

Compatibility Determination Rhode Island National Wildlife Refuge Complex

Uses

Fishing

Refuge names, establishing and acquisition authorities, and purposes

Each National Wildlife Refuge is established under specific legislation or administrative authority . Similarly, each refuge has one or more specific legal purposes for which it was established. The establishing legislation or authority and the purposes for each refuge in the Rhode Island National Wildlife Refuge Complex (Refuge Complex) are given below.

Block Island National Wildlife Refuge

Date Established: 2 November 1973

Establishing and Acquisition Authorities: Block Island National Wildlife Refuge (Block Island Refuge) was established under 16 U.S. Code 667b, Public Law 80 - 537, an Act Authorizing the Transfer of Certain Real Property for Wildlife, or other Purposes.

Purpose(s) for which Refuge was established: Lands acquired under 16 U.S. code 667b, Public Law 80-537 were for. . . “particular value in carrying out the national migratory bird management program.”

Ninigret National Wildlife Refuge

Date Established: 12 August 1970

Establishing and Acquisition Authorities: Ninigret National Wildlife Refuge (Ninigret Refuge) was established under 16 U.S. Code 667b, Public Law 80 - 537, an Act Authorizing the Transfer of Certain Real Property for Wildlife, or Other Purposes. Additions to the refuge were acquired under the Migratory Bird Conservation Act, 16 U.S.C. 715d.

Purpose(s) for which Refuge was established: Lands acquired under 16 U.S. code 667b, Public Law 80-537 were established for their. . . “particular value in carrying out the national Migratory Bird Management Program.” Additional lands acquired under the Migratory Bird Conservation Act (16 U.S.C. ss 715d) were. . . “for use as an inviolate sanctuary, or for any other management purpose, for migratory birds.”

John H. Chafee National Wildlife Refuge at Pettaquamscutt Cove

Date Established: 5 November 1988 (originally established as Pettaquamscutt Cove National Wildlife Refuge)

Establishing and Acquisition Authorities: John H. Chafee National Wildlife Refuge (Chafee Refuge) was established under an Amendment to the Emergency Wetlands Resources Act (102 Stat. 3177) and the National Wildlife Refuge Administrative Act of 1966, as amended (16 USC 668dd - 668ee; 80 STAT 927).

Purpose(s) for which Refuge was established: The purposes for which the refuge was established and managed for are: “(1) to protect and enhance the populations of black ducks and other waterfowl, geese, shorebirds, terns, wading birds, and other wildlife using the refuge; (2) to provide for the conservation and management of fish and wildlife within the refuge; (3) to fulfill the international treaty obligations of the United States respecting fish and wildlife; and (4) to provide opportunities for scientific research, environmental education, and fish and wildlife-oriented recreation” (102 Stat. 3177).

Sachuest Point National Wildlife Refuge

Date Established: 3 November 1970

Establishing and Acquisition Authorities: Sachuest Point National Wildlife Refuge (Sachuest Point Refuge) was established under the Refuge Recreation Act of 1962 and the Fish and Wildlife Act of 1956.

Purpose(s) for which Refuge was established: Sachuest Point Refuge was established “...for the development, management, advancement, conservation, and protection of fish and wildlife resources” and

for “(1) incidental fish and wildlife-oriented recreational development; (2) protection of natural resources, and (3) conservation of endangered or threatened species” (Refuge Recreation Act of 1962).

Trustom Pond National Wildlife Refuge

Date Established: 15 August 1974

Establishing and Acquisition Authorities: The Trustom Pond National Wildlife Refuge (Trustom Pond Refuge) was established under the authority of the Migratory Bird Conservation Act, 16 USC 715-715R and by the Refuge Recreation Act, 16 USC c - 1.

Purpose(s) for which Refuge was established: For lands acquired under the Migratory Bird Conservation Act, as amended, the purpose of the acquisition is “. . . for use as an inviolate sanctuary, or for any other management purpose, for migratory birds.” 16 U.S.C. § 715d (Migratory Bird Conservation Act) and for “. . . (1) incidental fish and wildlife-oriented recreational development; (2) the protection of natural resources; and (3) the conservation of endangered or threatened species. . .” as authorized by the Refuge Recreation Act, 16 USC. c - 1.

National Wildlife Refuge System Mission

The Mission of the National Wildlife Refuge System is “to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.”

ternational treaty obligations of the United States respecting fish and wildlife; and (4) to provide opportunities for scientific research, environmental education, and fish and wildlife-oriented recreation” (102 Stat. 3177).

Description of Fishing

Is the use a priority public use?

Yes. Fishing was identified as a priority, wildlife-dependent recreational use by the National Wildlife Refuge System Improvement Act of 1997 (Refuge Improvement Act; P.L. 105-57).

What is the use?

Surf fishing and river shoreline fishing from refuge lands into state waters, and access to spear fishing, crabbing and shellfishing (both commercial and recreational), which also occur in state waters. There is no fresh water fishing on any of the Rhode Island Complex Refuges.

Where would the use be conducted?

Block Island, Ninigret, Chafee, Sachuest Point, and Trustom Pond Refuges (see below).

When would the use be conducted?

The refuges are open to fishing year round, but most activity occurs during Spring, Summer, and Fall. The only exception to the year round activity is Trustom Pond Refuge’s Moonstone Beach which is closed to all access above mean high water from April 1 to September 15 to protect the federally threatened piping plover and state-threatened least tern during their nesting seasons. Other fishing areas may be closed in the future at the Refuge Manager’s discretion in order to minimize long term, cumulative impacts to wildlife and habitats, or to protect human health and safety.

Night fishing will continue at Sachuest Point Refuge only. The other refuges are only open to fishing from sunrise to sunset.

Why is the use being proposed?

Fishing is a priority, wildlife dependent public use, and is a traditional, sustainable activity in coastal Rhode Island. A high quality fishing program helps us achieve refuge purposes and management objectives as determined by each refuge's Comprehensive Conservation Plan.

How would the use be conducted?

All recreational and commercial fishing is in accordance with state regulations, with additional refuge specific requirements noted below. All access to fishing sites will be on foot or by boat, except as noted for Block Island and Ninigret refuges. In general, we will not support fishing derbies or contests from refuge lands, but the Refuge Manager retains authority to reconsider on a case-by-case basis.

Block Island Refuge

Access to surf fishing is on foot, by boat, or seasonally by four wheel drive vehicles. We will close refuge lands above the mean high water mark to vehicle access from April 1 to September 15 to protect nesting and migrating shorebirds and to reduce impacts to the beach ecosystem. The beach will remain open to foot travel subject to management requirements to protect Threatened or Endangered Species and species of concern. In 2003, we will prepare a public use and access plan with our island partners for all of northern Block Island. Other fishing opportunities may be evaluated in this plan. Significant changes to what is proposed herein will require a new compatibility determination.

Ninigret Refuge

Access to surf fishing occurs on the barrier beach parcel and is on foot, by boat, or by four wheel drive vehicle. A sand road behind the dunes crosses approximately 1,200 feet of refuge land and is open year round to vehicles. Many people utilize this sand road to access fishing sites on state and refuge beaches or to access the Charlestown breachway, which lies off refuge. The refuge beach and adjacent state Ninigret Conservation Area beach are seasonally closed to vehicles from April 1 to September 15 to protect nesting piping plover.

On the mainland portion of the refuge, recreational salt water fishing and shellfish harvesting occur in Ninigret Pond, accessed over refuge lands on foot on designated trails. Commercial harvesters are known to cross the refuge to access the pond, in particular, to gain access to Foster's Cove.

We will continue to allow access for recreational and commercial shellfishing in Ninigret Pond on designated trails only, and in accordance with state regulations. People engaged in commercial shellfishing will be required to obtain a special use permit. Shoreline fishing in Ninigret Pond will be allowed at certain established access points on the refuge to prevent wildlife disturbance and shoreline erosion.

Chafee Refuge

Saltwater fishing occurs in the Narrow River by boat, and, to a limited extent, on land from accessible shoreline areas (Middlebridge Road). While the waters of Narrow River are currently closed to shellfish harvesting, the potential for this use in the future exists.

The refuge will allow fishing from boats or from the shoreline, but only from designated access points located to minimize further bank erosion and impacts on the refuge saltmarsh. We intend to work with RI DEM on an outreach campaign to educate the public on the impact of excessive motorboat and jet ski speed on refuge shorelines, marshlands, and wildlife.

Sachuest Point Refuge

Surf fishing occurs along the refuge shoreline in the Atlantic Ocean and the Sakonnet River. Target species include striped bass, bluefish, tautog, and scup. Species like striped bass and bluefish are

migratory and fishing pressure is linked to the “opportunistic” presence of fish, whereas scup and tautog are resident to the area and fishing pressure is fairly constant from spring through the fall.

Surf fishing is allowed 24 hours a day on the refuge, in accordance with state regulations. A new refuge regulation will require spear guns to be unloaded and encased while being transported across the refuge. Shoreline access points will be designated and established to reduce erosion impacts and better enforce restrictions. We will also produce new interpretive and regulatory literature in other languages to accommodate the cultural diversity of anglers using Sachuest Point.

The Refuge will implement a fishing permit program to maintain fishing opportunities while minimizing inappropriate refuge nighttime uses. Additionally, we plan to initiate a study to evaluate the impacts to refuge wildlife from night time fishing, with particular interest in the effects of the night spot lights used by anglers.

Because of a significant and adverse litter problem on shorelines used primarily by fishermen, an aggressive litter control program will be instituted. If the litter problem is not abated, restrictions on shorelines open for fishing may be instituted.

Trustom Pond Refuge

Surf fishing occurs seasonally in the Atlantic Ocean from the refuge’s barrier beach shoreline. As noted above, the refuge beach is closed from April 1 to September 15 to protect nesting piping plover and least tern. Trustom Salt Pond will remain closed to fishing year round. No additional infrastructure is proposed.

Availability of Resources

Funding/annual costs required to administer and manage fishing activities

Maintenance (recurring)

shoreline access points	\$ 500/yr
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Administration

Law Enforcement	\$ 7,000/yr (0.65 FTE seasonal)
Signs/pamphlets (regulatory, multi-cultural)	\$ 500/yr
Monitoring of Program and Administration of Special Use Permits/Permit System	\$ 1,000/yr (0.1 FTE of GS 9)
Research: Night Fishing @ Sachuest Point	\$ 30,000

TOTAL	\$ 30,000 one time
	\$ 9,000/recurring annually

Collections from fishing permits on the Sachuest Point NWR will partially offset some costs.

Anticipated Impacts

Fishing activities may impact refuges when anglers trample vegetation, create unauthorized trails, or cause erosion of the shorelines. Some disturbance to roosting and feeding shorebirds probably occurs (Burger 1981), but is considered minimal. Discarded fishing line and other fishing litter can entangle migratory birds and marine mammals and cause injury and death (Gregory 1991). Additionally, litter impacts the visual experience of refuge visitors (Marion and Lime 1986). Several enforcement issues involving fishing also impact the refuge, including: illegal taking of fish (undersized, over limit), littering, illegal fires at night, and disorderly conduct. Many ethnic groups use the refuges to fish, Sachuest Point in particular, but may not be able to read the current regulatory signs printed in English, further exacerbating the above-mentioned problems. In the past, the small refuge staff has been unable to

consistently monitor activities and enforce refuge regulations, especially the night fishing at Sachuest Point refuge, but recent staff additions should minimize this concern in the future.

We expect a net beneficial impact from providing high quality fishing opportunities as fishing is a very popular, historic, and traditional public use in Rhode Island.

Public Review and Comment

Public review and comments were solicited in conjunction with the planning process for the Draft Rhode Island National Wildlife Refuge Complex Comprehensive Plan and Environmental Assessment (CCP/EA) (December 2000). A compatibility determination for hunting, fishing, wildlife observation and photography, and environmental education and interpretation was distributed to the public as an appendix to the draft CCP/EA, complying with the National Environmental Policy Act and Service policies on writing compatibility determinations and comprehensive conservation plans. These were released for a 51-day comment period in January and February 2001. No comments were received in opposition to fishing.

Determination

The use is compatible X.

The use is not compatible __.

Stipulations Necessary to Ensure Compatibility

Sachuest Point Refuge will be staffed year-round to adequately manage a quality fishing program and enforce refuge regulations. A new refuge regulation will be developed to ensure that spear fishing gear is encased and unloaded while carried across the refuge. Also at Sachuest Point, regulatory signs and fishing program information will be printed in languages of the various ethnic groups using the refuge to explain refuge policy and fishing regulations.

An aggressive program of information, signing, and enforcement will be implemented to address the litter problem. Yearly progress assessments will be required and will be used to help determine whether additional restrictions on public uses including fishing will be necessary to address the litter issues.

A fishing permit system will be instituted to gain control over inappropriate refuge uses and to insure high quality fishing opportunities will be maintained.

Trustom Salt Pond will remain closed to fishing. Moonstone Beach on Trustom Pond refuge will remain closed to all public access each year from April 1 to September 15 to protect nesting piping plover and least tern.

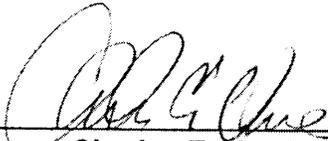
Ninigret Refuge's barrier beach and Block Island refuge beaches will be closed to four wheel drive vehicles from April 1 to September 15 to protect nesting piping plover and other shorebirds and to reduce impacts to the dune structure and vegetation.

Fishing access points to all refuge shorelines will be designated to reduce unauthorized trail use and prevent against erosion. Monitoring will be conducted on all refuges to insure that fishing remains compatible to the refuge purposes and to determine whether modifications in fishing management are necessary. All commercial fishing will require a special use permit.

Justification

Fishing is a priority wildlife-dependent activity that provides substantial recreational benefits to the public. Surf fishing and shellfishing are traditional forms of outdoor recreation in Rhode Island. This activity does not materially interfere with or detract from the Mission of the National Wildlife Refuge System. Further, providing fishing opportunities supports refuge purposes and management objectives in refuge Comprehensive Conservation Plans.

Signature – Refuge Manager:



Charles E. Vandemoer

Date: 3/20/02

Concurrence – Regional Chief:



Anthony Leger

Date: 5/7/2002

Mandatory 15-year Reevaluation

Date: 5/7/2017

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