Compatibility Determination

USE: Hunting

REFUGE NAME: Wertheim National Wildlife Refuge

DATE ESTABLISHED: June 7, 1947

ESTABLISHING AND ACQUISITION AUTHORITY(IES):

- Migratory Bird Conservation Act of 1929 16 U.S.C. §715d.
- Refuge Recreation Act of 1962 (16 U.S.C.§ 460k - 460k-4), as amended).

REFUGE PURPOSE(S):

- "for use as an inviolate sanctuary, or for any other management purposes, for migratory birds."
- "(1) incidental fish and wildlife-oriented recreational development, (2) the protection of natural resources, and (3) the conservation of endangered species or threatened species."

NATIONAL WILDLIFE REFUGE SYSTEM MISSION:

"The mission of the National Wildlife Refuge System (Refuge System) is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resource and their habitats within the United States for the benefit of present and future generations of Americans" (Refuge System Improvement Act of 1997, Public Law 105-57 - 16 U.S.C. 668dd-668ee, Refuge System Administration Act of 1966).

DESCRIPTION OF USE:

(a) What is the use? Is the use a priority public use?
The use is the public hunting of big game, including white-tailed deer and turkey. Hunting was identified as one of six priority public uses by Executive Order 12996 (March 25, 1996), and legislatively mandated by the Refuge System Administration Act of 1966, as amended by the Refuge System Improvement Act of 1997 (Public Law 105-57), and reinforced as a priority use by Department of the Interior Secretarial Order 3356 (September 15, 2017).

(b) Where would the use be conducted?
The 2,688-acre Wertheim NWR is divided into five hunt units (Table A1) whose boundaries are defined by refuge roads and watercourses, as seen in Figure 1 of the Hunting Plan. Of the total refuge lands, 1,390 acres are available for hunting. White-tailed deer habitats include forests, shrublands, old fields/grasslands (herbaceous), marsh, and open water. Approximately 773 acres

of upland habitat are available for turkey hunting on the refuge. These habitats include forested uplands, shrublands, and old fields/grasslands (herbaceous).

Two hunt units (3A and 5) that were closed to shotgun hunting due to their close proximity to dwellings and public highways may be opened for concurrent archery hunting. Unit 3, which contains the Black Tupelo Trail and Indian Landing Loop, as well as Unit 4, which includes the White Oak Nature Trail, may be open simultaneously or closed periodically during the hunting season to allow access for other refuge-users. Specific closures and regulations will be listed in the annual refuge hunting regulations.

Table A1. Wertheim NWR Hunting Units

Hunt Unit	Acreage
Unit 3	639
Unit 3A	197
Unit 4	256
Unit 5	67
Unit 6	231
Total Hunt Acres	1,390

(c) When would the use be conducted?
The use would be conducted in designated areas of the refuge in accordance with Federal and State regulations. Hunting would take place within the open hunting seasons established by the New York State Department of Environmental Conservation (NYSDEC). The Wertheim NWR archery hunt will expand from the current 7 days up to 90 days, which encompasses the archery season, October through January. To avoid potential impacts to northern long-eared bats on the refuge, we would likely start deer hunting on November 1. Hunting during the firearms season in January may increase from 4 days up to 14 days. Currently, State regulations do not allow turkey hunting on Long Island during the fall season; thus, we would develop a youth spring turkey hunt.

(d) How would the use be conducted?
All hunts will comply with applicable Federal regulations as published annually in the Code of Federal Regulations (CFR), as well as State regulations published annually by the NYSDEC, unless otherwise noted. Hunters will be required to have a NYSDEC hunting license, as well as a refuge-specific permit. Hunters will be selected by lottery and these hunts will take place within the applicable State hunting seasons. A limited number of permits will be issued so that the refuge can facilitate hunting activities in a safe, enjoyable manner for hunters and other refuge users, while also managing impacts to the natural resources.

Applications and hunter orientation information will be available on the refuge website and at the Wertheim NWR headquarters. The current application fee is $15 per permit application and must be included with the completed application to be eligible for the hunter lottery drawing. Upon the lottery drawing, all selected and non-selected hunters will be notified by mail. Youth hunters under the age of 16 selected during the lottery must be accompanied by a non-hunting adult with a valid New York State hunting license.

Refuge-specific regulations that pertain to hunting on Wertheim NWR can be found at 50 CFR § 32.51. Additional procedures for hunting on the refuge are listed below:

- Hunters may enter the refuge no earlier than 1 hour before the beginning of legal shooting hours and must exit the refuge no later than 1 hour after the end of legal shooting hours.

- All deer and turkey harvested on the refuge must be checked in at the NYSDEC Ridge Hunter Check Station, or comply with NYSDEC harvest reporting online or by phone for deer and turkey.

- Muzzleloaders are not permitted on the refuge.

- Each hunter may only use one portable deer tree stand or ground blind. Tree stands must be removed at the end of each hunt day.

- Hunters in Unit 5 must hunt from a portable tree stand. Only archery deer hunting is allowed in Unit 3A and Unit 5.

- Unit 4 has special access for Disabled Hunters Only at the White Oak Nature Trail. Hunters must carry a refuge hunt permit before entering this area. Only hunters possessing a State-issued "Permit for Physically Challenged Hunters" are eligible to receive special access to this area.

- Hunters may not have loaded weapons (including nocked arrows) in the no hunt buffer zone.

(e) Why is this use being proposed?
Hunting is one of the priority public uses defined by Executive Order 12996 (March 25, 1996) and the Refuge System Administration Act of 1966, as amended by the Refuge System Improvement Act of 1997 (Public Law 105-57). Department of the Interior Secretarial Order 3356 (September 15, 2017) emphasized identifying opportunities to increase outdoor recreation opportunities for all Americans, including opportunities for hunting. This legitimate and appropriate use of a national wildlife refuge is generally considered compatible, as long as it does not materially interfere with or detract from the fulfillment of the Refuge System mission or the purposes of the refuge.

In New York, the NYSDEC establishes hunting seasons and bag limits to meet population objectives and to offer people the opportunity to experience a traditional outdoor recreational activity. Game species population objectives are a function of factors including habitat limitations and landowner tolerances. Each year the seasons and bag limits are designed to remove the harvestable surplus without long-term negative impacts to the population as a whole. The ability to effectively manage game species populations depends in large part on the ability of hunters to access land with quality habitat. Providing hunting opportunities on the refuge will

aid the State in meeting its management objectives and preserve a wildlife-dependent priority public use long associated with this land.

Wertheim NWR's 2006 Comprehensive Conservation Plan (CCP) identified the importance of expanding hunting opportunities in New York and using hunting as a population management tool. However, the existing refuge hunt program has not been expanded since the CCP was published. This use will bring the refuge into better compliance with management objectives detailed in the CCP, and Secretarial Order 3356 that directs the Service to enhance and expand public access to lands and waters on national wildlife refuges for hunting, fishing, recreational shooting, and other forms of outdoor recreation. The use will also promote stewardship of our natural resources and increase public appreciation and support for the refuge by providing greater opportunities for visitors to hunt.

AVAILABILITY OF RESOURCES:

Annual hunt administrative costs for Wertheim NWR are approximately $12,000 and include: administration (printing and processing applications, issuing permits), law enforcement, signage, equipment, infrastructure (parking areas, roads, gates), and other miscellaneous administrative costs. Wertheim NWR funds are used to conduct hunts, since there is not funding specifically allocated for hunts. Funds collected through hunter application fees are also available to offset costs to the refuge. It is anticipated that funding will be sufficient to continue the hunting program at Wertheim NWR in the future.

Administrative	$ 3,000
Law Enforcement	$ 5,000
Signage, Maps, Brochures, Equipment	$ 3,000
Infrastructure	$ 1,000
Total Annual Costs	**$12,000**

ANTICIPATED IMPACTS OF THE USE:

Hunting can result in positive or negative impacts to wildlife resources. Increasing access to the refuge has the positive effect of providing additional wildlife-dependent recreational opportunities and increasing appreciation for the wildlife and habitats associated with Long Island ecosystems. This can translate into more widespread and stronger support for the refuges of the Complex, the Refuge System, and the Service.

Vegetation

The current number of hunters comprises a small fraction of the refuge's total visitation. Hunters can negatively impact vegetation by trampling or creating foot paths. With the opening of new hunt areas that trampling of vegetation may increase slightly, but the physical effects on refuge vegetation from hunting is expected to be minimal based on anticipated levels of use. Hunting could create a positive, indirect effect on vegetation by controlling the white-tailed deer population.

Negative cumulative impacts of recreational hunting include the temporary trampling of vegetation and light soil erosion. Most hunting activities occur during the fall, but impacts will be minimal. Some hunt seasons extend into winter when plants are dormant and the ground is frozen and/or covered in snow. Hunters would have minimal impacts on plants during this period. For these reasons, hunting is expected to have minimal adverse short-term, long-term, or cumulative impacts on vegetation.

Soils

It is anticipated that hunting on the refuge will have minor impacts to soils. The hunt program has the potential to cause some compaction and/or erosion because off-trail foot travel does occur. However, with a limited number of hunters dispersed across the refuge during the hunting season, impacts would be minimal. At the anticipated levels of use, hunting is expected to have minimal adverse short-term, long-term, or cumulative impacts on soils.

White-tailed Deer

Recreational deer hunting conducted in accordance with State regulations would not compromise the deer population on or around refuge lands. Regulated hunting ensures that deer populations will be maintained within the habitat's carrying capacity. High deer densities have been shown to negatively affect plant and animal communities. Therefore, a hunting program would help to facilitate ecological diversity by mitigating the effects of high deer densities. Deer densities, if maintained through regulated hunting, will sustain the native vegetation and forest regeneration associated with the natural communities in those regions. Regulated deer hunting will also maintain a deer herd in good physical condition that staves off malnutrition and disease.

Wild Turkey

The addition of turkey hunting on refuge lands may result in a small influx of new users, but regulated hunting is not anticipated to have any long-term adverse impacts on local or regional turkey populations.

Other Wildlife

Hunting can have direct and indirect impacts on both target and non-target species. These impacts include: direct mortality of individuals, changes in wildlife behavior, changes in wildlife population structure, dynamics, and distribution patterns, and disturbance from noise and hunters walking on- and off-trail (Cole and Knight 1990, Cole 1990, Bell and Austin 1985). However, under the anticipated levels of use these impacts are expected to be minimal. Hunters tend not to disperse very far from parking areas and roads, which leaves large areas of refuge land undisturbed.

The deer hunting season in New York usually begins around October 1. The Federal-threatened northern long-eared bats may still be present on the refuge as they migrate to winter hibernaculum, and there could be potential for hunter tree stands to disturb bat roost sites. The general time frame for bat hibernation is November 1 to March 31. Therefore, the refuge will allow deer hunting from November 1 to January 31 to reduce impacts to northern long-eared bat.

Other Visitors and Users

Under the proposed action, the refuge would be open to priority public uses including wildlife observation, interpretation, photography, and hunting. With the addition of new hunt areas, a slight increase in the number of conflicts among user groups can be expected. Public outreach, zoning, and restrictions in some locations have been proposed to reduce conflicts among the different user groups. If conflicts arise among user groups, mitigation efforts can be implemented to ensure that the proposed action will not have significant impacts to other user groups.

PUBLIC REVIEW AND COMMENT:

This Compatibility Determination (CD) is part of Wertheim NWR Hunting Plan and the accompanying Environmental Assessment (EA). The plan was coordinated with all interested and/or affected parties, including NYSDEC staff. The public was notified of the availability of the draft documents on March 23, 2020, with a 45-day review and comment period. We informed the public through local venues, the refuge website, and social media. A total of five people submitted comments during the public review period for the two refuges of the Long Island NWR Complex (Seatuck NWR and Wertheim NWR) that published hunt plans. All of the commenters were supportive of the new or expanded hunting opportunities. No substantive changes were made to the plan based on the comments.

DETERMINATION (CHECK ONE BELOW):

___ Use is Not Compatible

_X_ Use is Compatible with the Following Stipulations

STIPULATIONS NECESSARY TO ENSURE COMPATIBILITY:

The refuge will manage the hunt program in accordance with Federal and State regulations and review it annually to ensure wildlife and habitat goals are achieved and that the program is providing a safe, high quality hunting experience for participants. To ensure compatibility with refuge purposes and the mission of the Refuge System, hunting will occur on the refuge under the refuge-specific regulations highlighted in this document and following stipulations:

- This use must be conducted in accordance with State and Federal regulations, and special refuge regulations published in the Refuge Hunting Regulations and Public Use Regulations brochures.

- This use is subject to modification if on-site monitoring by refuge personnel or other authorized personnel finds unanticipated negative impacts to natural communities, wildlife species, or their habitats.

- Hunters may enter the refuge no earlier than 1 hour before the beginning of legal shooting hours and must exit the refuge no later than 1 hour after the end of legal shooting hours.

- All deer and turkey harvested on the refuge must be checked in at the NYSDEC Ridge Hunter Check Station, or comply with NYSDEC harvest reporting online or by phone for deer and turkey.

- Each hunter may only use one portable deer tree stand or ground blind. Tree stands must be removed at the end of each hunt session.

JUSTIFICATION:

Hunting is a priority wildlife-dependent public use in the Refuge System through which the public can develop an appreciation for fish and wildlife (Executive Order 12996, March 25, 1996) and the Refuge System Administration Act of 1966, as amended by the Refuge System Improvement Act of 1997 (Public Law 105-57) and reinforced as a priority use by Department of the Interior Secretarial Order 3356 (September 15, 2017). The Service's policy is to provide expanded opportunities for wildlife-dependent public uses when compatible and consistent with sound fish and wildlife management and ensure that they receive enhanced attention during planning and management.

Hunting seasons and bag limits are established by the State and generally adopted by the refuges. These regulations ensure the continued well-being of populations of game animals. Hunting does result in the taking of many individuals within the population, but restrictions are designed to safeguard an adequate breeding population from year to year. Specific refuge regulations address equity and quality of opportunity for hunters, and help safeguard refuge habitat. Disturbance to other fish and wildlife does occur, but this disturbance is generally short-term and adequate habitat occurs in adjacent areas. Impacts to vegetation from foot traffic is minor, or temporary, since hunting occurs mainly after the growing season.

Stipulations above will ensure control and provide management flexibility should detrimental impacts develop. Allowing this use also furthers the mission of the Refuge System by providing a wildlife dependent recreational use for the benefit of the American public while conserving fish, wildlife, and plant resources on the refuge. This activity will not materially interfere with or detract from the mission of the Refuge System or the purpose for which the refuge was established.

SIGNATURE:
Refuge Manager

(Signature) 7-8-2020 (Date)

CONCURRENCE:
Regional Chief

(Signature) 7/29/2020 (Date)

MANDATORY 15-YEAR RE-EVALUATION DATE: 7/29/2035

(Date)

LITERATURE CITED:

Bell, D.V. and Austin, L.W. 1985. The game-fishing season and its effects on overwintering wildfowl. Biological Conservation, 33, 65-80.

Cole, D.N. 1990. Ecological impacts of wilderness recreation and their management. In J.C. Hendee, G.H. Stankey, and R.C. Lucas (Eds.), Wilderness Management (pp. 425-466). Golden, CO: North American Press.

Cole, D.N. and Knight, R.L. 1990. Impacts of recreation on biodiversity in wilderness. Natural Resources and Environmental Issues, 0, 33-40.