

## Appendix H



USFWS

*Pier at sunset*

# Recreational Fishing Management Plan





**U.S. DEPARTMENT OF THE INTERIOR  
FISH AND WILDLIFE SERVICE  
BACK BAY NATIONAL WILDLIFE REFUGE  
VIRGINA BEACH, VIRGINIA**

**RECREATIONAL FISHING MANAGEMENT PLAN**



**SEPTEMBER 2009**



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BACK BAY NATIONAL WILDLIFE REFUGE  
RECREATIONAL FISHING MANAGEMENT PLAN

## I. INTRODUCTION

Back Bay National Wildlife Refuge was established to provide habitat for migrating and wintering waterfowl, particularly greater snow geese, and to protect upland and wetland habitats to benefit rare, threatened, and endangered species. Today, the Refuge continues to be an important link in the chain of national wildlife refuges located along the Atlantic Flyway.

The Back Bay area has long been famous as a wildfowler's paradise where once large concentrations of wintering waterfowl and shorebirds could be found. Before the Refuge's establishment on June 6, 1938 by Executive Order #7907, the Princess Anne and Ragged Island Hunting Clubs occupied the site. Other well known hunt clubs in the Back Bay area include the Dudley Island Club, the False Cape Gunning Club, the Cedar Island Club, and the Back Bay Gunning Club. Many of these hunt clubs were founded in the late 1800s and attracted wealthy professionals from as far away as New York and Philadelphia. The Refuge was established in cooperation with the State of Virginia to protect valuable wintering waterfowl habitats, the estuarine system, and the water quality of the Back Bay watershed.

Prior to acquisition by the Federal government, the barrier beach portion was generally flat and sandy. The saline soils were unproductive. Periodic nor'easters and hurricanes pushed large quantities of sea water across these flat beaches and into Back Bay. During the early 1930's the Civilian Conservation Corps built brush fences and planted cane and bulrush to catch moving sands; thus building and stabilizing new sand dune formations. Later, wooden sand fences were constructed and many dunes were planted with beachgrass. These new dunes protected the bayside flats from oceanic waters and permitted formation of a brackish marsh that evolved into the existing oligohaline (salinity of <5 ppt) wetlands complex called Back Bay.

Today, more than 125,000 nature enthusiasts from all over the world visit the Refuge annually, including approximately 12,000 visitors who participate in fresh and/or saltwater recreational fishing.

## II. MISSION OF THE NATIONAL WILDLIFE REFUGE SYSTEM

In 1997, the National Wildlife Refuge System Improvement Act was passed. This law established a unifying mission for the Refuge System, a new process for determining compatible public use activities on Refuges, and the requirement to prepare CCPs for each Refuge. The Refuge Improvement Act states first and foremost, that the Refuge System must focus on wildlife conservation. It further states that the national mission, coupled with the purpose(s) for which each Refuge was established, will provide the principal management direction for each Refuge.

*“To administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats with in the United States for the benefit of present and future generations of Americans.”*

—Refuge Improvement Act; Public Law 105-57

The Refuge Improvement Act identifies six wildlife-dependent public uses — hunting, fishing, wildlife observation, photography, environmental education and interpretation — that will receive priority consideration on refuges and in CCPs. The Act also declares that all existing or proposed refuge uses must be “compatible” with the Refuge’s purpose and consistent with public safety. The refuge manager determines if an existing or proposed use is “compatible” by evaluating its potential impact on refuge resources, insuring that the use supports the System mission and does not materially interfere with, or detract from, the purpose for which the refuge was established.

## III. CONFORMANCE WITH STATUTORY AUTHORITIES

There are several mandates that apply to fishing on national wildlife refuges, and that provide a legal framework and authority for recreation and public use of refuge lands. They are:

### **A. The National Wildlife Refuge System Administration Act of 1966, as Amended by the National Wildlife System Improvement Act of 1997**

This Act consolidated the various categories of lands administered by the Secretary of the Interior through the Service into a single National Wildlife Refuge System. The Act establishes a unifying mission for the Refuge System, a process for determining compatible uses of refuges, and a requirement for preparing comprehensive conservation plans. This Act states first and foremost that the mission of the National Wildlife Refuge System be focused singularly on wildlife conservation. This Act identifies six priority wildlife-dependent recreation uses (hunting, fishing, wildlife observation and photography, and environmental education and interpretation), clarifies the Secretary’s authority to accept donations of money for land acquisition, and places restrictions on the transfer, exchange, or other disposal of lands within the refuge system. Most importantly, this Act reinforces and expands the “compatibility standard” of the Refuge Recreation Act. The Refuge Administration Act

authorizes the Secretary, under such regulation as he/she may prescribe, to “permit the use of any area within the System for any purpose, including but not limited to hunting, fishing, public recreation and accommodation, and access whenever he/she determines that such Uses are compatible with the major purposes for which such areas were established.”

### **B. Executive Order 12996 (March 25, 1996)**

This Executive Order, entitled “Management and General Public Use of the National Wildlife Refuge System,” contains a directive to “..recognize compatible wildlife-dependent recreational activities involving hunting, fishing, wildlife observation and photography, and environmental education and interpretation as priority general public uses of the Refuge System...”

### **C. Refuge Recreation Act**

The Recreation Act requires that any recreational use on areas of the National Wildlife Refuge System be “compatible” with the primary purpose(s) for which the area was acquired or established. This Act also requires that sufficient funding be available for the development, operation and maintenance of recreational uses that are not directly related to the area’s primary purpose(s).

### **D. Endangered Species Act**

The Endangered Species Act of 1973, as amended, did not specifically address the Refuge System but it does directly affect management activities within the National Wildlife Refuge System. The Act directed Federal agencies to take actions that would further the purposes of the Act and to ensure that actions they carry out, authorize, or fund do not jeopardize endangered species or their critical habitat.

### **E. The Code of Federal Regulations (CFR), Title 50**

Section 31 .2(e) lists fishing as a method of surplus wildlife population control.

Section 31.15 states that the privilege of fishing may be extended to the general public.

Section 32.4 states that the opening of a wildlife refuge area to fishing may occur only after a determination is made that the activity is compatible with the purposes for which the refuge was established, and that the program is consistent with the principles of sound fishery management and will otherwise be in the public interest.

Section 32.5 has provisions applicable to each person engaged in public fishing on a wildlife refuge area.

Section 32.6 explains the procedure for publication of special regulations

The Refuge recreational fishing program supports public use objectives of the Refuge System Improvement Act, Executive Order 12996, and the Refuge System Centennial Act. The program also complies with compatibility requirements set forth in the Refuge System

Improvement Act and the Refuge Recreation Act (see compatibility determination on sport fishing). Endangered species concerns are addressed in an intra-Service Endangered Species Consultation which confirms that the recreational fishing program will have no impact on Federally threatened or endangered species.

Section 26.34 lists access regulations specific to Back Bay National Wildlife Refuge, including special use permitted motor vehicle access and related restrictions on the Refuge oceanfront, prohibited access into the Refuge dune line, means of entry to the Refuge, and the fact that the Refuge is open to public use, including surf fishing, from one half hour before sunrise to one half hour after sunset.

#### **IV. DESCRIPTION OF THE REFUGE**

The approximately 9,200 acre Refuge is located in southeastern Virginia within the southeastern portion of the city of Virginia Beach. The City of Virginia Beach is bounded to the east by the Atlantic Ocean, to the south by Currituck County and North Carolina, to the west by the cities of Chesapeake and Norfolk, Virginia, and to the north by the Chesapeake Bay. Land use patterns divide the City into three sections. The northern section is the higher density urban and residential region. The southern section is the rural region. The mid-section or “Transition Zone,” provides a mixed density transition between the urban north and rural south. The boundary between the urban north and Transition Zone is known as the “Green Line.” Currituck Sound lies south of the City, with North Landing River, Back Bay and the Albemarle-Pamlico Estuarine system in North Carolina, being the primary water sources. The City of Virginia Beach is one of the biggest resort cities on the Atlantic coast and continues to expand as area tourism grows and the resident population continues to increase.

The Refuge exists within the Back Bay watershed. It currently makes up roughly 25% of the watershed. The watershed has been defined as an oligohaline (nearly fresh) estuary (Norman 1990). The usual salinity of Refuge waters ranges from 0-3 parts per thousand (ppt). Back Bay is the northern tip of the Environmental Protection Agency (EPA)-recognized Albemarle-Pamlico National Estuarine System (APES). Most of APES runs south into coastal North Carolina and consists of Currituck Sound, Albemarle Sound, and Pamlico Sound and associated waterways. Because of its location, 80 miles north of the nearest ocean inlet (Oregon Inlet, NC), Back Bay experiences no lunar tide. Instead, the watershed experiences “wind tides” that keep Bay water levels high or *low* for prolonged periods, in keeping with the prevailing wind direction and speed. These wind tides, when coupled with precipitation and input from the watershed, determine salinity levels of Back Bay waters.

The Refuge consists mostly of open water, barrier island beach and sand dunes, shrub-scrub, bottomland and upland forests/woodlands, and emergent marshes. The immediate surrounding environment is residential, rural agriculture, barrier dunes, inland water, and ocean front. The area just north of the Refuge is urban. The Refuge’s unique location mid-way

along the Atlantic Coast provides for a high diversity of plant, animal and fish species, because southeastern Virginia and northeastern North Carolina sustain both northern and southern species at their geographic range limits.

The Refuge has doubled its size since the early 1990s (Table H.1). Recent land acquisitions open up possibilities for visitor facilities along the western border of the Refuge (Appendix H Map 1). One such location, the Horn Point Canoe/Kayak launch site, has already been developed.

**Table H.1. Refuge land acquisition since being established in 1938.**

<b>Refuge Acquisition History</b>	
<b>Date of Acquisition</b>	<b>Acreage</b>
<b>1938 (as originally established)</b>	<b>4588.76</b>
<b>1990</b>	<b>455.08</b>
<b>1991</b>	<b>95.03</b>
<b>1992</b>	<b>2096.23</b>
<b>1993</b>	<b>410.29</b>
<b>1994</b>	<b>229.13</b>
<b>1995</b>	<b>98.43</b>
<b>1996</b>	<b>275.25</b>
<b>1997</b>	<b>67.62</b>
<b>2000</b>	<b>327.14</b>
<b>2001</b>	<b>51.22</b>
<b>2002</b>	<b>201.54</b>
<b>2004</b>	<b>84.92</b>
<b>2005</b>	<b>14.06</b>
<b>2006</b>	<b>40.31</b>
<b>2007</b>	<b>29.24</b>
<b>2008</b>	<b>87.82</b>
<b>TOTAL</b>	<b>9,152.07</b>

## **V. REFUGE PURPOSE**

The original 1938 Executive Order established Back Bay NWR “... as a *Refuge and breeding ground for migratory birds and other wildlife.*” Another of the Refuge’s primary purposes (for lands acquired under the Migratory Bird Conservation Act) is for “... *use as an inviolate sanctuary, or for any other management purpose, for migratory birds.*” The Emergency Wetlands Resources Act of 1986 also authorizes purchase of wetlands for the purpose of “...

*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 .. ..,” using money from the Land and Water Conservation Fund (LWCF).*

In 1939, 4,600 acres of open bay waters within the Refuge boundary were closed to the taking of migratory birds by presidential proclamation. This boundary is referred to as the Refuge Presidential Proclamation Boundary (Appendix H Map 1).

The Refuge includes approximately five miles of oceanfront beach, a 900-acre freshwater impoundment complex, numerous Bay islands, bottomland mixed forests, old fields, and freshwater wetlands adjacent to Back Bay and its tributary shorelines.

The Back Bay NWR Station Management Plan (1993) expanded the role of the Refuge to include management emphases on other migratory bird groups, including threatened and endangered species, shorebirds, wading birds, marsh birds and songbirds/landbirds.

### **A. Refuge Vision Statement**

The following Refuge vision was developed during preparation of the Refuge Comprehensive Conservation Plan as the guiding philosophy and sense of purpose for our planning effort.

*Back Bay National Wildlife Refuge will work closely with partners and communities to provide a biologically healthy natural environment that restores abundant fish, wildlife and plant populations. Special consideration will be given to those species whose survival is in jeopardy. In keeping with the Refuge System mission, we will provide a healthy haven of land and water to support Back Bay’s diverse wildlife communities, with an emphasis on migratory waterbird and songbird management. We will strive to promote active stewardship of these natural resources for present and future generations, while also providing opportunities for compatible public uses. In doing this, we hope to ensure a sound coexistence between wildlife and people that will allow people to share our passion and appreciation of Back Bay’s many natural resources, while also enhancing the quality of life in Back Bay.*

### **B. Refuge Goals**

The Refuge CCP planning team developed the following goals after reviewing the Refuge purposes, the mission of the Service and Refuge System, our proposed vision, public and partner comments, and the mandates, plans and conservation strategies mentioned above:

Goal 1: Maintain and enhance a diversity of wetland habitats for migratory birds.

Goal 2: Enhance and preserve native woodland diversity and health.

Goal 3: Manage beach and dunes to preserve and protect migratory bird and other wildlife habitats.

Goal 4: Provide healthy natural environments for native fish, wildlife, and plant populations (with special consideration to those species whose survival is in jeopardy).

Goal 5: Provide additional viewing opportunities of migratory birds and other wildlife to increase the general public's appreciation and support of natural resources.

Goal 6: Provide and expand hunting and fishing opportunities to the public where compatible with Refuge purposes.

Goal 7: Promote understanding and appreciation for the conservation of fish, wildlife and their habitats and the role of the Refuge in this effort through effective community outreach programs and partnerships.

## **VI. STATEMENT OF OBJECTIVES**

Where appropriate and compatible, the Refuge will be open to recreational fishing, and will mirror State regulations, except for additional regulations that protect migratory birds and threatened and endangered species use(s), and to maintain a self-sustaining, healthy fishery. Additional restrictions may take the form of seasonal closures, catch and release, type of bait allowed, prohibition of lead sinkers, and time of day for fishing access.

The Refuge, in cooperation with the State of Virginia, will take an adaptive management approach to maintaining the fishery resources of the Refuge. A partial baseline of the freshwater fishery and related water quality has been established, from which we can measure changes over time. The Refuge will cooperatively implement the changes necessary to ensure that its fishery resource remains healthy and sustainable.

### **A. Fishing Objectives**

- To provide the general public with safe, high quality, wildlife-oriented recreation and an opportunity to utilize a renewable resource.
- To cooperatively maintain fish populations at optimum levels.
- Back Bay National Wildlife Refuge will provide a quality fishing program that is managed to minimize conflicts with other Refuge uses.
- Within 5-7 years of CCP approval, expand high-quality fishing opportunities on the Refuge.

## **B. Rationale for Objectives**

During the Refuge expansion proposal in the 1990's, the Refuge committed to working with the City of Virginia Beach to provide additional public access to Back Bay for uses compatible with Refuge purposes. There are limited shoreline public access points on Back Bay. The expansion of the existing fishing program is in response to the high demand for recreational fishing on the Refuge. The National Wildlife Refuge System Improvement Act of 1997 also states "that compatible wildlife-dependent recreational uses are legitimate and appropriate, priority general public uses of the Refuge System and . . . are to receive enhanced consideration in planning and management" (US Fish and Wildlife Service). A fishing plan for the Back Bay National Wildlife Refuge will provide specific areas open to fishing, compatibility, and the regulations/restrictions that will be enforced.

Recreational fishing will provide the general public with a wildlife-dependent recreational opportunity. It will promote appreciation and wise use of Refuge aquatic resources. There will be opportunity to observe natural relationships and the diversity necessary for a healthy ecosystem. The public will gain valuable knowledge through brochures, maps, and interpretive literature available and distributed at the Refuge. Special fishing events will help to further instill a conservation ethic and stewardship of natural resources. Regulation and information signs will also be available at each site open for fishing. Through these resources the public will attain an understanding of natural resource management and of the Service's role in preserving and protecting natural resources. Visitors will also form an appreciation and an awareness of the roles they play within the ecosystem. By utilizing this knowledge, the public will be able to participate in solving problems facing wildlife/wildland resources.

## **C. Strategies**

- Cooperate with Virginia Department of Game and Inland Fisheries (VDGIF) to maintain freshwater fisheries resources
- Close Refuge barrier beach portion to public access, including fishing during the annual feral hog/white-tailed deer hunt on designated days in October
- Cooperate with Virginia Marine Resource Commission (VMRC) to maintain saltwater fisheries resources
- Maintain partnerships with fishing interests groups to enhance public fishing opportunities
- Open a designated area on the Refuge ocean front to night surf fishing
- Annually adjust the fishing program for safety, biological, and recreational purposes
- Maximize safety for anglers and visitors
- Cause no adverse impacts to resident or migratory species, or their habitat(s)
- Encourage the highest standards of ethical behavior in regard to catching, attempting to catch, and releasing fish
- Make fishing available to a broad spectrum of the public that visits, or potentially would visit, the Refuge
- Provide reasonable accommodations for individuals with disabilities to participate in Refuge fishing activities

- Reflect positively on the System
- Provide un-crowded conditions
- Create minimal conflict with other priority wildlife-dependent recreational uses or Refuge operation
- Provide reasonable challenges and harvest opportunities
- Increase the visitors' understanding and appreciation for the fisheries resource

## **VII. RECREATIONAL FISHING RESOURCES AND OPPORTUNITIES**

### **A. WETLAND HABITATS – IMPOUNDMENTS**

During the 1930's, a dune system was created along the Refuge beach front. The Civilian Conservation Corps built brush fences and planted cane and bulrush to catch the blowing sand. Later on, beach grass was planted to stabilize the dunes. This protected the bayside flats and, by the 1970's, Back Bay NWR converted approximately 650 acres of mostly un-vegetated "wash flats" to freshwater impoundments. These impoundments evolved from a simple "ring dike" system with 3 units, to an efficient, manageable system that includes 10 units with two storage pools, water control structures, and a water pump that allows water levels to be altered throughout the year. Wildlife management of this area involves surveys of population size and species diversity to determine use trends in combination with the control of undesirable species and encouragement of desirable species, through mechanical, chemical and aquatic habitat management tools. The impoundments include A-pool, B-pool, C-pool, D-pool, E-pool, G-pool, H-pool, J-pool and two water storage pools, C-Storage and B-Storage Pools.

#### **1. D-Pool**

D-Pool is currently the only impoundment designated for recreational fishing activities. This small 17-acre unit is a short walk from the visitor contact station.



D-Pool

The area supports upland grasses, wax myrtles and small patches of three-square and black needle rush. The interior perimeter consists of wide, deep-water ditches that support a viable game-fish population. Areas adjacent to the deep-ditch are shallower to support spawning and baitfish/prey populations. Disabled accessible parking is available at this site, which also includes an accessible 500 square foot fishing platform (See Appendix H Map 2). Other anglers must park in the Visitor Contact Station parking area and hike the approximate 50 yards to the impoundment.

In addition, to the existing Virginia Department of Game and Inland Fisheries (VDGIF) freshwater fishing regulations, current Refuge management policy for D-pool is catch and release, except for a maximum of 10 non-game fish that may be kept.

No live minnow bait is permitted and barbless or flattened hooks are required. Visitors may fish from this pier or along the entire length of the impoundment. No watercraft of any type is permitted in the impoundment. There is a pack it in-pack it out trash disposal policy for this site. No other impoundments are presently proposed to be opened for recreational fishing (See Appendix III for Fish Species).

## **B. BAY—EXISTING FISHING FACILITIES AND OPPORTUNITIES**

### **1. Headquarters Bulkhead and Multi-purpose Pier**

In 2005, Back Bay National Wildlife Refuge partnered with U.S. Army Corps of Engineers, Ducks Unlimited, and the Commonwealth of Virginia to construct a new 11-foot wide by 116-foot long timber multipurpose pier to accommodate public fishing, wildlife viewing, and administrative boat launching. Located just west of the Refuge Headquarters overlooking the Bay, this multi-purpose disabled accessible pier and bulkhead offers freshwater fishing as well

as an opportunity to observe and photograph wildlife at its finest. In addition, three riprap breakwaters were constructed for shoreline protection. The shoreline bulkhead in this location is open to fishing, and there is a public canoe/kayak launch site to the immediate right of the pier. No public boat launching or mooring is permitted from the pier (See Appendix H-2).



Headquarters Bulkhead and Multi-purpose Platform

## **2. Horn Point Canoe/Kayak Launch Site**

In the late 1980's and early 1990's, Back Bay NWR sought to increase its boundary to protect water quality of the Back Bay watershed. Working with the City of Virginia Beach through a variety of forums, the boundary expansion was approved and incorporated into the City's comprehensive plans. At that time, Back Bay NWR promised to review newly acquired areas for potential compatible public uses. Since that time, Refuge staff has worked extensively with City staff, combining expertise to plan for increased protection of the environmentally sensitive Back Bay watershed, while allowing for consideration of compatible public uses of the watershed. As the human population of Virginia Beach increases, these goals become harder to achieve. Increased human population surrounding the Back Bay watershed contributes to water quality degradation (through both direct and indirect activities) and increased use conflicts between humans and wildlife. These growth conflicts can only be resolved through the continuing full cooperation of the City of Virginia Beach and Back Bay NWR. A cooperative agreement for restoration and enhancement projects between the City of Virginia Beach and Back Bay NWR is critical for the protection of Refuge resources, in the face of increasing demand for public recreational opportunities.



Horn Point Canoe/Kayak Launch Site

The first project to come out of this agreement was the development of Refuge property at 1008 Horn Point Road. Historically, the area adjacent to this tract has been used as an “unofficial” launch area for duck hunters, jet skiers, power boaters, canoeists, and kayakers. By providing a monitored facility that primarily encourages use by canoes and kayaks, both the City of Virginia Beach and Back Bay NWR hope to increase compatible human use and discourage incompatible use by high powered watercraft. The Horn Point Canoe/Kayak Launch Site is a 1 acre site with a through way for easy access in/out for launching. Parking is on a first come first serve basis, disabled parking is available, and restroom/trash disposal are on the premises. There is also a 28 ft. trailer pad with hook-ups meant for occupancy by a resident volunteer host. The Canoe/ Kayak Launch site will also offer a multi-purpose wildlife observation/fishing platform and a raised boardwalk level with the cement walk way leading out to the launching site. The proposed wildlife observation/fishing platform will extend over the existing shoreline rip rap and into the water where no submerged aquatic vegetation (SAV) is currently present. For safety reasons no fishing will be permitted from the existing rip-rapped shoreline at the site.

Any reduction in the area’s use by jet skis will serve to decrease the rate of shoreline erosion, decrease negatively impacting human/wildlife interactions, and improve water quality. Horn Point Canoe/Kayak Launch Site is open seasonally from April 1<sup>st</sup> through October 31<sup>st</sup> from dawn to dusk, and closed November 1<sup>st</sup> through March 31<sup>st</sup>, except by special use permit. During the open season there is a resident volunteer host to welcome visitors and maintain the site (See Appendix H Map 3).

### **3. Black Gut**

Black Gut is a freshwater pond surrounded by emergent marsh and mixed bottomland hardwood/pine woodlands. It is approximately 150 acres of open water and adjacent marsh. The shallow system averages a depth of 3-4 feet dependent upon rainfall.

With limited accessibility, Black Gut provides a more primitive recreational fishing experience than other more accessible and/or developed fishing sites on the Refuge. It is an ideal location for those who want to pursue a more remote fishing experience. There is an existing trail that leads to the fishing area. Currently there are no plans to improve the site other than to maintain the trail leading to the lake. The site will be managed for public fishing according to its current primitive condition (See Appendix H Map 6).

## **C. OCEANFRONT –EXISTING FACILITIES AND OPPORTUNITIES**

The Refuge’s oceanfront is popular for surf fishing, which is currently permitted year- round during daylight hours. Saltwater fishing access is via the Seaside Trail and Dune Trail on the eastern side of the Refuge. The Refuge is closed to all public entry from one half-hour after sunset to one half-hour before sunrise. This closure will include entry for night fishing.

### **1. North Mile**

The Refuge manages approximately five miles of beach referred to as the “North Mile” which is closed to visitors and acts as a buffer between the high-use area of Little Island City Park and the Refuge. The “North Mile” is also designated as part of the Atlantic Coast Piping Plover Recovery Plan. Refuge piping plover use occurs during the spring and fall migrations. Only four to five piping plovers are usually recorded during this time. Nesting has not yet occurred on Refuge beaches, probably because of the lack of suitable nesting areas. Refuge biological staff conducts periodic shorebird surveys and is alert to Piping plover nesting possibilities and what to do in the event a nest is found.

In 1996, a revision was made to the original 1988 Atlantic Coast Piping Plover Recovery Plan (USFWS 1996). The primary objective of the revised recovery program is to remove the piping plover population from the List of Endangered and Threatened Wildlife and Plants. The plan hopes to do this by: (1) achieving well-distributed increases in numbers and productivity of breeding pairs, and (2) providing for long-term protection of breeding and wintering Plovers and their habitat. The strategies within the plan provide for the ensured long-term viability of piping plover populations in the wild. There are a total of 20 piping plover potential breeding sites in the state of Virginia. For this reason the “north-mile” will continue to remain closed to all public access, including fishing (See Appendix H Map 2).



Headquarters Ocean Front

## 2. North Mile Southern Boundary to False Cape State Park

With the exception of the “North Mile,” the Refuge’s oceanfront beach has always been open for recreational surf fishing during daylight hours. Special access regulations in 50 CFR govern public access and use of the Refuge, including surf fishing. All anglers, unless otherwise exempted, must hold a saltwater fishing license issued by the Virginia Marine Resource Commission. Access to the oceanfront for fishing is by foot or bicycle only. Vehicle access onto the beach for fishing is prohibited. Access to the oceanfront beach is limited to the Seaside and Dune Trails. Entry onto the dunes is prohibited. Under this plan the Refuge oceanfront beach will remain open for surf fishing from half an hour before sunrise to half an hour after sunset. However, nighttime surf fishing will not be allowed unless and until the Refuge's current access regulations as expressed in 50 CFR 26.34(n) are changed.

## VIII. BAY—PROPOSED FISHING FACILITIES

### A. Beggar’s Bridge

This site is located off Muddy Creek road in the Pungo area of Virginia Beach. The current site has an undeveloped parking turn out and a degraded concrete launch ramp. It has traditionally been used primarily by local residents for launching jet skis, small fishing boats, canoes, and kayaks. Working cooperatively with the City of Virginia Beach, the proposal for this site is to provide upgraded parking for 8 to 10 people and construct a canoe/kayak launch ramp (See Appendix H Map 4).

## **B. Lotus Pond/Hell’s Point Creek**

This site has traditionally been used primarily by local residents and tourists for launching john boats, small fishing boats, canoes, and kayaks. Working cooperatively with the City of Virginia Beach, the proposal for this site is to upgrade the existing parking off the road for 8 to 10 people and construct a canoe/kayak launch ramp (See Appendix H Map 5).

## **C. Crystal Lake**

This dredge pond was once mined for sand and gravel. Crystal Lake is located on the northeastern part of the Sandbridge community. Traditionally, locals have used this site for recreation, such as fishing, swimming, canoeing, and kayaking. This aquatic resource presents opportunity for eventual public use, including fishing. It will, however, remain closed to public use until public access, parking, existing trespass, and security issues can be addressed. Future management actions should include public involvement and outreach, access easements, and/or realty acquisition to assist in resolving these issues (See Appendix H Map 6).

## **D. Other Sites – Future Acquisitions**

As land parcels are acquired through the Refuge’s realty acquisition program, they will be evaluated for potential public fishing opportunities. A determination of such use of any parcel will be based upon the Services compatibility process. This plan will be amended as necessary to reflect the opening of any new public fishing sites.

# **IX. OCEANFRONT—PROPOSED NIGHT SURF FISHING**

By law, National Wildlife Refuges are normally closed to public entry after dark, except by special use permit. In the summer of 2006, the Refuge received a request from a group of avid saltwater anglers to open the Refuge oceanfront to night fishing for the October red drum migration. A subsequent public comment meeting on this issue, held in February 2007, determined that there was considerable support for Refuge night surf fishing.

The Refuge proposes to open the designated area of oceanfront for public night surf fishing annually during the month of October, excluding the annual hunt dates. Night surf fishing will not be allowed unless and until the Refuge's current access regulation (50 CFR 26.34(n)) is changed. After the access regulations are changed, night surf fishing will be permitted daily from one half hour after sunset until midnight. The designated area for night surf fishing is between the Seaside and Dune Trails, a distance of approximately a quarter mile (See Appendix H Map 7).

The night-time surf fishing activity will be controlled through conditions listed on a required individual Special Use Permit (SUP) with enforcement by Refuge staff (See Appendix II

for sample permit and permit stipulations). Each individual will purchase a permit for night fishing and produce it upon request when participating in this use. For safety purposes, only individuals 16 years of age and older can obtain a permit. Applicants under 18 shall have a legal parent or guardian apply for and sign the SUP. Participants shall adhere to the following safety precautions when night fishing on the Refuge beachfront:

- ⊠ All fishing rods, holders, and associated lines shall be placed as close to the ocean as possible and not allowed to run across the beach to be potentially snagged by passing vehicles. Rod holders shall be placed in the “wet sand” tidal zone only.
- ⊠ All equipment shall be marked with either reflective tape or be placed within 5-10 feet of a light source, such as a lantern.
- ⊠ Fisherman shall wear bright clothing to aid in visibility. If possible this should include reflective materials.
- ⊠ Fishing equipment shall not be placed in a fashion so as to obstruct the operation of motor vehicles permitted on the beach. When driving, both high and low tracks are used by vehicles, and low track is preferable to reduce the possibility of becoming stuck. This is especially important on the approaches to the vehicle access ramp. 50 CFR 26.34 requires beach traffic to use the portion of the beach between the high and low tide marks.
- ⊠ Fishermen shall be clear of the access ramp to allow vehicles to access the beach and to allow drivers to determine the best means to avoid interaction with the fishermen.
- ⊠ Fishermen shall not be on the vehicle access ramp, especially near the outlet onto the beach. This is a blind spot that is difficult to stop short on to avoid pedestrians or vehicles. Stopping for pedestrians increases the potential for vehicles becoming stuck in the soft sand.
- ⊠ All permitted drivers shall be provided notice of these requirements on their SUP.
- ⊠ Permittees of the Motor Vehicle Access Permit Program shall have priority use on the beach.

## **X. FISHING EDUCATION**

The U.S. Fish and Wildlife Service and Back Bay National Wildlife Refuge promote fishing as a viable wildlife-oriented recreational activity. The Refuge annually hosts a minimum of two “Family Fishing Day” events to promote fishing as a wholesome outdoor recreation opportunity and educate the public regarding fisheries management and conservation. Other partners who participate in this educational event are the Izaak Walton League, Virginia Game and Inland Fisheries, Wal-mart, Bass Pro, and Virginia Coastal Access Now. These events provide an opportunity for fishing novices, especially children, to learn how to fish, learn about nature, instill a sense of stewardship, and provide an introduction to the Refuge system mission and purpose. Additionally, the Refuge budgets approximately \$1,000 annually for the purchase of event supplies, volunteer expenses, and fishing education brochures, coloring books, and other fishing education material. One event is in the spring as a part of National

Fishing Week, and the second event is held in September. The Refuge promotes catch and release as a part of its fishing program. The Service fishing education program also supports the Service's "Lets Go Outside" program.

## **XI. AVAILABILITY OF RESOURCES**

**A.** Permitting the general fishing use is within the resources available to administer our Visitor Services Program. The funding received by the Refuge is adequate to continue to administer this program and to ensure that the use remains compatible with the Refuge purposes. The use of the area specified for fishing is a small area, where cost effective administration of the program can occur. Compliance with fishing regulations is handled within the regular duties of the Station Law Enforcement Officer.

**B.** Anticipated additional costs for special fishing events:

- ▣ Senior Refuge Biologist (GS-12) and/or GS-09 Refuge Biologist (review request) - 1/2 day/yr. = \$175
- ▣ Visitor Services Manager (GS-12) and/or GS-09 Refuge Operations Specialist (coordinate with entity process) - 2 days/yr. = \$650
- ▣ Refuge Manager (GS-14) (review and approval) - 1/4 day/yr. = \$104
- ▣ Law Enforcement Officer (GS-09) (enforcement patrols) - 1 day/yr. = \$208

Implementing the night-time surf fishing requires additional resources, due to being highly managed. Back Bay NWR incurs the bulk of the cost in staff time to administer the use each day; however, this cost (included below) will be offset by each \$35 special use permit fee generated by this program. Costs associated with administering night-time surf fishing include:

- ▣ Visitor Services Manager (GS-12) and/or GS-09 Refuge Operations Specialist - 4 weeks/yr. \$6,400
- ▣ Deputy Refuge Manager (GS-13) - 3 days/yr. = \$1,125
- ▣ Refuge Manager (GS-14) - 3 days/yr. = \$1,254
- ▣ Law Enforcement Officer (GS-09) - 4 weeks/yr. \$4,200
- ▣ Administrative Assistant (GS-06) - 1 week/yr. = \$900

## **XII. ASSESSMENT**

### **A. Compatibility Policy**

Federal law and Service policy provide the direction and planning framework to protect the Refuge System from incompatible or harmful human activities and ensure that Americans can enjoy Refuge System lands and waters. The Refuge Improvement Act is the key legislation regarding management of public uses and compatibility. The compatibility requirements of the Refuge Improvement Act were adopted in the USFWS Final Compatibility Regulations and Final Compatibility Policy, published October 18, 2000 (Federal Register; Vol. 65, No. 202, pp. 62458 to 62496). This Compatibility Rule changed or modified Service regulations contained in Chapter 50, Parts 25, 26, and 29 of the Code of Federal Regulations (USFWS 2000). The compatibility determinations for Back Bay Refuge can be found in Appendix A of the CCP along with additional information on the process. To view the policy and regulations online, visit <http://policy.fws.gov/library/00fr62483.pdf>.

## **B. Wildlife-Dependent Recreation Policy**

The Improvement Act defines and establishes that compatible wildlife dependent recreational uses (hunting, fishing, wildlife observation and photography, and environmental education and interpretation) are the priority general public uses of the Refuge System and will receive enhanced and priority consideration in refuge planning and management over other general public uses. The Wildlife Dependent Recreation Policy explains how we will provide visitors with opportunities for those priority public uses on units of the Refuge System and how we will facilitate these uses. We are incorporating Part 605, Chapters 1 to 7, of the Fish and Wildlife Service Manual into this plan.

## **C. Maintaining Biological Integrity, Diversity, and Environmental Health Policy**

This policy provides guidance on maintaining or restoring the biological integrity, diversity, and environmental health of the Refuge System, including the protection of a broad spectrum of fish, wildlife, and habitat resources found in Refuge ecosystems. Refuge managers are provided with a process for evaluating the best management direction to prevent the additional degradation of environmental conditions and restore lost or severely degraded environmental components. Guidelines are also provided for dealing with external threats to the biological integrity, diversity, and environmental health of a Refuge and its ecosystem (601 FW 3).

## **D. Dune Habitat Protection**

Beach and dune habitats will be managed for wildlife that depend upon these areas, with a focus on limiting public access to protect these fragile habitats. The stability and integrity of ocean-front primary and secondary sand dunes should be insured by maintaining the existing

dune and high beach profiles in as pristine a condition as possible. Reducing disturbances to dunes and beach from vehicular and human traffic shall be part of this policy.

### E. Threatened and Endangered Species

Back Bay NWR has less than five miles of Atlantic coast beach habitat. The Refuge partners with False Cape State Park, which owns another five miles of beach habitat, to monitor loggerhead sea turtle nesting activity. In most years, loggerhead sea turtles nest on these beaches and produce over 100 young from each nest. Refuge and Park staff implement Loggerhead and Sea Turtle Recovery Plan strategies by protecting beach nesting habitats and enhancing hatching success.

The loggerhead sea turtle season is from late May through early September. This Recovery Plan describes the actions necessary to ensure the survival and recovery of loggerhead sea turtles (National Marine Fisheries Service & USFWS 1991).

The primary goal of the Plan is to contribute to the delisting of the turtle from its threatened status. The Back Bay NWR recreational fishing program will not negatively impact the Recovery Plan, nor materially interfere with other Refuge purposes or objectives. It will help meet the Refuge objective to provide wildlife-oriented recreational opportunities to the public.

As a part of the Refuge's CCP, a Section 7 intra-service threatened and endangered species review has been completed.





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## Literature Cited

- National Marine Fisheries Service and U.S. Fish and Wildlife Service. 1991. Recovery Plan for U.S. Population of Loggerhead Turtle. National Marine Fisheries Service, Washington, D.C.
- Norman, M. D. 1990. Description of the study area. Pages 4-6 in Marshall, H. G. and M. D. Norman, eds. Proc. of the Back Bay Ecological Symposium. Old Dominion Univ., Norfolk.
- U.S. Fish and Wildlife Service. 1993. Back Bay NWR Station Management Plan.
- U.S. Fish and Wildlife Service. 1996. Piping Plover (*Haradrius melodus*) Atlantic Coast Population, Revised Recovery Plan. Hadley, Massachusetts. Accessed at: [http://www.blm.gov/wildlife/pl\\_44sum.htm](http://www.blm.gov/wildlife/pl_44sum.htm). 81 pp. (Draft)
- U.S. Fish and Wildlife Service. 2000. Final Compatibility Policy Pursuant to the National Wildlife Refuge System Improvement Act of 1997. Federal Register/Vol. 65, No. 202

## Appendix I.

### Maps

Map 1: Overview of Back Bay NWR Recreational Fishing Resources

Map 2: D-Pool, Head Quarters Bulkhead, and Oceanfront

Map 3: Horn Point Canoe/Kayak Launch and Proposed Fishing Pier

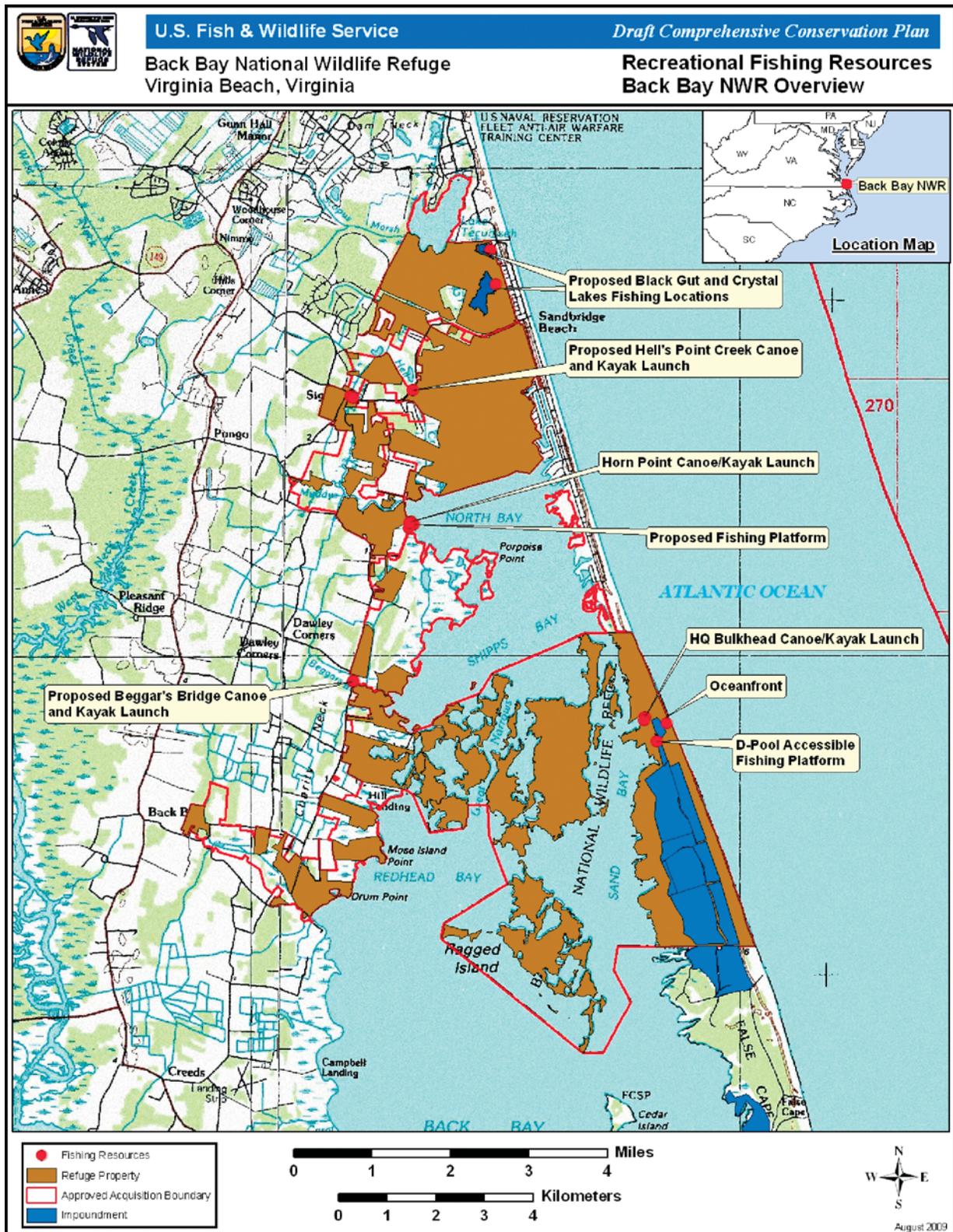
Map 4: Proposed Beggar’s Bridge Canoe/Kayak Launch

Map 5: Proposed Lotus Pond/Hell’s Point Creek

Map 6: Crystal Lake and Black Gut

Map 7: Proposed Night Surf Fishing Area

Map H-1: Overview of Back Bay NWR Recreational Fishing Resources



Map H-2: D-Pool, Headquarters Bulkhead, and Oceanfront



Map H-3: Horn Point Canoe/Kayak Launch and Proposed Fishing Pier



Map H-4: Proposed Beggar's Bridge Canoe/Kayak Launch



Map H-5: Proposed Lotus Pond/Hell's Point Creek



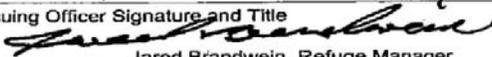
Map H-6: Crystal Lake and Black Gut



Map H-7: Proposed Night Surf Fishing Area



Appendix II.

 <p>UNITED STATES DEPARTMENT OF THE INTERIOR FISH AND WILDLIFE SERVICE</p> <p>BACK BAY National Wildlife Refuge</p> <p><b>SPECIAL USE PERMIT</b></p>	Station No. to be Credited 51510	Permit Number BKB-NF07-042
	Date	
	Period of Use (inclusive) From OCTOBER 1, 2007 To OCTOBER 31, 2007	
Permittee Name	Permittee Address	
Purpose (specify in detail privilege requested, or units of products involved) THE ABOVE NAMED INDIVIDUAL IS PERMITTED TO ENTER BACK BAY NATIONAL WILDLIFE REFUGE TO NIGHT SURF FISH ALONG THE DESIGNATED SECTION OF REFUGE OCEANFRONT FROM ONE HALF HOUR AFTER SUNSET UNTIL 12:00 A.M., PER THE ATTACHED MAP AND STIPULATIONS. PERMITTEE MUST BE ON THE REFUGE PRIOR TO ENTRANCE GATE CLOSURE AT DUSK. THIS PERMIT IS FOR THE ABOVE NAMED INDIVIDUAL ONLY, DOES NOT ALLOW FOR GUESTS, AND IS NON-TRANSFERABLE. PERMITTEE MUST BE OFF THE REFUGE BY 12:30 A.M. FOR PUBLIC SAFETY REASONS, ALL ACCESS AND ALL FISHING ACTIVITY IS PROHIBITED ON REFUGE HUNT DATES AS FOLLOWS: 12:30 A.M., SATURDAY, OCTOBER 6, 2007 THROUGH 6:00 A.M. THURSDAY, OCTOBER 11, 2007 12:30 A.M., THURSDAY, OCTOBER 25, 2007 THROUGH 6:00 A.M. SUNDAY, OCTOBER 28, 2007		
Description (specify unit numbers; metes and bounds, or other recognizable designations) THE DESIGNATED NIGHT SURF FISHING AREA IS BETWEEN THE SEASIDE BOARDWALK TRAIL AND THE DUNE BOARDWALK TRAIL (SEE ATTACHED MAP).		
Amount of fee \$ 35.00 if not a fixed payment, specify rate and unit of charge: _____ <input type="checkbox"/> Payment Exempt -Justification: <input checked="" type="checkbox"/> Full Payment <input type="checkbox"/> Partial Payment -Balance of payments to be made as follows:		
Record of Payments		
Special Conditions SEE ATTACHED MAP AND STIPULATIONS. ALL PERMIT APPLICANTS MUST PRESENT PROPER PHOTO IDENTIFICATION AND A VALID VIRGINIA STATE SALTWATER FISHING LICENSE, OR PROOF OF EXEMPTION FROM SAME, PRIOR TO PERMIT ISSUANCE. SUCH IDENTIFYING INFORMATION, ALONG WITH THIS PERMIT, MUST BE IN THE PERMITTEE'S POSSESSION WHILE SURF FISHING ON THE REFUGE.		
This permit is issued by the U.S. Fish and Wildlife Service and accepted by the undersigned, subject to the terms, covenants, obligations, and reservations, expressed or implied herein, and to the conditions and requirements appearing on the reverse side.		
Permittee Signature	Issuing Officer Signature and Title  Jared Brandwein, Refuge Manager	

Form 3-1383 (Rev. 6/85)

This form was electronically produced by Elite Federal Forms, Inc.

Night Surf Fishing Special Use Permit with Permit Stipulations

## General Conditions

### 1. Payments

All payments shall be made on or before the due date to the local representative of the U.S. Fish and Wildlife Service by a postal money order or check made payable to the U.S. Fish and Wildlife Service.

### 2. Use limitations

The permittee's use of the described premises is limited to the purposes herein specified; does not unless provided for in this permit allow him/her to restrict other authorized entry on to his/her area; and permits to the Service to carry on whatever activities are necessary for (1) protection and maintenance of the premises and adjacent lands administered by the Service and (2) the management of wildlife and fish using the premises and

### 3. Damages

The United States shall not be responsible for any loss or damages to property including but not limited to growing crops, animals, and machinery; or injury to the permittee, or his/her relatives, or to the officers, agents, employees, or any others who are on the premises from instructions or by the sufferance of the permittee or his/her associates; or for damages or interference caused by wildlife or employees or representatives of the Government carrying out their official responsibilities. The permittee agrees to save the United States or any of its agencies harmless from any and all claims for damages or losses that may arise or be incident to the flooding of the premises resulting from any associated Government river and harbor, flood control, reclamation, or Tennessee Valley Authority activity.

### 4. Operating Rules and Laws

The permittee shall keep the premises in a neat and orderly condition at all times, and shall comply with all municipal, county, and State laws applicable to the operations under the permit as well as all Federal laws, rules, and regulations governing National Wildlife Refuges and the area described in this permit. The permittee shall comply with all instructions applicable to this permit issued by the refuge officer in charge. The permittee shall take all reasonable precautions to prevent the escape of fires and to suppress fires and shall render all reasonable assistance in the suppression of refuge fires.

### 5. Responsibility of Permittee

The permittee, by operating on the premises, shall be considered to have accepted these premises with all the facilities, fixtures, or improvements in their existing condition as of the date of this permit. At the end of the period specified or upon earlier termination, the permittee shall give up the premises in as good order and condition as when received except for reasonable wear, tear, or damage occurring without fault or negligence. The permittee will fully repay the Service for any and all damage directly or indirectly resulting from negligence or failure on his/her part, or the part of anyone of his/her associates, to use reasonable care.

### 6. Revocation Policy

This permit may be revoked by the Regional Director of the Service without notice for noncompliance with the terms hereof or for violation of general and/or specific laws or regulations governing National Wildlife Refuges or for nonuse. It is at all times subject to discretionary revocation by the Director of the Service. Upon such revocation the Service, by and through any authorized representative, may take possession of the said premises for its own and sole use, or may enter and possess the premises as the agent of the permittee and for his/her account.

### 7. Compliance

Failure of the Service to insist upon a strict compliance with any of this permit's terms, conditions, and requirements shall not constitute a waiver or be considered as a giving up of the Service's right to thereafter enforce any of the permit's terms, conditions, or requirements.

### 8. Termination Policy

At the termination of this permit, the permittee shall immediately give up possession to the Service representative, reserving, however, the rights specified in paragraph 9. If he/she fails to do so, he/she will pay the Government, as liquidated damages, an amount double the rate specified in this permit for the entire time possession is withheld. Upon yielding possession, the permittee will still be allowed the reenter as needed to remove his/her property as stated in paragraph 9. The acceptance of any fee for liquidated damages or any other act of administration relating to the continued tenancy is not to be considered as an affirmation of the permittee's action nor shall it operate as a waiver of the Government's rights to terminate or cancel the permit for the breach of any specified condition or

### 9. Removal of Permittee's Property

Upon the expiration or termination of this permit, if all rental charges and/or damage claims due to the Government have been paid, the permittee may within a reasonable period as stated in the permit or as determined by the refuge officer in charge but not to exceed 60 days, remove all structures, machinery, and/or other equipment, etc., from the premises for which he/she is responsible. Within the period the permittee must also remove any other of his/her property including his/her acknowledged share of products or crops grown, cut, harvested, stored, or stacked on the premises. Upon failure to remove any of the above items within the aforesaid period, they shall become the property of the United States.

### 10. Transfer of Privileges

This permit is not transferable, and no privileges herein mentioned may be sublet or made available to any person or interest not mentioned in this permit. No interest hereunder may accrue though lien or be transferred to a third party without the approval of the Regional Director of the U.S. Fish and Wildlife Service and the permit shall not be used for speculative purposes.

### 11. Conditions of Permit not Fulfilled

If the permittee fails to fulfill any of the conditions and requirements set forth herein, all money paid under this permit shall be retained by the Government to be used to satisfy as much of the permittee's obligation as possible.

### 12. Official Barred from Participating

No Member of Congress or Residential Commissioner shall participate in any part of this contract or to any benefit that may arise from it, but this provision shall not pertain to this contract if made with a corporation for its general benefit.

### 13. Nondiscrimination in Employment

The permittee agrees to be bound by the equal opportunity clause of Executive Order 11246, as amended.

## Privacy Act Statement--Special Use Permit

**NOTICE: In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, please be advised that:**

1. The issuance of a permit and collection of fees on lands of the National Wildlife Refuge System is authorized by the National Wildlife Refuge System Administration Act (16 U.S.C. 668dd - 668ee), and the Refuge Recreation Act, (16 U.S.C. 460k-3); implemented by regulations in 50 CFR 25-36.
2. Information collected in issuing a permit may be used to evaluate and conclude the eligibility of, or merely document, permit applicants.
3. Routine use disclosures may also be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of the individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to provide addresses obtained from the Internal Revenue Service to debt collection agencies for purposes of locating a debtor to collect or compromise a Federal claim against the debtor, or to consumer reporting agencies to prepare a commercial credit report for use by the Department (48FR 54716; December 6, 1983).
4. Any information requested is required to receive this permit. Failure to answer questions may jeopardize the eligibility of individuals to receive permits.

## **BACK BAY NATIONAL WILDLIFE REFUGE NIGHT SURF FISHING PERMIT STIPULATIONS**

**1. PERMIT:** This permit must be in the possession of the permittee at all times while on the Refuge after dusk. This permit is valid for the person to whom it was issued only. No guests are permitted by this permit, and this permit is non-transferable. The accompanying vehicle hang tag issued with this permit must be prominently displayed on the permittee's vehicle rear view mirror, with the permit number visible when looking through the windshield from the outside.

**2. ACCESS:** Permittees must be on the Refuge by dusk, prior to the closing of the Refuge's automatic entrance gate. Parking for night surf fishing is permitted in the visitor parking lot, or the employee parking area, both located adjacent to the Refuge headquarters building. Parking in any other area is prohibited. Access to and from the designated night fishing area is via the Seaside Boardwalk Trail, directly across from the Refuge's Visitor Contact Station. The permittee is prohibited from using the Refuge's vehicle access ramp for egress to and from the beach, and must keep clear a minimum of a 100 foot circumference surrounding the vehicle access ramp approach. Beach vehicle permittees do use the ramp and beach after dark, and those fishing should position there gear so as not to impede this authorized beach traffic.

**3. REGULATIONS:** The following are prohibited while night surf fishing at Back Bay National Wildlife Refuge:

- (a) Dogs or other pets, including pets left in vehicles
- (b) Alcohol consumption
- (c) Camping or sleeping
- (d) Firearms, fireworks, or campfires
- (e) Entry into the dunes
- (f) Vehicles parked outside of the designated night fishing parking area
- (g) Access to any other area of the Refuge, other than that designated for night fishing activity and associated parking. Permit is not valid on city, state, or private lands.
- (h) Refuge access and/or night fishing by anyone under the age of 16
- (i) Swimming, surfing, or sunbathing, including the use of associated beach recreation equipment, such as boogie boards, snorkeling and scuba gear.
- (j) Harming, disturbing, or taking of any wildlife, natural resource or cultural resource. Any fish taken are subject to all state and federal licensing and regulatory requirements regarding species, size, creel limits, etc.

**4. EQUIPMENT:** All permittees must be actively fishing while on the Refuge, with the appropriate fishing equipment. There is a limit of 3 fishing poles per person on the beach. All fishing rods, holders, and lines must remain wholly within the tidal “wet” area, as close to the ocean as possible, at all times, in order to avoid conflict with any passing beach vehicle permittees. All poles and equipment will be marked with reflective paint or tape, or be placed within 10 feet of a portable light source, such as a lantern. Those fishing shall wear reflective fishing vests, hats, and/or reflective arm bands for night visibility. No spear guns, arrowed bows, cross bows, trap lines, or gill nets of any type are permitted. All equipment is subject to inspection.

**5. SANITATION:** No trash receptacles are provided on the beach. Those fishing are required to pack out their trash, and dispose of it in a proper trash receptacle. A portable restroom is located adjacent to the Visitor Contact Station. There is no fish cleaning station on the Refuge. Fish cleaned and/or filleted on the beach should have their entrails packed out, or disposed of back into the ocean. Do not leave fish entrails on the beach or in Refuge trash receptacles.

**6. All other state, federal, and refuge regulations apply. This permit is subject to revocation for violation of any terms stated herein, and violators may be subject to further legal action.**

## Appendix III.

## Freshwater and Saltwater Species of Back Bay NWR

Longnose Gar	<i>Lepisosteus osseus</i>
Bowfin	<i>Amia calva</i>
Ladyfish	<i>Elops saurus</i>
American Eel	<i>Anguilla rostrata</i>
Bay Anchovy	<i>Anchoa mitchilli</i>
Gizzard Shad	<i>Dorosoma cepedianum</i>
Threadfin Shad	<i>Dorosoma petenense</i>
Atlantic Menhaden	<i>Brevoortia tyrannus</i>
American Shad	<i>Alosa sapidissima</i>
Blueback Herring	<i>Alosa aestivalis</i>
Alewife	<i>Alosa pseudoharengus</i>
Lake Chubsucker	<i>Erimyzon sucetta</i>
Common Carp	<i>Cyprinus carpio</i>
Golden Shiner	<i>Notemigonus crysoleucas</i>
Sheepshead Minnow	<i>Cyprinodon variegatus</i>
Grey Trout	<i>Cynoscion regalis</i>
Black Bullhead	<i>Ameiurus melas</i>
Brown Bullhead	<i>Ictalurus nebulosus</i>
Yellow Bullhead	<i>Ameiurus natalis</i>
Channel Catfish	<i>Ictalurus punctatus</i>
White Catfish	<i>Ameiurus catus</i>
Tadpole Madtom	<i>Noturus gyrinus</i>
Eastern mudminnow	<i>Umbra pygmaea</i>
Chain Pickerel	<i>Esox niger</i>
Redfin Pickerel	<i>Esox americanus</i>
Atlantic Needlefish	<i>Strongylura marina</i>
Banded Killifish	<i>Fundulus diaphanus</i>
Marsh Killifish	<i>Fundulus confluentus</i>
Mummichog	<i>Fundulus heteroclitus</i>
Mosquitofish	<i>Gambusia affinis</i>
Tidewater Silverside	<i>Menidia menidia</i>
Threespine Stickleback	<i>Gasterosteus aculeatus</i>
Northern Pipefish	<i>Syngnathus fuscus</i>
Striped Mullet	<i>Mugil cephalus</i>
White Mullet	<i>Mugil curema</i>

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Atlantic Croaker	<i>Micropogon undulatus</i>
Spotted Seatrout	<i>Cynoscion nebulosus</i>
Spot	<i>Leiostomus xanthurus</i>
Naked Goby	<i>Gobiosoma bosc</i>
White Perch	<i>Roccus lineatus</i>
Striped Bass	<i>Morone saxatilis</i>
Silver Perch	<i>Bairdiella chrysura</i>
Spotted Bass	<i>Micropterus punctulatus</i>
Yellow Perch	<i>Perca flavescens</i>
Flier	<i>Centrarchus macropterus</i>
Largemouth Bass	<i>Micropterus salmoides</i>
Black Crappie	<i>Pomoxis nigromaculatus</i>
Bluespotted Sunfish	<i>Enneacanthus gloriosus</i>
Warmouth	<i>Lepomis gulosus</i>
Redear Sunfish	<i>Lepomis microlophus</i>
Bluegill	<i>Lepomis macrochirus</i>
Pumpkinseed	<i>Lepomis gibbosus</i>
Blackcheek Tonguefish	<i>Symphurus plagiusa</i>
Hogchoker	<i>Trinectes maculatus</i>
Summer Flounder	<i>Paralichthys dentatus</i>
Southern Flounder	<i>Paralichthys lethostigma</i>

