

Appendix H



Bill Wallen

Heron rookery on Mason Neck Refuge

Finding of No Significant Impact (FONSI)

Finding of No Significant Impact (FONSI) Elizabeth Hartwell Mason Neck and Featherstone National Wildlife Refuges Comprehensive Conservation Plan

In December 2010, the U.S. Fish and Wildlife Service (Service, we, our) published the draft Comprehensive Conservation Plan and Environmental Assessment (CCP/EA) for Elizabeth Hartwell Mason Neck National Wildlife Refuge (Mason Neck Refuge) and Featherstone National Wildlife Refuge (Featherstone Refuge). Mason Neck Refuge was established in 1969 to protect the bald eagle. This 2,277-acre refuge is located on the Mason Neck Peninsula near the town of Lorton, Virginia in Fairfax County. In addition to bald eagles, the refuge's forest, tidal marsh, and wetland habitats support a wide variety of waterfowl, shorebirds, marshbirds, landbirds, and other native wildlife species of conservation concern. Featherstone Refuge was established in 1979 to protect wetlands habitat. This 325-acre refuge is located in the town of Woodbridge, Virginia in Prince William County. The refuge's forest, tidal marsh, and riverine habitats also support bald eagles, as well as wading and waterbirds, waterfowl, and other native species of conservation concern. Mason Neck and Featherstone Refuges, along with Occoquan Bay Refuge, compose the Potomac River National Wildlife Refuge Complex (Refuge Complex), with headquarters in Woodbridge, Virginia.

Chapter 1 of the draft CCP/EA identifies the purpose of, and need for, a CCP and summarizes the laws, policies, and other mandates we follow in developing the plan. It describes international, national, and regional conservation plans that were used as references, and defines our project analysis area. Chapter 1 also presents both refuges' purposes, and describes the vision and goals we set for the refuges over the next 15 years. Finally, chapter 1 describes the planning process, including public and partner involvement, and the issues and concerns that are addressed in the plan. Chapter 2 describes the physical, biological, and socioeconomic environments of the refuges and their surroundings. Chapter 3 describes three management alternatives for Mason Neck Refuge and two management alternatives for Featherstone Refuge. The alternatives include a detailed description of their respective objectives and strategies designed to help achieve refuge purposes, vision, and goals, and contribute to the mission of the National Wildlife Refuge System (Refuge System). For both refuges, alternative B is identified as the Service-preferred alternative. Chapter 4 carefully considers and evaluates each alternative's direct, indirect, and cumulative impacts on the environment. Chapter 5 includes a listing of who we consulted and coordinated with during development of the plan. Chapter 6 is a list of document preparers.

The draft plan's six appendixes provide additional information supporting the assessment and specific proposals in the Service-preferred alternative for each refuge. A brief overview of each alternative follows.

Mason Neck Refuge Alternatives

Alternative A (Current Management): The Council of Environmental Quality regulations on implementing the National Environmental Policy Act (NEPA) require this "No Action" alternative, which we define as current management. Alternative A includes our existing programs and activities and serves as the baseline against which to compare and contrast alternatives B and C for Mason Neck Refuge. This alternative would maintain our existing staff of six permanent employees stationed at the Refuge Complex headquarters. Mason Neck Refuge's biological and habitat management priorities would continue to be protecting key Federal trust wildlife species and their habitats and controlling invasive and exotic plant and wildlife species. Focal species for the refuge would include bald eagles, great blue heron, other waterbirds, and waterfowl species. We would maintain our existing public use programs, trails, observation platforms, and interpretive signs. Wildlife observation, nature photography, and interpretation programs would continue along the Joseph V. Gartlan, Jr. Great Marsh and Woodmarsh Trails. We would also continue to manage the white-tailed deer population by offering a fall hunt.

Alternative B (Service-preferred Alternative): This alternative represents the combination of actions we believe would best meet the Refuge System mission and policies, and refuge purposes and goals. It is also the most effective of the alternatives for Mason Neck Refuge in addressing public issues. Under this alternative, our habitat management program would focus on protecting and enhancing the biological diversity, integrity, and health of tidal marsh and forested habitats to benefit bald eagles, waterfowl, forest-dependent migratory birds, and wading and waterbirds, such as great blue heron. We would also improve our program to treat invasive species and expand our mapping, monitoring, and inventorying program to help measure our successes and inform future management decisions. Our visitor services program would be enhanced by improving existing facilities, creating new trails, and building new observation platforms. We would also offer a new youth turkey hunt in addition to our current deer hunt. Finally, we would increase the number of Refuge Complex staff to

help achieve our management goals and objectives. We would pursue adding positions in our biological and visitor services programs, as well as maintenance and law enforcement staff. Our volunteers, partners, and Friends of Potomac River Refuges would be instrumental in helping us achieve our goals.

Alternative C (Enhanced Public Use Management): Under this alternative, we would expand our visitor services and outreach programs the most. The objective of our visitor services program would be to engage more visitors with our conservation message by increasing infrastructure, providing a broader array of accessible opportunities, and providing new, more effective programming while insuring that these increases do not exceed a level at which habitat values would be compromised. Similar to alternative B, we would also improve existing facilities, create new trails, and build new observation platforms. We would maintain our current biological and habitat management program similar to alternative A, with the exception of enhancing our protection of bald eagles and their habitat on the refuge as in alternative B. We would also seek to expand our Refuge Complex staff similar to alternative B.

Featherstone Refuge Alternatives

Alternative A (Current Management): Similar to our description of a “No Action” alternative under Mason Neck Refuge, this alternative serves as the baseline against which to compare and contrast alternative B for Featherstone Refuge. Alternative A would maintain our existing staff of six permanent employees stationed at the Refuge Complex headquarters. The refuge’s biological and habitat management priorities would continue to be limited to actions necessary to monitor and protect sensitive nesting areas, or address critical issues, such as a major outbreak of invasive pests, pathogens, invasive plants, or wildlife disease. Under alternative A, the refuge would remain closed to the public due to a lack of parking and safe, legal public access. Law enforcement would be the primary activity conducted on the refuge.

Alternative B (Service-preferred Alternative): This alternative represents the combination of actions we believe would best meet the Refuge System mission and policies, and refuge purposes and goals. It is also the most effective of the alternatives for Featherstone Refuge in addressing public issues. Our biological and habitat management program priorities would focus on monitoring and protecting sensitive areas from human disturbance, such as the refuge shoreline and riparian forest habitats. We would also monitor and control invasive plants, pests, and pathogens. Under alternative B, the Service would continue to pursue options with Prince William County and other stakeholders to secure public parking, and safe, legal public access, which would also facilitate establishing a segment of the Potomac Heritage National Scenic Trail on the refuge. Once public access is secured and funding is available, we would provide opportunities for wildlife observation and nature photography on designated refuge trails and fishing at designated sites. We would also evaluate in detail a proposal to provide opportunities for hunting in cooperation with Virginia Department of Game and Inland Fisheries (VDGIF). Our volunteers, partners, and Friends of Potomac River Refuges would be instrumental in helping us achieve our goals.

We distributed the draft CCP/EA for a 49-day period of public review and comment from January 5, 2011 to February 22, 2011. We received 79 responses, both oral and written, representing individuals, organizations, and Federal, State, and county agencies. Appendix G in the final CCP includes a summary of those comments and our responses to them. After reviewing the proposed management actions, and considering all public comments and our responses to them, I have determined that the analysis in the EA is sufficient to support my findings. I am selecting alternative B for Mason Neck Refuge and alternative B for Featherstone Refuge, as presented in the draft CCP/EA, with the modifications listed below, to implement as the final CCP. Changes or clarifications we made in the final CCP are the following:

1. Upon CCP approval, we would allow non-motorized boat landings at one designated area of Featherstone Refuge’s shoreline to facilitate wildlife observation and nature photography. The designated landing site is a portion of tidal beach on Farm Creek (refer to map 4.3 in the final CCP) and corresponds with the proposed location of the southernmost observation deck and fishing platform that we presented in the draft CCP/EA (map 3.3 in the draft CCP/EA). Visitors accessing the refuge at this location by non-motorized boats would be allowed to walk approximately 0.4 miles along an existing footpath (indicated on map 4.3 in the final CCP). Boaters would be confined to this section of footpath until the rest of the refuge is officially open to public use, as described in the draft CCP/EA. No special infrastructure would be constructed to facilitate non-motorized boat access. We predict no short—or long-term impacts to resources given
 - our expectation that less than 200 boat landings per year would occur;
 - the landing site location is primarily on tidal sandy beach that is a dynamic, shifting substrate and has very little vegetation or soils that would be impacted;

- none of the vegetation in the area is of conservation concern, and people would be required to stay on the existing footpath to minimize additional off-trail impacts; and
- our current knowledge of wildlife inhabiting the area indicates no disturbances to nesting or breeding wildlife would occur.

We would monitor to see if any of these conditions change, or unanticipated impacts are occurring, and would adapt management as warranted. We would also conduct regular outreach and enforcement of refuge regulations to insure minimal to no impacts results.

2. For Mason Neck Refuge, we clarify our proposal to open the refuge to a youth turkey hunt. Our proposal assumes a maximum of five youth per day would hunt on refuge lands on three hunt days, which may not be consecutive. The three hunt days would be during the State's spring turkey hunting season and run from sunrise to noontime. Only gobblers would be harvested and only by shotgun. Youth hunt areas would be designated, well distributed, and in areas otherwise closed to the public. Hunters would also be required to complete data forms to document their observations and success. This documentation would allow us to evaluate the program periodically and make changes as warranted. We would work with VDGIF, the National Wild Turkey Federation, and other partners to design and implement the hunt once we have additional staff in place to support this new program. According to VDGIF wildlife biologists and their results from other hunt areas, less than 50 percent of youth turkey hunters are successful. This statistic, coupled with the fact that only males would be taken in the spring after breeding, causes us to predict that there would be no short-term or long-term impact, or cumulative effect, on the viability of the local turkey population (VDGIF personal communication 2011).
3. For Mason Neck Refuge, we clarify our proposal to expand the refuge's deer hunt. For Mason Neck Refuge, in addition to the shotgun season we currently provide, our proposal is to also open the refuge to an archery deer hunt. Similar to the shotgun season, the archery hunt would be cooperatively managed with VDGIF and Mason Neck State Park, and would be consistent with State regulations. With additional staff in place, and with partner support, we would also consider changing the length of the annual refuge shotgun season, the number of hunters, and/or their distribution when declining forest health conditions warrant an increased deer harvest. If we determine major changes to the shotgun hunting program are justified, we would complete all administrative requirements to formally make the changes.

On Featherstone Refuge, we clarify our position concerning opening the refuge to hunting. We do not currently have a hunt program on the refuge, nor do we have a specific hunting proposal to review and analyze yet. When we have additional staff in place to develop this new program, we would evaluate hunting alternatives, conduct NEPA analysis, and involve the public before making a decision.

4. For both refuges, we clarify our proposal on waterfowl hunting. In the draft CCP/EA, we explain that waterfowl hunting in Mason Neck Refuge waters is not compatible with refuge purposes due to concerns about disturbing breeding and wintering bald eagles and wintering waterfowl. As noted in item #3 above, on Featherstone Refuge, we would develop and evaluate hunting program alternatives when we have additional staff in place.

We recognize and fully support waterfowl hunting as a traditional and legitimate activity in the region. We plan to fully support VDGIF in ensuring that the public continues to have quality waterfowl hunting opportunities in State waters near the refuge. As part of that cooperation, we identify a strategy to work with VDGIF to evaluate the use of temporary floating blinds to replace fixed blinds as a way to expand opportunities, but otherwise, we have no jurisdiction or intent to mandate this.

5. For both refuges, we clarify our intent with regards to shoreline protection. We received several public comments asking for a more detailed description of what shoreline protection measures we propose to construct under alternative B. At this time, we have no specific design or project in mind. We do not currently have the expertise to determine the best shoreline protection method or design. Instead, our plans are to work with Federal and State agency experts to conduct a risk assessment and evaluate all potential viable protection methods. This will ensure that we select the most appropriate and effective method to reduce shoreline erosion and, in turn, protect important wildlife habitat and cultural resources. We also recognize that before a decision is reached on a specific plan, we would be required to conduct additional NEPA analysis.
6. We corrected all format and typographical errors that were brought to our attention.

I concur that alternative B for both Mason Neck Refuge and Featherstone Refuge, with the above changes and in comparison to the other alternatives, will best fulfill the mission of the Refuge System, best achieve the refuges' purposes, visions, and goals, best maintain and, where appropriate, restore the refuges' ecological integrity, best address the major issues identified during the planning process, and be most consistent with the principles of sound fish and wildlife management.

Specifically, in comparison to the other two alternatives for Mason Neck Refuge, alternative B provides the greatest increase in the diversity, integrity, and health of high quality habitats, through enhanced management and protection of tidal marsh and forested habitats. It also provides the most reasonable and effective improvements to existing public use programs that are in high demand, with minimal impacts to wildlife and habitats. The plans to increase staffing and develop new infrastructure are reasonable, practicable, and would result in the most efficient management of the refuge and best serve the American public. In comparison to alternative A for Featherstone Refuge, alternative B provides an increase in monitoring and protection of the refuge's riverine, tidal marsh, and forested habitats. Alternative B for Featherstone Refuge would also open the refuge to the public and offer wildlife-dependent recreational opportunities. This would allow the American public to visit, enjoy, and learn about the refuge and its wildlife.

This Finding of No Significant Impact includes the EA and its analysis by reference. I have reviewed the predicted beneficial and adverse impacts associated with alternative B for Mason Neck Refuge and for Featherstone Refuge that are presented in chapter 4 of the draft CCP/EA, and compared them to the other alternatives. I specifically reviewed the context and intensity of those predicted impacts over the short and long term, and considered cumulative effects. Socioeconomic, natural resources, cultural resources, and visitor impacts would generally be positive or result in negligible adverse impacts over the long term. My review of each of the NEPA factors to consider in assessing whether there will be significant environmental effects is summarized here (40 C.F.R. 1508.27).

(1) Beneficial and adverse effects—We expect the final CCP management actions to provide far more substantial benefits to the natural and human environment than it will cause adverse effects. Important benefits include improved forest integrity, health, and diversity from measures to reduce deer browse damage to forest understory and control of invasive plants and pests, protection of regionally important tidal marsh habitats, and the protection and restoration of refuge shoreline. Minor adverse effects are predicted from trail projects and other infrastructure. Most of the effects would be incremental in their impacts, as they do not represent any major changes to current management. There should be no significant impacts on the human environment from the implementation of the CCP.

(2) Public health and safety—We expect the good safety record of the refuge to continue under implementation of the final CCP. Public health and safety is a paramount consideration in designing and implementing all activities on the refuge, whether they are in support of habitat or visitor services programs. Adherence to spill prevention plans, pesticide use plans, best management practices, and the protective actions provided in the stipulations of the compatibility determinations for authorized public uses on the refuge will be a priority. There should be no significant impact on public health and safety from the implementation of the CCP.

(3) Unique characteristics of the area—We expect the unique and regionally significant character of the refuges to be maintained under implementation of the final CCP. Mason Neck Refuge provides regionally important habitat for bald eagles and protects the 207-acre Great Marsh, which is one of the largest freshwater marshes in northern Virginia. Great Marsh supports wintering waterfowl, breeding and foraging bald eagles, and foraging marshbirds. Mason Neck Refuge also protects one of the largest great blue heron rookeries in the Mid-Atlantic States. The rookery currently supports approximately 800 nests. Featherstone Refuge provides habitat for breeding and foraging bald eagles and has over 200 acres of tidal freshwater marsh. We expect the management actions outlined in the CCP, such as shoreline protection measures, forest habitat management strategies to benefit bald eagles, and prohibiting public access to sensitive wetland habitats, to benefit these habitats and species. These benefits will be promoted and sustained through specific actions identified in the CCP. Thus, there should be no significant impact on the unique characteristics of the area due to implementation of the CCP.

(4) Highly controversial effects—We do not predict that any highly controversial effects would occur from implementing the final CCP. We have extensive experience on the Refuge Complex in implementing management actions to protect bald eagle nest sites and the heron rookery, conducting forest habitat management, controlling invasive plants and pests, controlling deer populations through hunting, and other activities to support wildlife-dependent recreational uses. The effects of these actions are widely known from past management and monitoring on the Refuge Complex. There is no scientific controversy over what these effects will be. Thus, there is little risk of any unexpectedly significant controversial effects on the quality of the human environment.

(5) Highly uncertain effects or unknown risks—We do not predict any highly uncertain effects or unknown risks with implementing the final CCP. The management actions in the final CCP are mostly refinements of the existing management measures that we have used on the Refuge Complex since the refuges were established. The only action with some uncertainty is the plan to open Featherstone Refuge to public use and access. However, as is true with Mason Neck Refuge, we will increase our outreach and education to refuge visitors, as well as our monitoring program to insure effects fall within our predictions. Monitoring will also help us reassess the effectiveness of each planned improvement. We do not find a high degree of uncertainty or unknown risk that the final CCP will cause any significant impact on the environment based on available data about the impacts of our current management action and our use of education, monitoring, and enforcement to help identify and address any unplanned effects.

(6) Precedent for future actions with significant effects—We developed actions and strategies to support the purpose of the CCP, which is to develop a strategic management plan to best meet the refuges' purposes and goals, and the Refuge System mission for up to 15 years. The effects of management are designed as gradual improvements over the existing conditions, not global or expansive changes. For example, strategies such as controlling invasive plants and allowing an annual deer hunt to help manage the deer population provide small incremental gains with impacts that may take several years to realize any benefits. Thus, we do not expect the actions in the final CCP to set a precedent for future actions that may cause any significant impact on the environment.

(7) Cumulatively significant impacts—We do not predict that any cumulatively significant impacts would result from implementing the final CCP based on our NEPA analysis that accompanies this plan. However, since the CCP provides 15-year strategic direction for both refuges, there are actions that provide some cumulative benefits when considered along with other past, present, or reasonably foreseeable future actions on or in the vicinity of the refuge. For example, we plan to continue to coordinate with surrounding land managers to promote common goals, such as improving water quality and providing wildlife-dependent recreational uses. Our resource protection and management provides incremental benefits to the larger Chesapeake Bay ecoregion. We do not foresee any of these coordinated activities rising to the level of a significant effect on the environment. Some actions identified in the final CCP, such as pursuing additional shoreline protection measures, will require additional NEPA analysis once a detailed proposal is developed. We will examine the cumulative effects of these subsequent projects before they are approved.

(8) Effects on scientific, cultural, or historical resources—We have developed actions that would benefit archaeological, historical, and cultural resources on both refuges. Increased Refuge Complex staff would be present to interpret the importance of, and foster a greater appreciation for, these resources. Refuge Complex law enforcement would conduct outreach, education, and enforcement to protect cultural resources. They would also monitor known archaeological and historic sites on the refuge to prevent looting and other violations of the Archaeological Resources Protection Act. The Virginia State Historic Preservation Officer reviewed the draft CCP/EA and concurs that alternatives B for Mason Neck and Featherstone Refuges comply with Section 106 of the National Historic Preservation Act. We would continue to consult with the Service's regional archaeologist and the Virginia State Historic Preservation Officer to ensure compliance with Federal and State cultural resource laws. Although there would be some risk that visitors could damage or disturb archaeological and historic resources on the refuges, these risks would be reduced by limiting public access to designated trails and areas only. On Mason Neck Refuge, shoreline protection measures would protect cultural resources at high risk of damage from shoreline erosion. On Featherstone Refuge, the major benefits would be from partnerships to locate and protect cultural resources. We do not anticipate any significant effects on scientific, cultural, or historical resources.

(9) Effects on Endangered Species Act (ESA)-listed species and habitats –We have completed a consultation with the Service’s Ecological Services Field Office under Section 7 of the ESA. Their endangered species specialists have concurred in our biological assessment that the planned actions are not likely to adversely affect any of the ESA-listed species that may be present on either refuge, particularly the threatened sensitive joint-vetch (*Aeschynomene virginica*), and the threatened small whorled pogonia (*Isotria medeoloides*). Neither of these plant species are currently documented on either refuge, but may be present on or near the refuges. There is no ESA-designated critical habitat on the refuge. Our management actions to protect the refuges’ wetland habitats, such as prohibiting public access and proposing additional shoreline protection measures, and the refuges’ upland habitats, such as restricting public access to designated trails and areas, would reduce potential adverse impacts to both species. Therefore, we do not anticipate any significant effects on these ESA-listed resources.

(10) Threat of violating any environmental law—Our habitat management actions are designed to benefit the environment. They will comply with all applicable laws, such as the Clean Water Act, the Clean Air Act, Coastal Zone Management Act, ESA, and the National Historic Preservation Act. Pursuant to the National Wildlife Refuge System Administration Act (16 U.S.C. § 668dd(e)(3), 668dd(m)), we have coordinated closely with the VDGIF in developing the habitat management plans and the fish and wildlife regulations for the refuge. Our public hunting and fishing programs under the CCP require all participants to comply with State regulations. We do not anticipate a threat that the CCP will violate any environmental law or cause any significant impact on the environment.

Based on this review, I find that implementing alternative B for Mason Neck Refuge and alternative B for Featherstone Refuge will not have a significant impact on the quality of the human environment in accordance with Section 102(2)(c) of NEPA. Therefore, I have concluded that this Finding of No Significant Impact is appropriate and an Environmental Impact Statement is not required.



Wendi Weber
Acting Regional Director
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9/11/11

Date