

Pre-Acquisition Compatibility Determination  
Rhode Island National Wildlife Refuge Complex  
(For use on lands approved for acquisition, but not yet acquired  
into the Rhode Island National Wildlife Refuge Complex)

## Uses

Hunting and 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."

### Description of Use

*What is the use?*

This pre-acquisition compatibility determination serves as our "statement of intent" to allow hunting and fishing to continue, where they are pre-existing and owner-authorized, on lands approved for Service acquisition, but not yet acquired. The specific parcels covered by this compatibility determination have been identified in the final Land Protection Plan (LPP) for the Rhode Island National Wildlife Refuge Complex, April 2002.

Within the refuge acquisition boundary, most of the parcels are privately owned and currently unimproved, and we are aware of only a few existing public use opportunities. As we pursue acquisition of individual parcels we will be able to verify whether others exist. We are aware of the following wildlife-dependent public uses on refuge parcels identified for acquisition:

- Block Island Refuge: deer hunting, upland game hunting, and surf fishing
- Ninigret Refuge: waterfowl hunting, deer hunting, and fishing
- Chafee Refuge: fishing and waterfowl hunting
- Sachuest Point Refuge: surf fishing
- Trustom Pond Refuge: surf fishing, Canada goose hunting, deer hunting.

*Are the uses priority public uses?*

Yes, hunting and fishing were identified as priority, wildlife-dependent public uses by the National Wildlife Refuge Improvement Act of 1997 (Refuge Improvement Act, P.L. 105-57).

*Where would the use be conducted?*

The LPP identifies new acquisition boundaries for all five refuges in the Refuge Complex. The LPP also delineates the specific parcels, using town tax records, approved for acquisition by the Service for each refuge. Parcels will be acquired from willing sellers only, as funding allows.

*When would the use be conducted?*

All opportunities would be implemented consistent with the compatibility determinations already in place for existing refuge lands. Compatibility determinations for these priority public uses were recently updated and approved in conjunction with the preparation of Comprehensive Conservation Plans (CCPs) for each of the five refuges in the Refuge Complex. In general, refuges are open from sunrise to sunset for these activities; the only exception is night fishing at Sachuest Point Refuge. Hunting and fishing activities would be subject to state seasons and specific refuge regulations.

*How would the use be conducted?*

All opportunities would be implemented consistent with the compatibility determinations already in place for existing refuge lands, refuge regulations, and applicable State and local laws.

*Why is the use being proposed?*

These priority public uses may already be occurring on privately owned lands, with the owners permission. These uses are also identified as priority uses by the National Wildlife Refuge System Improvement Act of 1997.

### Availability of Resources

No additional Refuge resources would be devoted to these uses; that is, no additional infrastructure would be developed to accommodate these new areas until compatibility determinations are revised in response to new information or until we revise individual step-down management plans. Any proposed expenditures for improving public use opportunities in these areas would be identified as projects in a Visitor Services Plan. Acquisition and posting of these parcels will occur regardless of their potential for wildlife-dependent public use.

### Anticipated Impacts of Proposed Actions

We expect only minimal impacts from continuing to allow these priority public uses, similar to those impacts described in the compatibility determinations for existing refuge lands.

### Public Review and Comment

As part of the CCP/EA process for the Rhode Island Refuge Complex, this compatibility determination has undergone extensive public review, including a 51 day public comment period, following release of the draft CCP/EA in January 2001. We did not receive any comments specifically pertaining to this pre-acquisition compatibility determination, only general comments about the need to continue to provide priority public uses to the extent possible on existing refuge lands.

### Determination

The uses are compatible X.

The uses are not compatible \_\_\_.

### Stipulations Necessary to Ensure Compatibility

The following conditions must all be met before allowing existing, priority, wildlife-dependent public use to continue on an interim basis on newly acquired lands:

- 1) There are no indirect, direct, or cumulative threats anticipated to human health or safety;
- 2) There are no indirect, direct, or cumulative threats anticipated to natural or cultural resources;
- 3) The use is consistent with management of existing Rhode Island Refuge Complex lands; existing Refuge regulations would not be compromised;

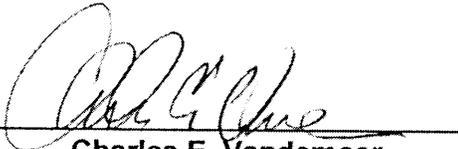
- 4) The newly acquired lands represent a meaningful unit within which to manage the activity;
- 5) There are no anticipated, irresolvable conflicts between or among priority public uses; and,
- 6) The land is acquired by the Service and the boundaries are posted.

The Refuge Manager will evaluate parcels of land for these conditions before they are acquired. Existing uses may be allowed if these conditions are found to exist; all refuge regulations would apply to the newly acquired lands.

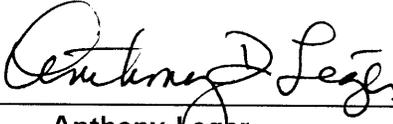
This pre-acquisition compatibility determination is in effect until the currently approved compatibility determinations for the Refuge Complex are revised. A compatibility determination will be revised when conditions under which the use was first allowed change significantly, or if there is significant new information regarding the effects of the use, or with revision of a CCP. There may also be changes warranted when the Visitor Services Plan is completed. However, at any time, the Refuge Manager retains the authority to modify or cancel any public uses in order to insure compatibility with refuge purposes or to insure the conditions above are met. Significant changes to these compatibility determinations will require another public review period.

### Justification

Existing priority, wildlife-dependant recreational uses should be allowed to continue on newly acquired tracts of land as they have been determined appropriate by the 1997 Refuge Improvement Act and, when compatible, are to be facilitated on refuges. These programs support the mission of the National Wildlife Refuge System by promoting an understanding and appreciation of natural and cultural resources and their management within a national system of refuges. Our programs will reach out to all segments of the public to expand support for the refuge system. Individual refuge programs will be consistent with, and fully support, the goals and objectives in refuge CCPs.

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