U.S. Fish & Wildlife Service

Wertheim National Wildlife Refuge

Hunting Plan

July 2020

Appendix A. Compatibility Determination

Appendix B. Environmental Assessment

Appendix C. Intra-Service Section 7 Evaluation

Appendix D. Finding of No Significant Impact

Estimated Lead Agency Total Costs Associated with Developing and Producing the EA (per ERM 10-12): $9,254

Wertheim National Wildlife Refuge
Hunting Plan

July 2020

U.S. Fish and Wildlife Service

Long Island National Wildlife Refuge Complex
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Shirley, NY 11967

Submitted By:
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Signature _____ Date 7-8-2020

Concurrence:
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Signature _____ Date 7-10-2020

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WERTHEIM NATIONAL WILDLIFE REFUGE
HUNTING PLAN

I. Introduction

National wildlife refuges are guided by the mission and goals of the National Wildlife Refuge System (Refuge System); the purposes of the individual refuge; U.S. Fish and Wildlife Service (Service) policy; national and state laws; and international treaties. Relevant guidance includes the National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997; the Refuge Recreation Act of 1962; and selected portions of the Code of Federal Regulations and Service Manual.

Wertheim National Wildlife Refuge (NWR, refuge) was established in 1947 pursuant to the authority of the Migratory Bird Conservation Act of 1929 "for use as an inviolate sanctuary, or for other management purposes for migratory birds" 16 U.S.C. §715d. The refuge's purposes also note that it is "suitable for - (1) incidental fish and wildlife-oriented recreational development, (2) the protection of natural resources, (3) the conservation of endangered species or threatened species..." 16 U.S.C. §460k-1 (Refuge Recreation Act (16 U.S.C.§ 460k - 460k-4), as amended).

The mission of the Refuge System, as outlined by the National Wildlife Refuge System Administration Act (NWRSAA), as amended by the Refuge System Improvement Act (16 U.S.C. 668dd et seq.), 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."*

The NWRSAA mandates the Secretary of the Interior in administering the Refuge System to (16 U.S.C. 668dd(a)(4):

- Provide for the conservation of fish, wildlife, and plants, and their habitats within the Refuge System;
- Ensure that the biological integrity, diversity, and environmental health of the Refuge System are maintained for the benefit of present and future generations of Americans;
- Ensure that the mission of the Refuge System described at 16 U.S.C. 668dd(a)(2) and the purposes of each refuge are carried out;
- Ensure effective coordination, interaction, and cooperation with owners of land adjoining refuges and the fish and wildlife agency of the States in which the units of the Refuge System are located;

- Assist in the maintenance of adequate water quantity and water quality to fulfill the mission of the Refuge System and the purposes of each refuge;

- Recognize compatible wildlife-dependent recreational uses as the priority general public uses of the Refuge System through which the American public can develop an appreciation for fish and wildlife;

- Ensure that opportunities are provided within the Refuge System for compatible wildlife-dependent recreational uses; and

- Monitor the status and trends of fish, wildlife, and plants in each refuge.

Therefore, it is a priority of the Service to provide for wildlife-dependent recreational opportunities, including hunting, when compatible with the purposes for which the refuge was established and the mission of the Refuge System. Wertheim NWR, the headquarters of the Long Island NWR Complex, comprises 2,688 acres on the south shore of Long Island in the town of Brookhaven. Wertheim NWR was established with the support of surrounding communities whose residents had the foresight and commitment to ensure the perpetuity of their natural environment. The first parcel of refuge land was a donation of 1,804 acres from Cecile and Maurice Wertheim who had maintained the area as a private reserve for hunting. An additional 700 acres were acquired under the provisions of the Migratory Bird Conservation Act (MBCA) and the Refuge Recreation Act. The primary purpose of the refuge is to preserve the quality marshes for the benefit of wintering and migrating waterfowl, especially American black ducks (*Anas rubripes*).

The refuge protects the Carmans River estuary and associated tidal marshes, one of the last undeveloped estuaries on Long Island. Wertheim NWR also includes freshwater impoundments, upland oak-pine forests, upland shrublands, and small grassland/forest openings. It provides important wintering habitat for black ducks and State-listed species such as pied-billed grebe, short-eared owl, and northern harrier. Forested uplands provide habitat for breeding and migrating songbirds.

II. <u>Statement of Objectives</u>

The objectives of the hunting program on Wertheim NWR will:

- Develop a hunting program that is in alignment with refuge habitat management objectives (reduce the deer population, improve habitat conditions, benefit Federal trust species);

- Provide the public with wildlife-dependent recreational opportunities and increase access for hunters;

- Implement a hunting program that is administratively efficient and manageable with existing staff and funding levels;

- Contribute to New York State deer management efforts, which includes reducing negative impacts caused by deer; and

- Conduct the hunt in a manner safe for hunters, other refuge users, neighbors and refuge staff.

III. Description of Hunting Program

A. Areas to be Opened or Changed to Hunting

Public deer hunts at Wertheim NWR began in 2005. The lottery-issued permit deer hunt includes archery and firearms. The current hunt includes one 3-day, two 2-day archery hunts, and two 2-day shotgun hunts.

Wertheim NWR proposes adopting New York State (State) hunting regulations for the refuge areas open for those uses, with some additional refuge-specific regulations to minimize conflicts with other refuge objectives and visitor activities. The Service assessed hunting and sport fishing opportunities and regulations using the Service's Hunt/Fish Opportunity Tool (SHOT). Information is this report can be used to promote regulatory alignment for hunting; alignment of Service regulations between stations; and new or expanded hunting and sport fishing opportunities on Service lands and water. The Service assessed regulatory alignment of hunting regulations with general State regulations, based on species open, season dates, method of take, and bag limits. Hunting assessments included a hunt-unit level analysis of these factors. Additional factors assessed included alignment to State land regulations; general public access; limits on the number of people who can hunt; and how permits are issued, including drawings, fees, and demographics such as youth and people with disabilities. The hunting program will be reviewed annually.

The 2,688-acre Wertheim NWR is divided into five hunt units (Table 1) based on the refuge's network of roads and watercourses (Figure 1). Approximately 1,390 acres of the refuge provides habitat for white-tailed deer. These available habitats include forests, shrublands, old fields/grasslands (herbaceous), marsh, and open water. Wertheim NWR Hunt Unit 3, which contains the Black Tupelo Trail and Indian Landing Loop, as well as Hunt 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 1. Hunting Units/Acreage at Wertheim NWR

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

In order to provide public safety and align with State hunting regulations, a 500-foot "no hunt" zone will be enforced within and along the refuge boundaries during firearms season and a 150-foot "no hunt" zone during the archery season. The Service honors all State and local laws applicable to hunting, including the following New York law: NYS ECL 11-0931-4(a)(2) *No person shall "discharge a firearm or long bow within five hundred feet from a dwelling house, farm building or farm structure actually occupied or used, school building, school playground, or occupied factory or church."*

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. Collectively, these units will provide 265 more acres, for approximately seven more hunters during the month of January. Access to these units will increase chances for deer harvest and population management and expand opportunities for interested hunters.

In addition, Wertheim NWR will open to turkey hunting. Approximately 773 acres of uplands habitat will be open to turkey hunting on the refuge (Table 2). Available habitats include forested uplands, shrublands, and old fields/grasslands (herbaceous) (Figure 2). Wertheim NWR Hunt Unit 3, which contains the Black Tupelo Trail and Indian Landing Loop, as well as Hunt Unit 4, which includes the White Oak Nature Trail, may be open simultaneously or be 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 2. Proposed Changes to Wertheim NWR Hunting Program

Hunt	Current Action	Proposed Action	Change
Wertheim NWR (Deer)	1,390 acres	1,390 acres	0 acres
	11 days	90 days	79 days
	111 permits	# of permits TBD	# of permits TBD
Wertheim NWR (Turkey)	0 acres	773 acres	773 acres
	0 days	1 to 14 days	1 to 14 days
	N/A	# of permits TBD	# of permits TBD

B. Species to be Taken, Hunting Periods, Hunting Access

All hunts will comply with applicable Federal regulations as published annually in the Code of Federal Regulations (CFR), as well as State regulations, as published annually by the New York State Department of Environmental Conservation (NYSDEC), unless otherwise noted. Wertheim NWR is located within Wildlife Management Unit 1C (Suffolk County). 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. Hunting on the refuge may occur consecutively or intermittently in 1-week sessions during the season.

White-tailed Deer – Deer may be hunted on Wertheim NWR. The take of white-tailed deer will be in accordance with State seasons. Bag limits will be determined by the refuge, with NYSDEC consultation. Antlerless deer will be targeted, with the goal of reducing the overabundance of deer. The hunt will coincide with the NYSDEC archery (October to January) and firearms (January) seasons. To avoid potential impacts to northern long-eared bats on the refuge, we plan to start deer hunting on November 1. The use of portable tree stands and ground blinds are permitted on the refuge. Accommodations for disabled hunters are provided in Hunt Unit 4.

Wild Turkey – Turkey may be hunted on the refuge in accordance with State regulations. The take of turkey will be in accordance with State seasons and bag limits. Currently, State regulations do not allow turkey hunting on Long Island during the fall season; thus, the refuge may host, in partnership with NYSDEC, a Youth Spring Turkey hunt in April.

Access for the permit deer and turkey hunt will be by foot from designated parking areas in the hunt units. Parking will be limited with parking lots filled on a first-come, first-served basis. A refuge permit will be required for hunters to park in designated parking areas within each hunt unit. The parking lots will be open 1 hour before legal shooting time to 1 hour after legal shooting time. The State legal shooting time for deer hunting is sunrise to sunset. The legal hunting hours for turkey are from one-half-hour before sunrise to noon.

C. Hunter Permit Requirements

Hunters will be required to have a NYSDEC hunting license, as well as a refuge-specific permit. Refuge-specific regulations will be outlined in the hunt permit application and hunter orientation materials. Hunters will be selected by lottery and these hunts will take place within the applicable State hunting seasons. A limited number of permits may 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.

D. Consultation and Coordination with the State

Refuge staff met with NYSDEC biologists on August 27, 2019, to discuss current and potential deer management including the development of this Hunting Plan. We also invited and had one NYSDEC conservation officer attend our annual deer hunt planning meeting on June 17, 2019. During our August meeting and site visits at Seatuck NWR and Wertheim NWR, we discussed ways to align refuge hunting regulations and deer population management goals, where possible, with State management goals. NYSDEC offered to check in deer harvested from Wertheim NWR at their Ridge Hunter Check Station.

Long Island NWR Complex and NYSDEC will coordinate on the Hunting Plan for Wertheim NWR and Seatuck NWR. Refuge hunter participation and harvest data is currently collected by both the refuge and NYSDEC. We also will work together to patrol the two refuges to ensure safe, enjoyable hunting opportunities and other outdoor recreational uses.

E. Law Enforcement

Enforcement of refuge violations normally associated with management of a national wildlife refuge is the responsibility of commissioned Federal wildlife officers. Other officers, special gents, State environmental conservation officers and the local police department may assist the Long Island NWR Complex Federal Wildlife Officer.

During the hunting seasons, the refuge will be patrolled regularly by Federal and State Wildlife Officers, and hunters may be checked for compliance with Federal and State laws. Regulations and maps will be posted on the Wertheim NWR website: https://www.fws.gov/refuge/wertheim/ and at the refuge headquarters/Visitor Center and will be given to each hunt permittee. Wertheim NWR boundaries will be clearly marked by refuge boundary signs.

F. Funding and Staffing Requirements

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**

IV. Conduct of the Hunting Program

To ensure compatibility with refuge purposes and the mission of the Refuge System, hunting is conducted in accordance with State and Federal regulations, as supplemented by refuge-specific regulations. However, the Refuge Manager may, upon annual review of the hunting program, impose further restrictions on hunting, recommend that the refuge be closed to hunting, or further liberalize hunting regulations up to the limit of State regulations. The refuge will restrict activity if it becomes inconsistent with other priority refuge programs or endangers refuge resources or public safety.

A. Hunter Permit Application, Selection, and/or Registration Procedures

In addition to a New York State hunting license, all persons hunting on the refuge must obtain a refuge permit. 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 who are selected during the lottery drawing must be accompanied by a non-hunting adult with a valid New York State hunting license.

B. Refuge-Specific Hunting Regulations

To ensure compatibility with refuge purposes and the mission of the Refuge System, hunting must be conducted in accordance with State and Federal regulations, as supplemented by refuge-specific regulations (50 CFR Chapter 1, Subchapter C), and information sheets/brochures. Refuge-specific stipulations are also detailed in the Compatibility Determination (Appendix A). Listed below are general procedures that pertain to hunting on Wertheim NWR as of the date of this plan. These may be modified as conditions change or if refuge expansion occurs.

- 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 session.

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

- Hunt 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.

Additional Prohibited Activities

- Motor vehicles are restricted to designated roads and parking areas. Do not block gates and roadways with vehicles. The use of all-terrain vehicles, dirt bikes, or other non-licensed vehicles is prohibited.

- Permits are non-transferable.

- The refuge will monitor, evaluate, and make necessary adaptations to the hunting program to ensure that the refuge is meeting resource management objectives and continuing to offer quality experiences. The Refuge Manager has the authority to extend or close hunting opportunities on the refuge within the established hunting seasons of New York State, while ensuring compatibility.

- A limited number of permits will be issued for deer hunting at Wertheim NWR through a pre-season drawing. Hunters may choose their own hunting location anywhere within the hunt units on a first-come, first-serve basis.

- Hunters must be off the refuge by one hour after the end of legal shooting time.

C. Relevant State Regulations

Hunters are responsible for knowing and complying with all NYSDEC hunting regulations.

V. Public Engagement

A. Outreach for Announcing and Publicizing the Hunting Program

The refuge maintains a mailing list, for news release purposes, to local newspapers and websites. Special announcements and articles may be released in conjunction with hunting seasons. In addition, information about the hunt will be available at Wertheim NWR headquarters or on the refuge website. The Hunting 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.

B. Anticipated Public Reaction to the Hunting Program

Based on the comments received during the initial Compatibility Determination (2005) for hunting and the Long Island NWR Complex Comprehensive Conservation Plan (2006), some negative public reaction was expected. However, hunting has been allowed on Wertheim NWR for 15 years. 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. Prior to any hunt, response to any demonstrations or protests would be coordinated through the Department of the Interior's North Atlantic-Appalachian Region 1 Office of the Service. If necessary, State and local law enforcement officials may be asked to assist.

C. How Hunters Will Be Informed of Relevant Rules and Regulations

The refuge will prepare an annual news release announcing the availability of permit applications and provide a summary of the hunting program for that year. The public will be informed of refuge hunting regulations and seasons through news releases to local and widely distributed media outlets, as well as through the Refuge Hunting Regulations Permit. Hunt days will also be posted at the refuge headquarters and information kiosk, as well as on the refuge's website: https://www.fws.gov/refuge/wertheim/ and the Friends of Wertheim website: http://www.friendsofwertheim.org. The Refuge Manager may also choose to announce the hunt to refuge neighbors and other interested parties. The refuge's contact information (address and phone number) will be included in the New York hunting brochures. An annual program update will be filed each year as required, outlining any changes in the current hunt program. Rules and regulations will be published in the *Federal Register* as required.

VI. Compatibility Determination

Hunting and all associated program activities proposed in this plan are compatible with the purposes of the refuge. See attached Compatibility Determination for hunting on Wertheim NWR.

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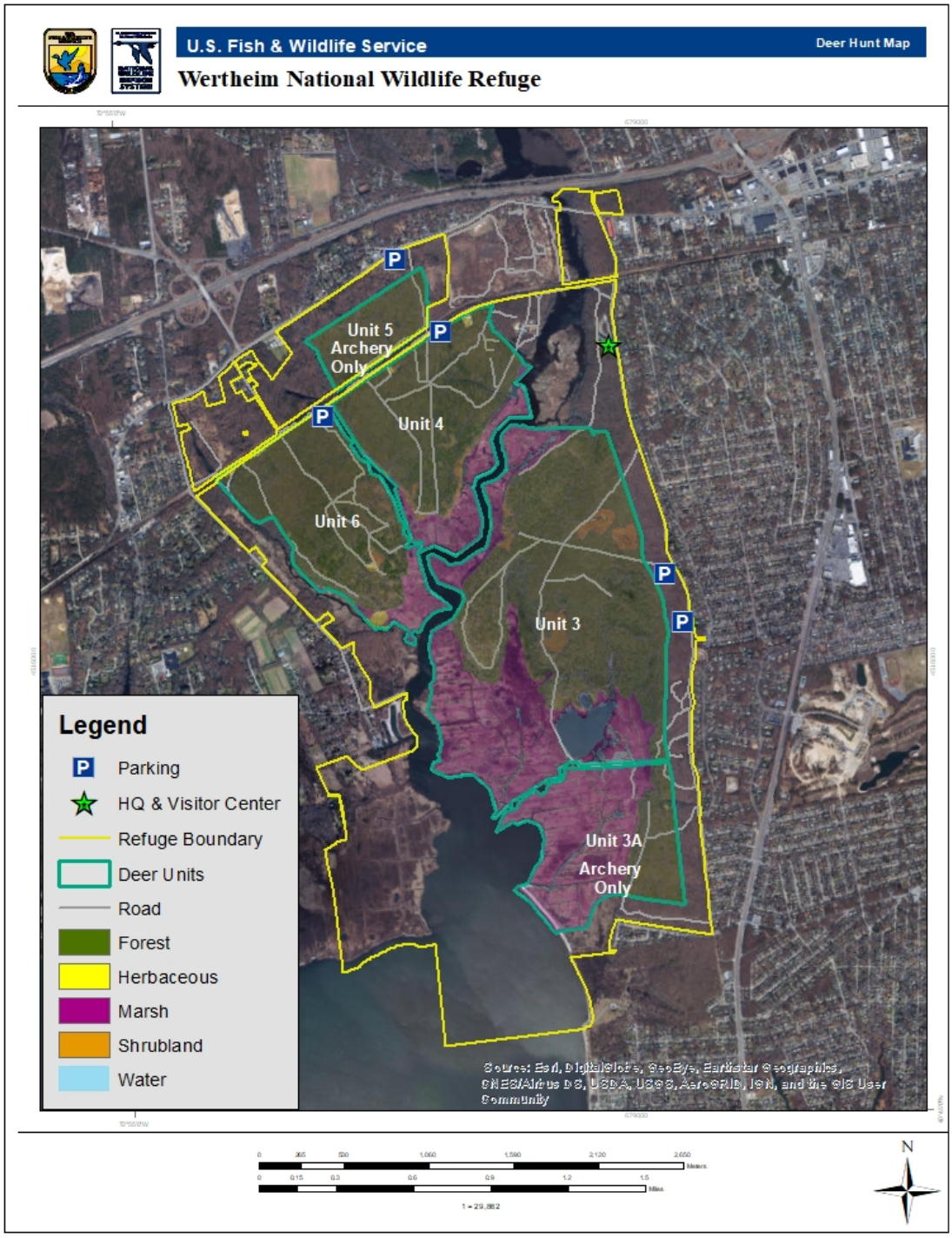

Figure 1. Deer Hunt Map for Wertheim NWR

Figure 2. Turkey Hunt Map for Wertheim NWR