapter 5 Consultation and Coordination with Others

The Refuge sought public comment during formulation of the environmental assessment for the Trustom Pond NWR Master Plan in 1988 and the Complex' CCP in 2000. In both instances, hunting was not the focus, but rather a subset of a range of management actions. Nevertheless, individuals, organizations, and agencies offered comments on proposed hunting options. While comments ranged from a desire to expand hunting opportunities to the opposition of hunting, all comments were addressed in the final NEPA documents. The comments are also addressed in this document with regard to the safety of refuge visitors and neighbors, sustainability, and effects to wildlife populations.

The Rhode Island Department of Environmental Management, Wildlife Division concurs and fully supports the regulated consumptive public use of the migratory bird resource as proposed for Trustom Pond NWR; furthermore, they look forward to continuing to manage the migratory bird hunt as part of the South Shore Management Area.

Chapter 6 Regulatory Compliance

- (1) Hunting chapter of the Visitor Services Plan (VSP).
 - A Visitor Services Plan is planned for 2008, however the Hunting Plan, approved February 3, 1989, followed the guidelines prescribed in the Refuge Manual: 8 RM 5

- (2) Compatibility determination, which must include analysis of the availability of resources with which to administer the use.
 - Hunting program was found compatible in determinations made on January 31, 1989, on August 31, 1994, and again on May 7, 2002.

- (3) NEPA documentation (categorical exclusion, environmental assessment, or environmental impact statement).
 - Environmental Assessment – Trustom Pond Master Plan: January 1988
 - RI NWR Complex draft CCP and Environmental Assessment: December 2000

- (4) Appropriate decision document (e.g., finding of no significant impact or record of decision).
 - Finding of No Significant Impact – Trustom Pond Master Plan: January 27, 1988
 - Finding of No Significant Impact – RI NWR Complex CCP and EA: May 14, 2002

- (5) Endangered Species Act section 7 evaluation.
 - Section 7 “will not affect” determination for Trustom Pond hunt program: January 31, 1989
 - Section 7 concurrence for RI NWR Complex CCP: January 7, 2002

- (6) Copies of letters requesting State and, where appropriate, tribal involvement and the results of the request.
 - Letter of support for hunting geese and doves at Trustom Pond NWR, RI DEM, Division of Fish and Wildlife, June 9, 1987
 - Letter from RI Historical Preservation Commission, no reference to hunting, June 19, 1987
 - Letter from Town of South Kingstown supporting Master Plan without direct reference to hunting, June 4, 1987

- (7) Draft news release.
 - A press release will be circulated to the statewide newspaper and local newspaper announcing availability of the environmental assessment for review.

(8) Outreach plan.

- Availability of the Environmental Assessment for review will be published in the Providence Journal (South County Edition) and South County Independent.
- Copies will be available for review at the Robert Beverly Hale Library and Refuge Office.

(9) Draft refuge-specific regulations.

- Regulations can be found in 50 CFR 32.59

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Appendix Response to Public Comments

The Draft Environmental Assessment (EA) for Migratory Bird Hunting at the Trustom Pond National Wildlife Refuge was available for public review and comment from March 9, 2007, through April 11, 2007. The draft EA evaluated the no action alternative and a hunt alternative. The proposed alternative in the draft EA was to open a 20-acre, satellite unit of the Refuge to migratory bird hunting, involving primarily, Canada geese. The availability of the draft EA was announced in the Legal Notice section of the *Narragansett Times*, while the *South County Independent* ran one story and *The Providence Journal* ran two stories noting the availability of the draft EA for comment. The document was available for review at the Robert Beverly Hale Library and at the Service's Kettle Pond Visitor Center. The Service received two comments from the general public, two responses from organizations: The Humane Society of the United States (HSUS) and Safari Club International (SCI), and a letter of endorsement for the continuation of hunting from the Rhode Island Department of Environmental Management Division of Fish and Wildlife.

The Rhode Island DEM stated the "value in hunting as a regulatory tool used to manage wildlife populations as well as to provide wildlife-related recreational opportunities." The Service agrees with these benefits of a hunting program.

The Rhode Island DEM also suggested "removing language that would prohibit beneficial changes related to hunting in the future." The Service is unclear what this refers to, but is committed to working with the Department on the administration of a successful hunt program at Trustom Pond NWR into the future.

Two comments were received from the general public, one of which was in favor of hunting on National Wildlife Refuges and opposed to the lawsuit by HSUS. The Service notes the comment. The other comment suggested clarifying the parcel description where hunting would be permitted by adding the name "Unit 1", in reference to the State's South Shore Management Area designation for this parcel. This comment has been incorporated into the final EA on page 4.

In addition, comments were received from two organizations. Safari Club International (SCI) wrote in support of hunting opportunities on national wildlife refuges. Comments by SCI are summarized and responded to below.

SCI suggests an elaboration regarding the potentially destructive influence of Canada geese toward habitats important to other migratory birds and how the absence of hunting could exacerbate this effect. The Service understands that Canada geese can alter the vegetative community and at certain population levels, can damage wetland plants that other migratory bird species depend on as a food source. While assisting in this regard cumulatively, the minimal harvest level of Canada geese anticipated at Trustom Pond NWR, is expected to have only a minor role in offsetting the negative effects associated with overpopulous geese.

SCI suggests highlighting the refuge's consultation with the state fish and wildlife agency and how this hunt aids the state's effort to manage state wildlife populations. The Rhode Island DEM provided a letter in support of hunting on the refuge; see comments above.

SCI recommended adding a statement to the cumulative effects section noting how the control of Canada goose populations on refuges throughout the National Wildlife Refuge System conserves the cumulative health of habitats within the flyways, and by extension, improves conditions for a diverse array of wildlife, as well as, the visiting public. The Service agrees with this recommendation and has modified page 19 of the EA accordingly.

The Humane Society of the United States (HSUS) offered a letter expressing broad comments related to hunting on the National Wildlife Refuge System as a whole and containing elements related to litigation filed in 2003 by the Fund for Animals against the Service. These comments were not specific to this draft EA and are noted but not responded to here.

The HSUS states that the "FWS is failing to provide adequate notice and the opportunity to comment" on the document. The Service solicited comments regarding the opening of Trustom Pond NWR to migratory bird hunting on three different occasions since 1988. Most recently, the hunt EA was available for a 30-day review period from March 9, 2007 to April 11, 2007.

The HSUS states that the Service has not provided itself adequate time to sufficiently analyze the ramifications of allowing hunting. This EA was written by Rhode Island NWR Complex personnel using information from refuge staff (managers, biologists, and visitor services professionals) who are professionally and personally knowledgeable about the refuge and its use by wildlife and visitors.

The HSUS states the Service is not fulfilling the objective of managing federal lands primarily for the benefit of wildlife "in part because of the recreational hunting that the agency is allowing on Refuges." The Service notes the comment.

The HSUS states that the Refuge Improvement Act does not allow for sport hunting on Refuges unless it is "compatible with the purposes for which the Refuge and Refuge System were established." The Service has followed its regulations for determining that migratory bird hunting is compatible on Trustom Pond NWR and compatibility determinations for hunting were signed by the U.S. Fish and Wildlife Service Region 5 Regional Chief of the National Wildlife Refuge System on January 31, 1989, on August 31, 1994, and again on May 7, 2002, as part of the Complex's approved CCP.

The HSUS states that the Service must ensure the availability of sufficient funds before approving hunting on the refuge under the statutes of the Refuge Recreation Act. Sufficient funds are available to implement the hunt program as stated within the hunt plan on page 18.

The HSUS states that the Service's objective of preparing refuge hunting packages by May 1, 2007 is "undertaking a haphazard, single-minded exercise so it can allow hunting on these Refuges." The Service notes the comment.

The HSUS states that the environmental assessment fails to take into account the "cumulative impacts on the Refuge System from the FWS's decision to expand hunting throughout the System." The Service notes the comment.

The HSUS feels that an EIS should be prepared. Please refer to the attached FONSI.

The HSUS states that the Service did not identify all relevant environmental concerns or take a "hard look" at the impacts on the Refuge System as a whole of expanding hunting on Refuges. The Service notes the comment.

The HSUS states that the Service must provide "some analysis of the cumulative impacts on the Refuge System from expanding or allowing hunting at all these Refuges." The Service has provided such a cumulative impact analysis in this EA.

The HSUS states that segregating hunters and non-consumptive users is costly and that the operation of a hunting program has an adverse impact on non-consumptive users. At Trustom Pond NWR, the area proposed for a hunting program is otherwise closed to the public. It is a small unit (20 acres) that is geographically separated from the main body of the refuge, which contains public use facilities. There are no costs involved in "segregating" hunters from non-consumptive users. This action would open to hunting less than 1% of the lands within the Rhode Island NWR Complex.

The HSUS states that the Service relies on the Migratory Bird Hunting Framework for the analysis of cumulative impacts to migratory birds and that the framework process "ignores the adverse and cumulative impacts to migratory birds from non-migratory bird hunting and ignores the impacts migratory bird habitat from hunters." The Service notes the comment.

The HSUS states that the Service does not adequately analyze the impacts of hunting to imperiled Refuge wildlife. As described in the EA, the area proposed for hunting does not contain habitat used by endangered species, nor will the act of hunting adversely affect the prey base of any endangered species.

The HSUS states that the Service may "not unduly narrow the purpose and need for hunting in the Refuge." The purpose of this EA is to evaluate the impacts associated with a hunt on the Trustom Pond NWR. The hunt program is part of the overall management program at the refuge, which includes wildlife and habitat management, public use programs, law enforcement and grounds and buildings maintenance.

The HSUS states that the Service has not adequately studied, developed and described alternative uses to the available Refuge resources. The Service notes the comment.

The HSUS states that the Service fails to examine non-lethal management of wildlife and explain why non-lethal management practices are not included in the alternative being analyzed. The Service notes the comment.

The HSUS asks the Service to “consider and provide an analysis of a ‘Non-Consumptive Use’ Alternative” under which funds and effort used in implementing a hunt program would instead be used to monitor wildlife populations and maintain facilities for non-consumptive users. The draft EA considered and evaluated the effects of a “no-action” alternative under which the Refuge would not be opened to migratory bird hunting. Because the hunt program would be administered on a 20-acre satellite parcel disjunct from the main public use area of the refuge, no added non-consumptive user benefit would accrue in the absence of hunting. Furthermore, there would be no measurable benefit to the wildlife monitoring program or public use facilities in the absence of a hunt because the effort and cost to the refuge in administering this hunt would be insignificant given the small scope of the hunt program and the role of RI DEM in its administration.

The HSUS states that the Service has “failed to meaningfully involve the public in its NEPA review process for allowing hunting at the Refuges.” The draft EA was made available for public review and comment from March 9, 2007, through April 11, 2007. During this time, a legal notice was posted in a local newspaper, two local newspapers and the principle state-wide newspaper wrote articles about the proposed hunt and the ability to comment, and a press release was posted at our visitor center. Prior to this effort, the public was invited to comment on the issue of hunting on refuge lands during scoping meetings, open houses, and requests for comment published in relation to development of our draft CCP in 2000.

The HSUS states that the Service must complete a Section 7 evaluation. Intra-Service Section 7 consultations were performed in 1989 for the Trustom Pond NWR hunt program and in 2002 as part of the RI NWR Complex CCP.

The HSUS states that the Service has compromised the biological integrity of refuges by allowing hunting. The Service notes the comment.

The HSUS states that the Service does not consider impacts of hunters on non-consumptive users. Hunting would be limited to a 20-acre, satellite unit of the refuge during the annual waterfowl hunting season, while non-consumptive users are allowed year-round access to more than three miles of nature trails within the main body of the refuge. Additionally, non-consumptive users are allowed access to the refuge’s 1.5-mile Moonstone beach for fishing and nature observation between September 16 and March 31 of each year.

The HSUS states that hunting and the number of hunters is decreasing and the Service has not capitalized on potential economic gain that would come from non-consumptive users. The Service notes these comments.

The HSUS states that hunters are favored over non-consumptive visitors through an inequality of lands devoted to each group. As noted above, the Trustom Pond NWR provides an abundance of opportunities to non-consumptive visitors, while limiting hunting to roughly 2% of the refuge landbase.

The HSUS comments on deer, bear, and upland game hunting. The draft EA evaluated a proposal to open the refuge to migratory bird hunting only.

The HSUS states that the EA does not “elaborate as to the species of duck that may be harvested.” The draft EA states that while the 20-acre unit would be opened to migratory bird hunting, the fact that it is an upland field essentially precludes the presence of all species other than Canada geese and mourning dove.

The HSUS states that woodcock, American black ducks, pintail, greater and lesser scaup, and king rails should not be hunted because their populations are declining. The Service relies on the Migratory Bird Sport Hunting Frameworks to set hunting regulations of migratory birds annually. The Frameworks are based on the best biological information available. Furthermore, given that the proposed hunting unit is an upland field, beyond the site range of open water areas needed by waterfowl, it is highly unlikely that this site will provide opportunities to hunt any of these waterfowl species.

The HSUS states that the ability of hunters to correctly identify most waterfowl species is “deplorable.” The Service notes the comment.

The HSUS states that spring turkey hunting will disturb females during the nesting season and increase the potential for nest predation. The HSUS also states that a hunt during the spring would be “both reckless and potentially detrimental to a wide range of non-target species.” The Service has not proposed turkey hunting as part of this action.

The HSUS states that the environmental assessment makes “no effort to assess the impacts of this spring hunt on any aspect of the Refuge or its visitors” and that spring hunting is potentially detrimental to non-target wildlife. The draft EA does not propose spring hunting for any species.