

## Appendix F

### Pre-Acquisition Compatibility Determination

#### Existing Wildlife-dependent Uses of Refuge Lands within New Refuge Acquisition Areas

STATION NAME: Edwin B. Forsythe National Wildlife Refuge

DATE(S) ESTABLISHED: Brigantine NWR - Jan. 24, 1939;  
Barnegat NWR - June 21, 1967;  
Edwin B. Forsythe NWR - May 22, 1984 - by combining the former  
Brigantine and Barnegat NWR's.

#### ESTABLISHING AND ACQUISITION AUTHORITIES:

Edwin B. Forsythe National Wildlife Refuge was created on May 22, 1984 by combining the former Brigantine and Barnegat National Wildlife Refuges (98 Stat. 207). The Brigantine National Wildlife Refuge was established on January 24, 1939 by the Migratory Bird Conservation Commission under the authority of the Migratory Bird Conservation Act, to preserve estuarine habitats important to Atlantic brant (*Branta berniclia*) and to provide nesting habitats for black ducks (*Anas rubripes*) and rails. The Barnegat National Wildlife Refuge was established on June 21, 1967, under the authority of the Migratory Bird Conservation Act, for preservation of estuarine feeding and resting habitat for ducks and brant. The State of New Jersey enabling legislation is New Jersey Statutes, Annotated, Title 23, Chapter 4, Section 23:4-56.

#### PURPOSE(S) FOR WHICH ESTABLISHED:

For lands acquired under the Migratory Bird Conservation Act (16 U.S.C. 715-715r), as amended, the purpose of the acquisition is "...for uses as an inviolate sanctuary, or for any other management purpose, for migratory birds." Migratory Bird Conservation Act (16 U.S.C. 715d).

For lands acquired under the Fish and Wildlife Act of 1956 (16 U.S.C. 742(a) 754), as amended, the purpose of the acquisition is "... for the development, advancement, management, conservation, and protection of fish and wildlife resources..." (16 U.S.C. 742 (a)(4)) "... for the benefit of the United States Fish and Wildlife Service, in performing its activities and services. Such acceptance may be subject to the terms of any restrictive or affirmative covenant, or condition of servitude..." Fish and Wildlife Act of 1956 (16 U.S.C. 742f(b)(1)).

For lands acquired under the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3901(b)) "...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 ...." Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3901(b), 100 Stat. 3583). For lands within the Brigantine Wilderness Area, "...to secure for the American people of present and future generations the benefits of an enduring resource of wilderness." (78 Stat. 890:16 U.S.C. 1121 (note), 1131-1136, Wilderness Act of 1964).

OTHER APPLICABLE LAWS, REGULATIONS, AND POLICIES:

1. Antiquities Act of 1906 (34 STAT 225).
2. Migratory Bird Conservation Act of 1929 (16 U.S.C. 715r; 45 STAT 1222).
3. Refuge Recreation Act of 1962 (16 U.S.C. 460k 1-4; 76 STAT 653).
4. National Wildlife Refuge Administrative Act of 1966 (16 U.S.C. 668dd - 668ee; 80 STAT 927), as amended.
5. National Environmental Policy Act of 1969 (42 U.S.C. 4321, *et seq*; 83 STAT 852).
6. National Wildlife Refuge System Regulations in the Code of Federal Regulation (CFR)50 Subchapter C.
7. The Endangered Species Act of 1973 (16 U.S.C. 1531-1543; 87 STAT 884), as amended.
8. Executive Order 11990, Protection of Wetlands.
9. Wilderness Act of 1964 (16 U.S.C. 1121(note), 1131-1136).
10. Clean Air Act (42 U.S.C. 7401 *et seq*), as amended.
11. National Wildlife Refuge System Improvement Act of 1997 (P. L. 105-57).

DESCRIPTION OF PROPOSED USE:

Hunting, fishing, wildlife observation and photography, and environmental education and interpretation are defined as wildlife-dependent recreational uses by The National Wildlife Refuge System Improvement Act of 1997. This interim compatibility statement addresses only these uses.

ANTICIPATED IMPACTS OF THE USE:

The current levels of the six wildlife-dependent recreational uses defined in The National Wildlife Refuge System Improvement Act of 1997 (i.e., hunting, fishing, wildlife observation and photography, and environmental education and interpretation) in the proposed refuge expansion areas do not appear to be having any negative impacts on the habitat or wildlife within the areas.

DETERMINATION:

This use is compatible X .

This use is not compatible \_\_\_ .

STIPULATIONS NECESSARY TO ENSURE COMPATIBILITY:

The parcel needs to be posted.

JUSTIFICATION:

See Anticipated Impacts of the Use:

NEPA COMPLIANCE:

CATEGORICAL EXCLUSION		
ENVIRONMENTAL ASSESSMENT	X	1994
ENVIRONMENTAL IMPACT STATEMENT		
FONSI	X	1994

The 1994 Environmental Assessment and Finding of No Significant Impacts (FONSI) for expanding the Edwin B. Forsythe National Wildlife Refuge have been superceded by the July 2000 Revised Draft

Edwin B. Forsythe National Wildlife Refuge have been superceded by the July 2000 Revised Draft Environmental Assessment and Comprehensive Conservation Plan and March 2001 FONSI prepared for the Jersey Coastal Refuges.

REFUGE MANAGER: Stephen P. Atzert DATE: 06/07/2004  
REVIEWED BY: Anthony D. Lege DATE: 6/14/2004

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