

Appendix D

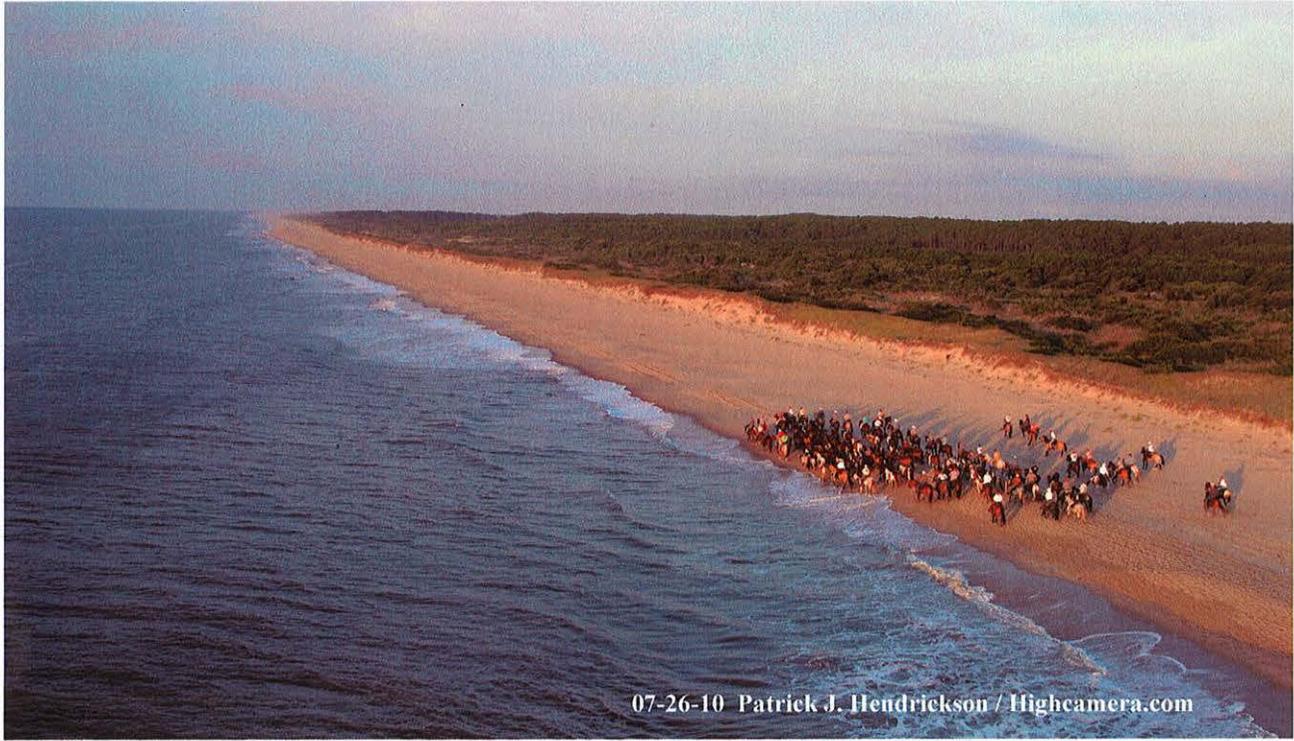
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Chincoteague Ponies

Interim Chincoteague Pony Management Plan

2013 INTERIM CHINCOTEAGUE PONY MANAGEMENT PLAN



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2013 INTERIM CHINCOTEAGUE PONY MANAGEMENT PLAN

PURPOSE

The purpose of the Interim Chincoteague Pony Management Plan (Plan) is to provide a written framework for the management of the semi-wild population of horses, known as Chincoteague ponies (ponies) on the Virginia portion of Assateague Island for a 5 – 10 year period. This plan builds upon the Chincoteague Pony Management Plan which was signed in 1990 and revised in 1995.

The National Wildlife Refuge System Improvement Act of 1997 requires all units of the National Wildlife Refuge System to be managed under a Comprehensive Conservation Plan (CCP). The CCP must describe the desired future conditions of a refuge and provide long-range guidance and management direction to achieve refuge purposes. This Plan will provide provisional guidance for the management of the ponies during the development of the CCP and until such time that a more robust management plan can be developed. This Plan will be incorporated into the CCP, and corresponding Environmental Impact Statement, as an attachment.

The Refuge Administration Act sets forth a mandate to ensure that all “uses” be managed in a manner compatible with the Refuge’s primary purposes. The Refuge is working to balance increasing demands for recreation and economic opportunities with the need to protect and enhance wildlife populations that depend on the Refuge.

Careful observation, research, and cooperation of the Chincoteague Volunteer Fire Company (CVFC), the National Park Service (NPS), the Fish and Wildlife Service and the community will continue to ensure that the hardy ponies remain healthy and do not detract from Assateague Island’s diverse natural resources.

BACKGROUND AND HISTORY

The Refuge:

Under the auspices of the Fish and Wildlife Service (Service), an agency within the Department of the Interior (DOI), the Chincoteague National Wildlife Refuge (Refuge) was established on May 13, 1943 through acquisition of 8,808 acres under authority of the Migratory Bird Conservation Act. The Assistant Secretary of the Interior determined that FWS ownership of this land was necessary for protection during nesting and migration seasons of all those species of wildlife determined as being of great value as a source of food, or in destroying of injurious insects, or nevertheless in danger of extermination through lack of adequate protection (U.S. District Court 1943). The Migratory Bird Conservation Commission (MBCC) initially approved

the Refuge at a meeting on March 25, 1941, acknowledging the importance of Assateague Island as wintering habitat for migrating greater snow geese, and nesting habitat for black ducks, shorebirds, and migratory birds (MBCC 1941). At that time they also approved acquisition of Jerico and Hebron Islands, two small marshes adjacent to Assateague Island, just north of the Virginia boundary in Maryland.

Since 1943, numerous tracts of land have been added to the Refuge. All lands have been purchased under the authority of either the Migratory Bird Conservation Act { 16 U.S.C. 715d}, Refuge Recreation Act { 16 U.S.C. 460 K-1}, and the Emergency Wetlands Resources Act of 1986. Federal title of these lands is acquired to the mean low water line. In 1990, Assawoman and portions of Metompkin Island (1,608.5 acres total) were purchased with Land and Water Conservation Funds.

Refuge purposes are taken from enabling legislation and acquisition authorities for a particular refuge and from Congressional legislation affecting the refuge system as a whole. CNWR “purposes” include:

- 1) “ ... for use as an inviolate sanctuary, or for any other management purpose, for migratory birds.” 16 U.S.C. § 715d (Migratory Bird Conservation Act)
- 2) "... 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 "... the Secretary ... may accept and use ... real ... property. Such acceptance may be accomplished under the terms and conditions of restrictive covenants imposed by donors ..." 16 U.S.C. § 460k-2 (Refuge Recreation Act (16 U.S.C. § 460k-460k-4), as amended).
- 3) "... 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 ..." 16 U.S.C. § 3901(b) (Emergency Wetlands Resources Act of 1986)
- 4) "... for the development, advancement, management, conservation, and protection of fish and wildlife resources ..." 16 U.S.C. § 742f(a)(4) "... for the benefit of the United States Fish and Wildlife Service, in performing its activities and services. Such acceptance may be subject to the terms of any restrictive or affirmative covenant, or condition of servitude ..." 16 U.S.C. § 742f(b)(1) (Fish and Wildlife Act of 1956)
- 5) "... for conservation purposes ..." 7 U.S.C. § 2002 (Consolidated Farm and Rural Development Act)

In 1997, Congress passed the landmark National Wildlife Refuge System Improvement Act (NWRISA) establishing a unifying mission and a wildlife-first mandate for the Refuge System. The NWRISA affirmed that: refuges are anchors for biodiversity and ecosystem-level conservation; lands and waters of the System are biologically healthy; and refuge lands reflect national and international leadership in habitat management and wildlife conservation.

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

The NWRISA also declares that all existing and proposed public uses must be compatible with each refuge's purposes, and highlights six priority public uses that each Refuge should evaluate for compatibility. These are; wildlife observation, photography, interpretation, environmental education, hunting and fishing. Recreational activities allowed on CNWR are also influenced by the Assateague Island National Seashore (ASIS) within which the Assateague Island portion of the Refuge lies.

Now, almost 70 years later, the Refuge is managed to support a number of migratory bird species, federal threatened and endangered species, and a number of federal or state species of conservation concern. As one of the most visited refuges in the country, Chincoteague also provides a range of recreational opportunities and supports a critical part of the local economy.

The Ponies and the CVFC:

The legacy of the ponies is rich and enigmatic. Historical documents refer to domestic and wild livestock, including horses, on Assateague Island since the late 1600s. There is no recorded evidence on how the earliest horses arrived on Assateague Island, though legends romanticize the ways.

There are some that believe Native Americans released them on the islands. Others firmly believe the ponies are descendents from horses that swam ashore from the wreck of a Spanish galleon on the shoals of Assateague Island. However, the most realistic explanation is that the ponies originated from domestic stock of early Eastern Shore settlers. The pasturing of livestock on Assateague Island was done to evade taxes and fencing laws enacted to protect crops.

No matter what the origins of the ponies, early accounts describe grazing horses and cattle on Assateague and other barrier islands along the entire Atlantic Coast. These animals were semi-wild and roamed freely on the island(s). Existing on a barrier island subjected them to a wide variety of environmental extremes. Excessive heat and cold, strong northeasters, hurricanes,

tidal surges, snowstorms, droughts, biting insects, etc. made their existence difficult and their management problematic.

Archival research conducted by John Amrhein, Jr., author of *The Hidden Galleon*, suggests that a very powerful hurricane in 1749 eradicated all livestock on Assateague Island. Former governor of Virginia, Henry A. Wise, is credited as providing the earliest eyewitness testimony to the size of horses inhabiting Assateague Island. Attributed to him is the following statement reported in the 1840s:

“There has been, since long before the American Revolution, on the islands along the sea-board of Maryland-Virginia, a race of very small, compact, hardy horses, usually called beach horsesThey are very diminutive, but many of them are of perfect symmetry and extraordinary powers of action and endurance...and [one] was yet so small that a tall man might straddle one and his toes touch the ground on each side.”

Wise, an Accomack County resident, lived about 50 miles from Assateague. His knowledge of the ponies is believed to have come from his grandfather, John Cropper, whose grandfather Coventon Corbin lived across the bay from Assateague (See *The Hidden Galleon*, pp. 343-344).

Despite the hardships of managing livestock on barrier islands, periodic roundups and “pennings” were held regularly to determine ownership of animals and to account for and sell excess stock. The year 1925 marked the first pony roundup and swim conducted by the CVFC. Fire company members, later dubbed “Saltwater Cowboys,” herded the ponies to the Assateague Channel and swam them to nearby Chincoteague Island for auction.

With the creation of the Refuge in 1943, the Service granted a permit to livestock owner, Wyle Maddox, to graze cattle and horses on designated portions of the island (Narrative Report (NR) 1943). In 1946, the Service issued the CVFC a Special Use Permit (SUP) for grazing no more than 150 head of horses (NR 1946). Since the early 1950s, the CVFC remains the only permittee with livestock on the Refuge.

In 1947, the ponies reaped national and international attention with Marguerite Henry’s children’s classic, *Misty of Chincoteague*. The later movie version in 1961 further heightened the popularity of the authentic island pony and its lineage. To children and adults, “Misty of Chincoteague” is an iconic symbol of the spirited, pretty ponies frolicking on Assateague Island.

Ash Wednesday Storm:

A very powerful and long lived northeaster devastated Chincoteague and Assateague Islands from March 6-8, 1962. Because it fell during the first day of Lent, it is historically known as the Ash Wednesday Storm of 1962.

Unusually high tides during a new moon, winds up to 60 and 70 miles per hour, and crashing breakers caused flooding on 95 % of Chincoteague Island. Water rose six feet deep on Main Street as individuals sought safety at the second-story level. Electricity and telephone lines as well as the causeway to the mainland were cut off. On Assateague Island, the dunes and other habitats were flattened or otherwise damaged. Countless animals perished including a majority of the famous ponies. (Mariner, K., 1996, *Once Upon an Island*, pp. 140-142).

For over four months, outsiders and islanders helped the Town of Chincoteague and Assateague Island heal. Ponies penned that summer came from “Yankee” stock, imported to replenish the “storm-wasted” Assateague herd (See *Virginian-Pilot*, Feb. 1964, p.1).

Pony Roundup and Auction:

The ponies are a registered breed owned by the Chincoteague Volunteer Fire Company (CVFC) a 501c3 nonprofit organization. Annually three pony roundups take place; spring, summer and fall. The roundups are conducted by the fire company members and volunteers, riding horses. The presence of a veterinarian is required during all Pony Penning activities.

Both the spring and fall roundups take two days to complete. The spring pony roundup is done during the month of April to assess individual pony health after the winter season. Ponies are inoculated, blood is drawn for certain tests, and females are checked for pregnancy (See Appendix 1, “Veterinary Care and Procedures as explained by Dr. Charles Cameron DVM.”) The fall pony roundup is conducted in October to assess individual pony health before the onset of winter. Additionally, any foals that were sold during the auction but were too young to be weaned from the mare will be separated from the herd and given to their new owners.

The summer event takes place in the last week of July in which the Wednesday and Thursday fall within the month of July. This provides consistency in long range planning efforts for the CVFC, the Refuge, Town of Chincoteague, Chamber of Commerce, and tourism related agencies. The summer event is conducted in several specific phases:

1. Round-up and penning: On Saturday the south herd is rounded up and placed in the south corral. Following the round-up the veterinarian begins his/her health checks and identifies those individuals too old or young to make the swim to Chincoteague Island. The next day (Sunday) the process is repeated for the north herd. These animals are placed in the north corral and the veterinarian repeats the process of health checks and identification of those too old or young to make the swim.
2. Sunrise walk: On Monday morning at daybreak, the north herd is moved south down along the Atlantic Ocean beach to the south corral. This “Pony Walk” has become a major tourist attraction bringing approximately 1,500 to 3,000 people to the beach to witness this sunrise experience. This is currently a major public event requiring the

establishment of a small Incident Command System team and the entire Refuge staff to manage the crowds present that day.

Disturbance and/or harm to Federal threatened piping plovers, nests, and broods along the Pony Walk route is a concern. **The Pony Walk route is determined annually by the refuge manager.** If piping plover chicks are present within the Pony Walk route, CVFC will herd the ponies along an alternate route to avoid contact with plover broods (see Appendix 6 – Intra-Service Section 7 Biological Evaluation). On Tuesday, the ponies rest in the south corral.

3. Pony Swim: On Wednesday morning, the “Saltwater Cowboys” move the entire herd across the south pasture to Assateague Channel where at slack tide (high or low tide) the ponies are driven into the water for the swim over to Chincoteague Island. Thousands of exhilarated tourists watch the swim trying to get that once in a lifetime picture. After a brief rest at the shoreline the ponies are then paraded to the CVFC carnival grounds.
4. Pony Auction: On Thursday, the foals are auctioned by CVFC to the highest bidder. Money collected from the sale of the foals allows the CVFC to purchase new fire and rescue vehicles as well as maintaining the current fleet. This funding source is viewed by the community as critically important to safeguard the community, the Refuge and its visitors.
5. Return of Ponies to Refuge: On Friday, guided by the “Saltwater Cowboys,” the southern herd stallions and mares swim back to Assateague Island. The north herd is transported by truck to the north pasture. The few foals, too young to be separated from their mothers, are kept at the carnival grounds until they are old enough to be transferred to their new owners.

CLIMATE CHANGE AND ASSOCIATED SEA LEVEL RISE

For the last million years, the earth’s climate has changed from a cold ice age to a warm interglacial period back to an ice age roughly every 100,000 years. These changes have had enormous impacts on plant and animal life, human societies, and sea level with lowest levels during cold periods and highest levels during warm periods. Hence, changing sea level is not a recent phenomenon (Pew Center on Global Climate Change 2007).

Research now indicates that the Mid-Atlantic coastline is experiencing a rate of sea-level rise that is second only to that of the Louisiana and Texas wetlands/coastline along the Gulf of Mexico. Delissa Padilla Nieves, (2009), conducted a Sea Level Affecting Marsh Model (SLAMM) analysis for the lower Delmarva Peninsula. The results of that modeling revealed an

overall loss of approximately 57% of the salt marsh by the year 2100 under a 1 meter sea level rise scenario. This is alarming since most of the grazing area within the southern compartment (547 acres) consist primarily of salt marsh. In the northern compartment (3,399 acres) much of this unit is also salt marsh but it does have a more upland shrub/scrub and pine forest component.

Continued grazing by Chincoteague ponies in the salt marshes of the two grazing compartments is expected to reduce and/or eliminate the accumulation of detritus (decaying vegetation.) This build up of decaying vegetation is thought to be vital if salt marsh root systems are to keep pace with rising sea-levels. Reducing grazing pressure on the salt marsh is consistent with CVFC's goal of maintaining a viable healthy population of Chincoteague ponies on the Refuge.

Assateague Island is continually changing shape and geographic location. Refuge managers, park superintendents, wildlife biologists, and the CVFC will all need to work together to maintain pony grazing units that are robust so as to provide for a healthy pony herd that is self-sustaining, without human intervention, in light of a warming climate and corresponding sea-level rise. This issue will need to be revisited (at a minimum every 10 years) as new information becomes available from the scientific community. (See Appendix II - HISTORY of SEA LEVEL RISE and ASSATEAGUE ISLAND for more information on this topic.)

ECONOMIC IMPORTANCE OF PONIES

Regional and Local Economy:

The Assateague Island recreational beach, the ponies, and the Refuge are the Town of Chincoteague and Accomack County's major tourist attractions. Every year the Refuge experiences between 1.2 and 1.5 million visits. This makes the Refuge one of the top five most visited National Wildlife Refuges in America. Peak visitation to the area occurs Memorial Day weekend through Labor Day.

Eighty to 90 % of over 160,000 visitors stopping at the Eastern Shore Visitor Center located at the Chesapeake Bay Bridge-Tunnel plan to visit Chincoteague. This translates into over \$100 million dollars spent in the regional economy for lodging, meals, gasoline, souvenirs, recreation, and other items. The Town of Chincoteague accounts for approximately 60% of the county's total collected Lodging Excise Tax.

In 2010, the town completed a visitor survey. Eighty percent of Chincoteague visitors selected Assateague Beach as their top destination. Viewing the wild ponies consistently ranked among the top three activities most important to visitors.

Fireman's Carnival and Pony Swim:

By far, the Fireman's annual carnival, along with the annual Pony Swim and Auction, is the largest single event that draws tourists to the town. Beginning around the Fourth of July and continuing until the first weekend in August, the carnival is held every weekend and then every night of Pony Penning week except Sunday. Money collected from this much anticipated celebration allows the CVFC to purchase new fire and rescue vehicles and to maintain its current fleet which is vitally necessary to safeguard the community, the Refuge and its visitors.

In 2012, 67 foals were sold at auction for a total of \$96,625. The average price was \$1,442/foal. The veterinarian costs for the year were \$18,000, and hay and grain cost for supplemental feeding \$12,500 (Letter dated 9/25/2012, from Harry Thornton).

MANAGEMENT AND OPERATIONS

2012 Pony Population Estimates:

During the spring roundup of 2012, the CVFC estimated the adult pony population was approximately 125 animals. However as of 8/31/2012, that estimate was revised to 134 ponies on the refuge; 22 stallions and 112 mares. Twenty One (21) ponies roam within the southern compartment of the Refuge and 113 ponies graze within the northern compartment. (Letter dated 9/25/2012, from Harry Thornton).

The current SUP grants the CVFC, "...the grazing of not more than 150 head of wild ponies," on the Refuge. In managing for wildlife diversity, quality habitats, and overall environmental health, the Refuge supports a well managed pony herd.

With our current scientific understanding of Climate Change and its potential effects to local weather (i.e. intense rainfall events, stronger coastal storms, frequent coastal flooding, increase in the number of hot days, and sea level rise) the FWS recommends, **but does not demand**, that the current population of 134 adult ponies remain constant (or lower) until the year 2023 (year for the next CD review for this use.) At that time, additional scientific information (10 years of additional Climate Change data) will be available to the CVFC and the Refuge concerning Climate Change. This additional information will allow for better decisions concerning grazing management and population size.

Grazing Units

The grazing program allows up to 150 adult Chincoteague ponies, a registered breed and owned by the Chincoteague Volunteer Fire Company (CVFC), a 501c3 nonprofit organization, to graze within two separate compartments on the refuge. Foals of the year are annually sold at auction and are not included in count of adult horses.

The present grazing management units include the Southern Management Unit (Black Duck Marsh), totaling approximately 547 acres, and the Northern Management Unit (Pony Grate to MD/VA Line), with over 3,300 acres. These grazing units include four of the 14 waterfowl impoundment management areas. Combined, the two units comprise over 40 % of the Assateague Island portion of the Refuge. (See Appendix III, Map of Chincoteague National Wildlife Refuge Pony Management Areas)

Southern Grazing Unit (Black Duck Marsh)

This 547-acre unit encompasses the entire southern portion of the Refuge west of Beach Road, the road to the boat dock, and areas adjacent to Assateague Channel. This smallest unit used for grazing ponies includes Black Duck Creek and all of Black Duck Marsh. It is comprised of 70% saltmarsh cordgrass, saltmarsh meadow hay, salt grass, and upland grassland (bent grass and Panicum species) with the remaining 30 % in loblolly pine and oak/sweetgum hardwood forest. Tidal flooding occurs during spring and fall lunar tides and severe coastal storm events. Within the higher marsh and forested areas are several natural freshwater pools which usually provide adequate fresh drinking water. However, during times of severe drought conditions, water may be scarce, and animals may be forced to rely on brackish water or supplemental watering by CVFC to sustain them. The Fire Company usually keeps from 30 to 50 ponies in this unit throughout the year.

Northern Grazing Unit (Pony Grate to MD/VA Line)

This 3,399-acre expanse is the largest unit assigned for grazing ponies. Within this designated area are the freshwater impoundments of South Wash Flats, Old Fields, Ragged Point, and a portion of North Wash Flats. These impoundments occupy about 805 acres or 24 % of the total available grazing area. The remaining 2,594 acres consist mostly of saltmarsh cordgrass and saltmarsh meadow hay areas, adjacent to Assateague Channel. Also, on the interior of the island is a maritime forest of primarily loblolly pines and shrub communities with an understory of wax myrtle/greenbrier and upland grass species (Panicum species and bent grass). Most impoundment perimeters have significant areas of forage such as three-square bulrush, red-root nutsedge, and dwarf spikerush.

Located within Northern Grazing Unit is the North Wash Flats Impoundment. From March 15 – September 1, the ponies are excluded from this 704-acre area to provide for a safe haven for Piping Plovers and other migrant shorebirds and waterfowl (Refuge 2008 Intra-Service, Section 7 & Biological Opinion, pp. 5 & 6). This brackish water impoundment located between Chincoteague Bay and the ocean is intensively managed to create Piping Plover nesting and feeding habitat to mitigate impacts from public recreational beach use. It is also managed to mimic natural processes, which occurred before the artificial dunes were constructed (Habitat Management Plan, 2011, p. 55).

Wayward Ponies and Volunteer Call Out:

The Pony Committee will provide a list of people that will respond to roundup ponies that are found roaming outside of the assigned grazing units. These designated people will act on this matter no later than the first weekend after the horses are detected (see Appendix IV, List for Emergency Calling).

Fence Line Repairs and Replacement:

Repair and replacement of the approximately 13 miles of fences is an ongoing maintenance issue at the Refuge. Inclement weather, storm tides, sea level rise, fallen tree limbs or blow downs, ponies, people, and ordinary wear and tear continually damage the fence lines that delineate the pony enclosures. In the past the CVFC was responsible for all fence line maintenance. However, a federal court ruling concerning property rights called into question the advisability of continuing this course of action. Therefore, starting in 2008, the Refuge began purchasing materials such as post, wire, and gates and in consultation with CVFC to conduct repair and replacement of fence lines.

Key in fence line maintenance is the cooperation of all parties. Refuge staff working beside CVFC members creates a highly efficient team. The CVFC Pony Committee and the Refuge staff will meet minimally once annually to plan fence line maintenance for that year. It would be beneficial for planning and budgeting purposes for the CVFC and the Refuge to develop a long range fence line replacement schedule.

Mending fence lines in support of the Chincoteague pony management is an appealing volunteer project. Refuge staff and the CVFC should work together to provide opportunities for the public to volunteer and assist in fence line repair. It is imperative that all volunteers be provided with personnel protective equipment and given training on the standards and proper techniques of fence line repairs. In addition, it will be required that all volunteers working for the Refuge sign specified volunteer agreements before commencing work.

Current estimates for ¼ mile barbed wire fence installation including site preparation, materials and labor are shown below.

- Site Preparation:
 - Demolition of existing fence, brush clearing, and other operations. \$1,000 est.
- Materials:
 - Approximate material cost for ¼ mile = \$864
- Labor:
 - ¼ mile constructed by 4 “experienced” workers 96 hrs x \$21.36 = \$2,050

Total estimated cost for the replacement of ¼ mile of pony fence is:..... \$3,914

Total estimated cost for 1 mile of fence is:.....\$15,656

The 2013 - 2015 fence and gate replacement plan is:

2013.....2.2 miles x \$15,656/mile = \$34,443

2014-15.....4.2 miles x \$15,656/mile = \$65,755

Without considering inflation, the total estimated expenditure for fence replacement from 2013 through 2015 is \$100,198. Fences scheduled for replacement may require additional years to complete contingent on available funds and labor. Volunteers are important in this ongoing project because labor is the predominate cost.

Obtaining access to perform fence maintenance is necessary for the CVFC and the Refuge. To become more proficient at fence maintenance and/or installation, Refuge maintenance and biological staff have developed a GIS map, which shows a fence repair and replacement schedule. This map will be updated annually in consultation with the CVFC Pony Committee and will show what has been accomplished and what remains to be done in future years.

Entrance to Refuge by CVFC Pony Committee (Official Business):

Pony Committee members are required to apprise the Pony Committee Chairman and the Refuge Manager of their presence on the Refuge. All Pony Committee members must have a government or CVFC provided photo identification on their person when conducting official Pony Committee activities.

Fire Company members typically drive the official Pony Committee pick-up. Magnetic CVFC signs will be attached to their private transports.

Refuge LE will approach individuals they do not know, who appear to officially represent the CVFC, and ask to see proper identification. If the suspect or suspects are not authorized to be on the Refuge, they will be instructed to leave or be escorted off Assateague Island. This level of security is appropriate due to stolen watering troughs, vandalism, and other potential crimes against CVFC property and ponies.

Severe Weather Operations:

Pre-storm

The reoccurrence of severe weather events impacting Assateague Island are well documented in historical records. Northeasters, tropical storms, and hurricanes are a continuous threat to coastal communities and preparedness is everyone's responsibility. To do otherwise is irresponsible.

Annually, the Refuge staff prepares and/or updates the Hurricane Action Plan. This plan along with the Continuity of Operations Plan provides guidance for Refuge operations and staff actions during weather related or other emergencies. Contained within the documents are time frames for actions to be taken by Refuge staff. One of these actions is the closure of the Refuge when a direct impact from a severe coastal storm is predicted. Therefore, the integration of a CVFC action plan that addresses the care of the ponies before and after a major weather event is recommended.

Currently, if a severe weather event is predicted for Assateague Island, the CVFC has several options:

- 1) Do nothing and allow the ponies to weather the storm within the corrals.
- 2) The entrance/exit gates of the North and South grazing compartments will be open by a designated member of the CVFC or Refuge staff **at the request by CVFC**. This will be done so as to allow the ponies to seek the safety of higher ground. If the storm misses the area, the CVFC will promptly roundup the ponies and redistribute them to their respective grazing compartments.
- 3) Roundup the ponies in the South and/or the North compartments prior to the storm and relocate them to a safer location off the island.

At the request of the Refuge Manager, the CVFC developed a one-page emergency action plan in 2008 to describe the actions it would take in the event of a hurricane. However, the 2009 November northeaster identified deficiencies in this plan and in the execution of its strategies. It is recommended that CVFC develop a more detailed emergency action plan that addresses subjects such as, but not limited to:

- evacuation of the pony herd from the South and/or the North grazing compartments

- supplemental feeding and watering
- health and well-being evaluations following a severe storm
- updated emergency call list (See Appendix IV, List for Emergency Calling)

Post-storm Operations

Following a major weather event, the Refuge will be closed to all public entry until qualified staff (either the NPS or the Service) can conduct a Rapid Assessment (RA) of the impacts and/or damages to bridges, roads, buildings, habitat, and wildlife on CNWR. This RA is needed to ensure the safety of Refuge staff and visiting public to Assateague Island.

If possible, the RA will include a visual assessment of the overall well-being of the ponies and their foraging areas. The Refuge Manager or his/her designated representative will contact the CVFC Pony Committee Chairman and provide a verbal assessment of the pony herd.

If necessary, and when conditions are safe for CVFC members to enter the Refuge, the CVFC may move the ponies to suitable areas on the Refuge where they can be confined and provided supplemental food and fresh water.

If there is severe habitat damage, the CVFC should consider removing the horses off the island until the animals and natural environment recover. The CVFC will ask its veterinarian to come to the island and perform a visual assessment for injured ponies and treat them if necessary.

Supplemental Feeding and Watering

Supplemental feeding and watering of the ponies can be necessary when weather extremes (i.e. heat and drought, strong coastal storms and tidal flooding, snow and ice storms, etc.) dry up watering holes and/or make quality forage unavailable for ponies to feed upon. Williams C. A. and Ralston S. (2011), (See Rutgers - New Jersey Agriculture Experimental Station - 2011, Winter Feeding of Horses, Cooperative Extension - Fact Sheet FS1143) state that;

“Winter conditions vary dramatically between the various regions, as do the tolerances of individual horses to cold weather stressors, so it is impossible to give exact recommendations regarding nutritional needs that would be applicable to all horses and regions. However, there are general nutritional concerns that always need to be addressed as the weather gets colder. These are insuring adequate caloric (energy) and water intake, and recognizing situations where supplemental nutrients may be necessary to maintain a horse’s optimal health and well-being. ...” Additionally, “The major nutritional concerns during the winter months include adequate calories to maintain good body condition and adequate water intake to prevent impaction colic...”

Supplemental feeding and watering is fundamental to the continued health and well-being of the ponies. Since feeding and watering will be conducted at numerous locations within the grazing units the following conditions apply:

- 1) In order to reduce the importation of “weed seeds” into Refuge habitats, the use of certified **weed free hay/forage** is a requirement. Prior to beginning any supplemental feeding, CVFC will provide the Refuge Manager with documentation that the hay/forage to be dispersed is from a certified weed free hay/forage source.
- 2) Tanker trucks used to fill watering troughs must be filled at a location off the refuge water system/grid. All fire hydrants located east of Piney Island and the Assateague Channel Bridge fall within the refuge water system/grid system and therefore the Refuge is billed by the Town of Chincoteague for that water usage.

Stock Replacement:

As mentioned in earlier sections, it had been a past practice to supplement the Chincoteague pony herd with stock brought in from other sources. A wide variety of breeds such as Morgan, Welsh, Shetland, Arabian, and Mustangs were placed in the Chincoteague pony herd to increase genetic diversity and vigor among the present stock. Most Mustangs were brought to the island shortly after the 1978 EIA eradication program to help build-up the herd. Few survived the rigorous barrier island environmental conditions (Refuge Pony Management Plan, 1990).

On occasion, CVFC also replenished the herd with “problem” ponies from ASIS. These feral horses had been involved with visitor/pony conflicts in the campground areas. Only their offspring were sold. It has been the policy of CVFC to no longer supplement their herd with NPS northern herd animals. These animals proved to be problematic for the Fire Company and the Refuge. However, these animals may have a more direct genetic link to the current Chincoteague ponies than past genetic introductions.

To preserve the integrity of the registered Chincoteague pony breed, the CVFC will no longer introduce foreign stock into the Refuge population. If deemed necessary by CVFC in consultation with a geneticist and the Refuge Manager one “healthy” foreign mare may be introduced to mate with a stallion and give birth. Shortly thereafter, the foreign mare will be transported off the Refuge. The same mare’s progeny will remain behind to continue the lineage of this new genetic input.

The refuge encourages the active “Buy Back” program. This activity allows citizens within the community to buy foals and yearlings at auction and then to donate these animals back to the CVFC for release back into the pony population on the Refuge. This effort supports the sustainability of the herd on the Refuge without introducing foreign stock. CVFC will continue to pit tags ponies for identification of individual animals.

Following pony penning activities, the Pony Committee Chairman will provide the Refuge Manager with written records of all pit tags recorded during pony penning activities and the number placed in each grazing unit.

Disease and Injury:

The CVFC is responsible for the care and health of the ponies inhabiting the Refuge. Animals that become severely sick or injured are usually removed from the Refuge for treatment or, if conditions dictate, are euthanized and disposed of on the site where found. Pit tags should be recovered and that animals records closed.

Veterinarian services must be available for call out for injured or sick animals and for semiannual health checks when the entire herd is de-wormed, inoculated against EEE and rabies (confirmed on the Refuge in December 2012), and checked for equine infectious anemia (EIA) and other diseases the veterinarian deems necessary.

Animals testing positive for EIA are promptly removed from the Refuge for treatment or disposed of by the Fire Company or a qualified veterinarian. {See 1990 Pony Management Plan, pp. 2-3 & 10-11 for a thorough account of equine infectious anemia (EIA) and eastern equine encephalitis (EEE)}.

Injured ponies are routinely removed from the herd and transported to facilities on Chincoteague Island. When a pony is incapacitated by severe injuries, it is usually put down either by a refuge staff person at the request of the CVFC or its contracted veterinarian. It is the Refuge Manager's discretion to determine the fate of a clearly suffering animal when a member of the CVFC or a veterinarian cannot be reached, despite due diligence to reach these parties. (See Appendix I, "Veterinary Care and Procedures as explained by Dr. Charles Cameron DVM.")

Fees:

The current Federal grazing fee for 2012 is \$1.35/AUM for those public lands administered by the Bureau of Land Management (BLM). The acronym "AUM" stands for "animal unit month." It is "the amount of forage needed to sustain one cow and her calf, one horse, or five sheep or goats for a month."

The CVFC pays the Service \$1,500 per year for grazing rights on the Refuge. Currently the Service does not follow the BLM pricing guidelines.

The movement and placement of ponies within assigned grazing units is the responsibility of the CVFC's Pony Committee. During the summer months, about one-third of the present herd is placed within the South Unit (Black Duck Marsh), which affords viewing opportunities for the visiting public. The remainder is placed in the North Unit, accessible to the public by foot and

the Chincoteague Natural History Association tour bus. No requirement specifies that a given number of animals be assigned to any particular compartment.

Use of Ponies in Impoundment Vegetation Management:

Past studies by the USFWS (Service) confirm that controlled livestock grazing can be beneficial to some vegetative communities by increasing vigor of perennial grasses, speeding recycling of nutrients, increasing production of vegetation, preventing the decline and death of plants due to lodging and build-up of old plant material, and accomplishing the effect of burning without leaving soil severely exposed (Service 1987).

Annually the Refuge, on a rotational basis, undertakes mowing, disking and at times prescribed burning of impoundments to set back succession and maintain a healthy vigorous plant community. Refuge staff propose introducing a specified number of ponies (to be determined) into the impoundments (Pools A, B North, C, D, and E) for a specified period of time. This will provide rotational disturbance to the plant communities without the use of fossil fuels.

A recent *Rangelands* article entitled, “Livestock Grazing, Wildlife Habitat, and Rangeland Values,” supports rotational grazing as more likely to help managers achieve wildlife habitat objectives than continuous grazing. Through grazing treatments, key wildlife habitat components can be assured on the landscape each year. Carefully planned grazing rotations can ensure maintaining native habitats that are also functional for an abundance and diversity of wildlife. The authors propose that these grazing areas be appropriately stocked and managed to provide blocks of undisturbed cover at times that allow for plant reproduction and energy storage and wildlife reproduction and survival (Krausman, et. al., 2009, pp. 15-19).

Precautions should be implemented to thwart unnatural dissemination of exotic biota resulting from horse movement and feces. Direct effects include dispersal of undesirable alien seeds, fungi, arthropods, and other organisms, as well as the potential build up of pathogenic life forms. (ASIS, Berlin, MD – Wild Horse PHVA Workshop, March 28-31, 2006).

Overall, regulated grazing on impoundment and saltmarsh vegetation may stimulate growth, help control undesirable flora, and sustain the palatability of species which, upon maturing, become less desirable to wildlife (Pony Management Plan, 1995, p. 31).

Exclosures and Photo-documentation points:

In an effort to better understand the affect of grazing by herbivores on salt marsh and upland habitats of the Refuge we will establish exclosures and photo-documentation points within and outside the grazing compartments. This will be beneficial baseline information for future management planning.

COORDINATION WITH THE NATIONAL PARK SERVICE

Horse Management by ASIS in Maryland:

On the northern portion of Assateague Island in Maryland, the NPS owns the wild horses roaming within its boundary. In 2009, the NPS Northeast Regional Director approved the Finding of No Significant Impact for the Environmental Assessment of Alternatives for Managing the Feral Horses of ASIS (See FONSI – found at <http://parkplanning.nps.gov>).

The Selected Alternative (SA) (modified Alt D), will reduce the NPS-owned horse population to a more sustainable 80 - 100 head. This reduction will be accomplished over five to eight years through intensive use of contraceptives for mares as well as through natural mortality. No NPS-owned horses will be removed from the island.

The SA is a compromise between “reducing the adverse effects of the horses while protecting the long-term health of the population.” It includes long-term monitoring, public outreach and education, and mitigation to protect the horse population from potential inbreeding.

Service-owned land, located in Maryland and lying adjacent to ASIS, will be managed as part of ASIS. Any horses roaming within the Service’s land in Maryland will fall under the management guidelines of the NPS horse management plan.

Fence Line at the VA/MD State Line:

It is the responsibility of the NPS to maintain the .75 mile fence line at the Maryland and Virginia State line. This fence is necessary to keep the NPS horse herd separate from the ponies privately owned by the CVFC. However, it is in the best interest of all parties (the Service, the NPS, and the CVFC) to work cooperatively to maintain the boundary fence. The NPS received funding in 2011 to replace the entire dune to beach border fence. This project has been completed (pers. comm. Carl Zimmerman).

CONSIDERATIONS FOR THE CVFC

Hired Staff/Range-Hand:

The CNWR would like the CVFC to consider hiring a part time employee to work as a range hand. Duties could include checking the herd health, mending breaks in fence lines, coordinating Refuge and CVFC cooperative events, and when necessary rounding up wayward ponies. During winter months and/or strong storm events it would be crucial for this individual to carefully observe the ponies’ overall health, noting any aberrant behavior or poor habitat conditions.

Annual Special Use Permit

A Special Use Permit (SUP) for grazing is annually issued to the CVFC at the start of the new fiscal year. Prior to the signing of the new SUP the Refuge Manager will meet with the Pony Committee Chairman for the CVFC and discuss changes or updates to the proposed SUP. Once agreement has been reached as to the content of the SUP the Pony Committee Chairman will submit the proposed SUP to the CVFC Pony Committee and then the full CVFC membership. Once approved, the SUP will be signed by the Refuge Manager and the Pony Committee Chairman and/or the President of the CVFC. Additional meeting(s) with the CVFC Pony Committee are held to organize volunteer work details and/or round-up events.

As part of the SUP a section annually updated is “Special Terms and Conditions.” This section stipulates the terms and conditions under which the SUP will be administered for the year. However, it is an opportunity for the CVFC Pony Committee and the Refuge to jointly plan for that current year’s activities and agree to those activities in writing. Preplanning by the Pony Committee and the Refuge is essential for a health pony herd and a well run program. (See Appendix V – 2012 Special Use Permit - Special Terms and Conditions)

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APPENDICES:**Appendix I - Veterinary Care and Procedures as explained by Dr. Charles Cameron DVM:**

In the spring of 1990, Eastern Shore Animal Hospital, located in Melfa, Accomack County, Virginia, became involved with the care of the Chincoteague pony herd.

“We are in charge of the preventative maintenance program, which includes vaccinating the herd annually for Eastern and Western Encephalitis, Tetanus and West Nile Virus (EWTWN) and Rabies,” explained Dr. Charles Cameron DVM. “We deworm the herd with a drench dewormer (Eqvalan) in the spring and fall.

Also in spring, we draw blood samples from all the Ponies and submit the samples to Ivor State Diagnostic Lab for Coggins Tests (the test for Equine Infectious Anemia (EIA)).

“During Pony Penning Week in July, we are available for any emergency that might occur with the herd or the riders’ horses,” he continued. “On Tuesday of that week (the day before the swim), we cull out the ponies that are too young or too old and otherwise not fit to make the swim. On the day of the sale (Thursday), we estimate the age of the foals before they go on the auction block and fill out and sign health certificates for the foals that have been sold.”

Dr. “Charlie” Cameron and his veterinary staff are also available to answer new owners’ questions regarding the care of their foals.

“Some foals will be going to states which require a negative Coggins Test on the foal regardless of its age,” Dr. Charlie explained. “We will advise the owners of this and draw the blood sample for the test.”

Over the course of the year, the veterinarians are occasionally called out for emergencies such as foaling issues and lacerations.

“A medical issue, which has occurred during Pony Penning Week, has been hypocalcaemia in some of the lactating mares,” said Dr. Charlie. “This is a medical emergency which can be reversed by administering calcium intravenously. So we are well prepared for this with stocks of Cal-Dex Fluids, IV catheters and dri sets.”

Appendix II - HISTORY of SEA LEVEL RISE and ASSATEAGUE ISLAND

For the last million years, the earth's climate has changed from a cold ice age to a warm interglacial period back to an ice age roughly every 100,000 years. These changes have had enormous impacts on plant and animal life, human societies, and sea level with lowest levels during cold periods and highest levels during warm periods. Hence, changing sea level is not a recent phenomenon. During the warmest interglacial period about 130,000 years ago, the Earth's temperature was 2-3° F (35.6 - 37.4° C) warmer than today's temperatures and ocean levels were 13-20 feet (4.0 - 6.1 m) higher than today (Pew Center on Global Climate Change 2007).

The most recent cycle started over 100,000 years ago, when a 39-42°F (4-10° C) drop in global temperatures over thousands of years caused a major change in climate. Approximately 25,000 years ago, the Laurentide ice sheet moved out of Canada. About 18,000 years ago, it extended as far south as northern New Jersey and northeastern Pennsylvania on the East Coast, and nearly half of North America was covered by a continental glacier over one mile thick in places.

A significant amount of the Earth's fresh water was locked in glacial ice. Consequently, much fresh water was not returned to the oceans, leading to a significant drop in sea level. The Mid-Atlantic coast was roughly 40 to 50 miles (64 - 80 km) offshore from its present day location. This area was exposed for about 10,000 years and was occupied by tundra and boreal forest similar to what is found in Canada today. Elk, moose, and grizzly bears were dominant mammals. (Davis 2006). The waters were cold like Arctic waters and supported species like walrus, sea lions, and bearded seals (Harington 2008).

About 15,000 years ago, climate began to change again, and the warmer temperatures caused the Laurentide glacier to begin melting. The melt-water ran off the land and into the ocean causing sea levels to rise. The rise was not a steady one; it was marked by a rapid increase from 15,000 to 8,000 years ago at rates as high as 0.5m (1.6 ft.) per decade (Hansen 2007).

Around 6,000 years ago, the rate of sea level slowed to 0.5mm (.25 in.) per year due to a reduction in the rate of ice melting. This allowed shorelines to stabilize, and the Mid-Atlantic shoreline may have looked much like it does today (minus the human-induced alterations). These more stable conditions promoted the formation of barrier islands and spits, which facilitated the establishment of coastal marshes in sheltered lagoons behind the protective barriers and along the low-lying shores of tidally influenced rivers.

From 3000 years ago to the late 1800s (the beginning of the "Industrial Revolution"), the rate of sea level rise was very low: 0.1-0.2mm (.0625 in. - .125 in.) per year. (Titus et al. 2009). During the last century, the average global rise in sea level was 1.7mm (0.5 in.) per year (Church and White 2006).

From 1993-2003, the rate of sea level rise rose an average of 3.1mm (.75 in.) per year. (IPCC 2007). It is unclear whether this increase is simply a decadal response or an indicator of a longer-term trend. It is, however, likely that the losses of polar ice sheets during this decade significantly contributed to the increase (Titus et al. 2009).

The 2007 International Panel on Climate Change (IPCC) lowered predictions from their 1995 report. Most recently, they predicted a 0.6-1.9-foot (7-23-inch or 18-59 cm) increase in sea level over the next 100 years. Earlier, the Panel had predicted a 0.3-2.9-foot (nearly 9 cm – nearly 1 m) rise by 2100. This new estimate excludes any increase in melt-water from the Greenland and Antarctica ice sheets.

The IPCC admits that this is a very conservative estimate. Moreover, recent observations of accelerated ice flow and melting from Greenland and western Antarctica glaciers could contribute substantially to present increasing sea levels. (Titus et al. 2009). If the Greenland ice sheet disappeared, it would add 23 feet (7m) to sea level (IPCC 2007).

During the last interglacial period of 125,000 years ago, reductions of polar ice led to a 13-20-foot (4-6m) rise in sea level. It is interesting to note that the projected rise may not be a simple steady increase in sea levels. Instead, it may be rapid due to a quick collapse of large portions of the polar ice sheets (Pew Center on Global Climate Change 2007).

A 2007 study that accounted for continued increases in greenhouse gas emissions predicted that sea level could rise 1.6-4.5 feet (0.5-1.4m) by the end of the 21st century. (Rahmstorf 2007). This work and the view of other climatologists suggest that global sea level could rise by 3.3 feet or more (one meter or more) by 2100 and that it may rise additional meters over the next several centuries.

Impacts on the Mid-Atlantic Region

In the Mid-Atlantic region (New Jersey through Virginia), sea level is rising due to global changes and to land subsidence. During the past century, sea level rise rates were higher than global rates, ranging from 2.4-4.4 mm (about .75 in. – about 1 in.) per year. This translated to an approximate one-foot rise (0.3m) by 2000. These are the highest rates of sea level rise in the United States, excluding Louisiana and Texas where human-induced coastal subsidence is a significant contributing factor (Titus et al. 2009).

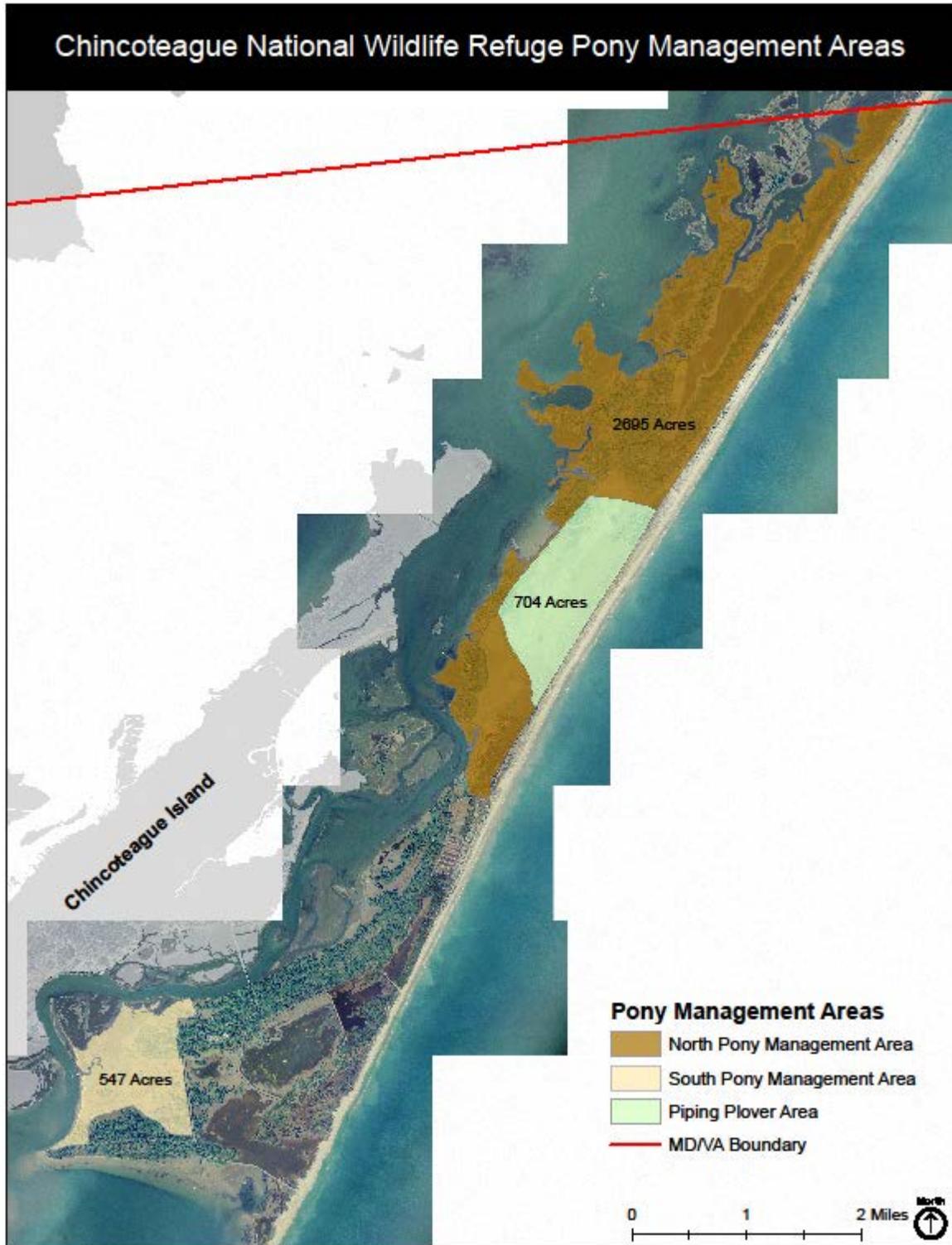
Rising seas are already changing the coast, submerging the lowest tidal wetlands, eroding coastal beaches, increasing flooding of lowlands, and altering salinity regimes in coastal waters. Low salt marshes are being converted to tidal flats, while existing tidal flats are becoming permanently inundated shallow water habitats.

The shoreline of Assateague Island, already threatened by erosion from the current sea-level rise rate, is even more vulnerable with predicted increases of 2mm (nearly 0.5 in.) per year. If the

rate increases by 2mm per year, the island may begin migrating landward and may break up into smaller sections (segmentation). The impacts of a 7mm (around 1.5 in.) per year rise would be devastating.

Assateague Island is continually changing shape and geographic location. Refuge managers, park superintendents, wildlife biologists, and the CVFC will all need to work together to maintain pony grazing units that are robust so as to provide for a healthy pony herd that is self-sustaining, without human intervention, in light of a warming climate and corresponding sea-level rise. This issue will need to be revisited (at a minimum every 5 years) as new information becomes available from the scientific community.

Appendix III – Pony Management Areas Map



Appendix IV - List for Emergency Calling

2010-2011 CVFC, Pony Committee members responsible for herd management.

SUP #51570-81233

LIST FOR EMERGENCY CALLING

Harry S. Thornton (Chairman)	336-5560	894-0440
Nathan (Skeebo) Clark	336-5996	894-8771
David Savage	336-5610	894-3574
Wesley Bloxom	336-3213	894-4751
Rick Raymond	336-2657	894-0618
Bobby Lapin	336-0619	894-3586
John Bloxom	336-1709	894-3381
Randy Thornton	336-6670	894-4136
Edwin Taylor		894-3384
Roe Terry	336-5758	894-0330
Denise Bowden		

EASTERN SHORE ANIMAL HOSPITAL

Dr. Charlie Cameron	757-442-3150 (24-hour service number)
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Appendix V - Special Use Permit: 81312 - FY 2013

See following page

Appendix VI - Intra-Service Section 7 Biological Evaluation for Chincoteague
Pony Penning and Piping Plover/Sea Turtle Management

See page 41

Appendix D
United States Department of the Interior
U.S. Fish and Wildlife Service
National Wildlife Refuge System
General Special Use
Application and Permit

Name of Refuge Chincoteague NWR
Address PO Box 62, Chincoteague, VA 23336
Attn: (Refuge Official) Louis S. Hinds III
Phone # 757-336-6122 E-mail louis_hinds@fws.gov

Application

(To be filled out by applicant. Note: Not all information is required for each use. See instructions at the end of the notice.)

1) New Renewal Modification Other _____

Applicant Information

2) Full Name: Chincoteague Volunteer Fire Company Pony Committee 6) Phone #: 757-894-0440
3) Organization: Chincoteague Volunteer Fire Company 7) Fax #: 757-336-1340
4) Address: PO Box 691 8) E-mail: _____
5) City/State/Zip: Chincoteague, VA 23336

9) Assistants/Subcontractors/Subpermittees: (List full names, addresses and phone #'s and specifically describe services provided if subcontractors are used.)

See Attached List

Activity Information

10) Activity type: Event Wood Cutting Group Visit Cabin/Subsistence Cabin Educational Activity
 Other To permit the grazing of not more than 150 head of wild ponies.

11) Describe Activity: (Specifically identify timing, frequency, and how the event is expected to proceed.)

Grazing is permitted on those parts of Tract 4, 4a, 4b, 41, and 31 where ponies are not excluded by fences; the fenced exclosures where grazing will not be permitted are primarily the waterfowl development areas and sand dunes.

12) Activity/site occupancy timeline: (Specifically identify beginning and ending dates, site occupation timeline, hours, clean-up and other major events.)



(Depending on the activity for which you are requesting a permit, we may ask you for the following activity information. Please contact the specific refuge where the activity is being conducted to determine what activity information is required.)

13) Expected number of participants:
Children _____ Adults _____ Total _____

14) Grade level of educational group:
Grade _____ N/A

15) Will staff time/assistance be required?
 Yes No N/A

16a) Plan of Operation required? Yes No N/A
16b) Plan of Operation attached? Yes No

17) Location: (Specifically identify location; GPS location preferred.)

18a) Is map of location(s) required?
 Yes No N/A

18b) Is map of location(s) attached?
 Yes No

Insurance Coverage/Certifications/Permits

19a) Is insurance required?
 Yes No N/A

19b) Insurance: (Provided carrier, type and policy number)

20) Other licenses/certifications/permits required: (Specifically identify licenses, certifications, and permits.)

Logistics and Transportation

21) Does activity require personnel to stay overnight onsite? Yes No

22) Personnel involved:
See Attached Conditions

23) Specifically describe all equipment/gear and materials used:

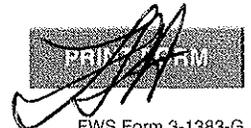
24) Transportation description(s) and license number(s) to access refuge(s): [Provide description of and specific auto license/boat/plane registration number(s).]
See Attached List

25) Specifically describe onsite work and/or living accommodations:
N/A

26) Specifically describe onsite hazardous material storage or other onsite material storage space:
N/A

27) Signature of Applicant James Russell Date of Application: 2-4-2013

Sign, date, and print this form and return it to the refuge for processing. Do not fill out information below this page.



For Official Use Only (This section to be filled out by refuge personnel only.)

Special Use Permit

81312

Permit #: _____

1) Date: 1/11/2013

2) Permit Approved Permit Denied

3) Station #: 51570

4) Additional special conditions required: (Special conditions may include activity reports, before and after photographs, and other conditions.)
 Yes No N/A

Additional sheets attached:
 Yes No

5) Other licenses/permits required:
 Yes No N/A

Verification of other licenses/permits, type: _____

6) Insurance/certifications required:
 Yes No N/A

Verification of insurance/certification, type: _____

7) Record of Payments: Exempt Partial Full

Amount of payment: \$1500.00 *PAID*

Record of partial payment: _____

8) Bond posted: Yes No

This permit is issued by the U.S. Fish and Wildlife Service and accepted by the applicant signed below, subject to the terms, covenants, obligations, and reservations, expressed or implied herein, and to the notice, conditions, and requirements included or attached. A copy of this permit should be kept on hand so that it may be shown at any time to any refuge staff.

Permit approved and issued by (Signature and title):

James L. Birds

Date: 2/6/2013

Permit accepted by (Signature of applicant):

James J. Russell

Date: 2-4-2013

AA

Notice

In accordance with the Privacy Act (5 U.S. C. 552a) and the Paperwork Reduction Act (44 U.S. C. 3501), please note the following information:

1. The issuance of a permit and collection of fees on lands of the National Wildlife Refuge System are authorized by the National Wildlife Refuge System Administration Act (16 U.S. C. 668dd-ee) as amended, and the Refuge Recreation Act (16 U.S. C. 460k-460k-4).
2. The information that you provide is voluntary; however submission of requested information is required to evaluate the qualifications, determine eligibility, and document permit applicants under the above Acts. It is our policy not to use your name for any other purpose. The information is maintained in accordance with the Privacy Act. All information you provide will be considered in reviewing this application. False, fictitious, or fraudulent statements or representations made in the application may be grounds for revocation of the Special Use Permit and may be punishable by fine or imprisonment (18 U.S.C. 1001). Failure to provide all required information is sufficient cause for the U.S. Fish and Wildlife Service to deny a permit.
3. No Members of Congress or Resident 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.
4. The Permittee agrees to be bound by the equal opportunity "nondiscrimination in employment" clause of Executive Order 11246.
5. Routine use disclosures may also be made: (a) to the U.S. Department of Justice when related to litigation or anticipated litigation; (b) of information indicating a violation or potential violation of a statute, 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, regulations, order, or license; (c) from the record of the individual in response to an inquiry from a Congressional office made at the request of the individual (42 FR 19083; April 11, 1977); and (d) 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 (48 FR 54716; December 6, 1983).
6. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. This information collection has been approved by OMB and assigned control number 1018-0102. The public reporting burden for this information collection varies based on the specific refuge use being requested. The relevant public reporting burden for the General Use Special Use Permit Application form is estimated to average 30 minutes per response, including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Comments on this form should be mailed to the Information Collection Clearance Officer, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, MS 2042-PDM, Arlington, Virginia, 22203.

General Conditions and Requirements

1. Responsibility of Permittee: The permittee, by operating on the premises, shall be considered to have accepted these premises with all 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, and/or the part of anyone of his/her associates, to use reasonable care.
2. 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 official 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.
3. Use Limitations: The permittee's use of the described premises is limited to the purposes herein specified and does not, unless provided for in this permit, allow him/her to restrict other authorized entry onto his/her area; and permits 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 other Service lands.
4. 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 through lien or be transferred to a third party without the approval of the Regional Director of the Service and the permit shall not be used for speculative purposes.
5. Compliance: The Service's failure to require 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 or conditions.
6. 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.
7. Payments: All payment shall be made on or before the due date to the local representative of the Service by a postal money order or check made payable to the U.S. Fish and Wildlife Service.
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 11. 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 to reenter as needed to remove his/her property as stated in paragraph 11. The acceptance of any fee for the 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 right to terminate or cancel the permit for the breach of any specified condition or requirement.
9. 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, and/or may enter and possess the premises as the agent of the permittee and for his/her account.

10. Damages: The United States shall not be responsible for any loss or damage 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 other who are on the premises from instructions or by the sufferance of 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 to be incident to the flooding of the premises resulting from any associated Government river and harbor, flood control, reclamation, or Tennessee Valley Authority activity.

11. 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 official in charge, but not to exceed 60 days, remove all structures, machinery, and/or equipment, etc. from the premises for which he/she is responsible. Within this 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.

Instructions for Completing Application

You may complete the application portion verbally, in person or electronically and submit to the refuge for review. Note: Please read instructions carefully as not all information is required for each activity. Contact the specific refuge headquarters office where the activity is going to be conducted if you have questions regarding the applicability of a particular item.

1. Identify if permit application is for new, renewal or modification of an existing permit. Permit renewals may not need all information requested. Contact the specific refuge headquarters office where the activity is going to be conducted if you have questions regarding the applicability of a particular item.

2-8. Provide full name, organization (if applicable), address, phone, fax, and e-mail.

9. Provide names and addresses of assistants, subcontractors or subpermittees. Names and address are only required if the assistants, subcontractors or subpermittees will be operating on the refuge without the permittee being present. Volunteers, assistants, subcontractors or subpermittees that are accompanied by the permittee need not be identified.

10. Activity type: check one of the following categories:

- a. Event;
- b. Wood cutting;
- c. Group visit;
- d. Cabin/Subsistence cabin;
- e. Educational activity; or
- f. Other—any other activity(s) not mentioned above. Please describe "other" activity.

11. Describe Activity: provide detailed information on the activity, including times, frequency and how the activity is expected to proceed, etc. Permit renewals may not need activity description, if the activity is unchanged from previous permit. Most repetitive activities, such as group visits, do not require an activity description for each visit. Contact the specific refuge headquarters office where the activity is going to be conducted to determine if an activity description is required.

12. Activity/site occupancy timeline: Identify beginning and ending dates, site occupation timeline, hours, clean-up and other major events. Permit renewals may not need an activity/site occupancy timeline, if the activity is unchanged from previous permit. Most repetitive activities, such as group visits, do not require an activity/site occupancy timeline for each visit. Contact the specific refuge headquarters office where the activity is going to be conducted to determine if an activity/site occupancy timeline is required.

13-14 Expected number of participants: Provide an estimate of the number of adults, and children and grade level of group, if applicable.

15. Identify if onsite refuge staff will be required for group activities and anticipated time frame, if applicable.

16a-16b. Identify and attach Plan of Operation, if required. Most repetitive activities, such as group visits, do not require Plans of Operations for each visit. In addition, permit renewals may not require Plans of Operations if the activity is essentially unchanged from the previous permit. Contact the specific refuge headquarters office where the activity is going to be conducted to determine if a Plan of Operations is required.

17. Location: identify specific location (GPS coordinates preferred), if not a named facility. Most repetitive activities, such as group visits, do not require a location. In addition, permit renewals may not require a location if the activity is essentially unchanged from the previous permit. Contact the specific refuge headquarters office where the activity is going to be conducted to determine if a location is required.

18a-18b. Attach a map of location, if required and not conducted at a named facility. Most repetitive activities, such as group visits, do not require a map. In addition, permit renewals may not require a map if the activity is essentially unchanged from the previous permit. Contact the specific refuge headquarters office where the activity is going to be conducted to determine if a map is required.

19a-19b. Provide name, type and carrier of insurance, if required. Contact the specific refuge headquarters office where the activity is going to be conducted to determine if insurance and type of insurance are required.

20. Specifically identify types and numbers of other licenses, certifications or permits, if required. Contact the specific refuge headquarters office where the activity is going to be conducted to determine the types of licenses, certifications or permits required, and to coordinate the simultaneous application of several types of licenses, certifications or permits. This Special Use Permit (SUP) may be processed while other certifications are being obtained.

21-22. Provide name(s) of any personnel required to stay overnight, if applicable.

23. Identify all equipment and materials, which will be used, if required. Most repetitive events, such as group visits, do not require a list of equipment. In addition, permit renewals may not require a list of equipment if the event is essentially unchanged from the previous permit. Contact the specific refuge headquarters office where the activity is going to be conducted to determine if a list of equipment is required.
24. Describe and provide vehicle descriptions and license plate or identification numbers of all vehicles, including boats and airplanes, if required. Motor vehicle descriptions are only required for permittee vehicle, and/or if the vehicle will be operated on the refuge without the permittee being present. Motor vehicles that are accompanied by the permittee as part of a group (convoy) activity need not be identified if cleared in advance by refuge supervisor. Specifically describe ship-to-shore, intersite (between islands, camps, or other sites) and onsite transportation mechanisms, and license plate or identification numbers, if required.
25. Specifically describe onsite work and/or living accommodations, if applicable.
26. Specifically describe onsite hazardous material storage, or other onsite material storage space (including on and offsite fuel caches).
27. Sign, date, and print the application. Click on the Print button to print the application (if using the fillable version). The refuge official will review and, if approved, fill out the remaining information, sign, and return a copy to you for signature and acceptance.

The form is not valid as a permit unless it includes refuge approval, a station number, a refuge-assigned permit number, and is signed by a refuge official.

Special Use Permit: 81312
FY 2013

PERMITTEE: Chincoteague Volunteer Fire Company
South Main Street
Chincoteague Island, VA 23336

SPECIAL TERMS AND CONDITIONS

1. This permit authorizes the use of the Chincoteague National Wildlife Refuge (Refuge) for the grazing of Chincoteague Ponies (ponies) only. Ponies are authorized only within the permitted pasture/habitat units (i.e. North and South Pony Management Areas, see attached map.) The herd numbers will not exceed that allotted for such grazing, unless permission is granted by Refuge Manager for extenuating circumstances (i.e. weather, tidal flooding, etc.) Permittee is solely responsible for ensuring the ponies are not in violation of these conditions. Failure to comply may result in cancellation of grazing privileges, the imposition of administrative fees and/or legal charges.
 - a. Permittee has one week to return ponies to permitted compartments once notified by the Refuge Manager; an additional week may be granted based on adequate justification. Ponies that habitually get out of permitted compartments will be removed from the refuge until the fence is repaired or escape is blocked.
 - b. Ponies will be promptly returned to their assigned grazing units after the annual July round-up and auction.
2. The permittee is responsible for the maintenance of all assigned fences, including repair of damage caused by tidal flooding and other acts of nature. The U.S. Fish and Wildlife Service will purchase all post and fencing materials necessary for scheduled maintenance and repairs of fence lines. The permittee in concert with the Refuge Manager will develop a fence replacement and repair schedule/plan that stipulates the replacement of fence lines for a period of 15 years. The permittee will work in concert with the Refuge Manager for the scheduling of joint fence maintenance activities.
3. The permittee will designate individuals authorized to assist in management activities for the Chincoteague pony herd and will supply a list to the Refuge Manager within 30 days after issuance of the Special Use Permit. The top four names will be authorized to take action in the event of an emergency, if the Pony Committee Chairman is not available. Additionally, the permittee will provide the Refuge Manager a list of volunteers and helpers assigned to Pony Committee activities (round-ups, feeding and watering, etc.)
4. The permittee will provide the name and phone number of a contact veterinarian in case of emergency. CNWR will contact the permittee in case of an emergency, but should the permittee fail to respond within 12 hours, CNWR will initiate veterinarian services and the permittee will be responsible for all charges. Permittee will comply with all Commonwealth of Virginia and US Department of Agriculture livestock health laws.



5. During the July pony penning:
 - a. Permittee will provide a minimum of three responsible CVFD staff from 0700 to 2200 hours to respond to public inquiries concerning the ponies and ensure safety. Those individuals will wear standardized, visible and clearly marked CVFD shirts that distinguish them to the public. All personnel inside the corral, with the exception of the veterinarian, will wear the CVFD shirt.
 - b. Permittee will provide at least two individuals to monitor the ponies overnight from 2200 to 0700 hours. The permittee will erect a small tent, approximately ten feet square, clearly marked CVFD Pony Committee, to provide shelter from inclement weather and to distribute public information packets. No products may be sold. Tent location will be agreed upon by CNWR and the permittee.
 - c. Permittee will provide water to ponies at least every five hours beginning at 0700 hrs and ending at 2200 (0700, 1200, 1700, and 2200 hours). The Permittee is encouraged to maintain the water supply line to the watering troughs, in the South corral that would automatically fill the troughs when they become low.
 - d. Permittee will provide a licensed veterinarian for all pony penning activities who will remain within a one hour response time following the activity. The name and phone number of the veterinarian present will be provided to the Refuge Manager prior to any pony penning activities.
 - e. Prior to all swims the veterinarian will inspect the pony herd to determine which animals shall swim and those needing to be transported.
 - f. Permittee will erect a fence or barrier at least three feet from the corral fence to prevent physical contact between the public and the ponies. Fences will be clearly marked to keep the public off.
 - g. No smoking is permitted within the corral.
6. The permittee is responsible for conduct of members of work parties while on the refuge. Consumption of alcoholic beverages is not allowed on the refuge.
7. When the refuge is closed to normal visitation (after hours, inclement weather, etc...), the CVFC Pony committee chairman must receive authorization from the Refuge Manager or his designee to gain access to the refuge. Access will be granted on a case by case basis to authorize individuals to ensure for the welfare of the ponies. All other activities are prohibited. When the refuge is closed due to emergency conditions, all third party requests for information regarding the status of the refuge shall be deferred to the refuge manager or his designee. No photographs may be taken.
8. The permittee after each round-up (spring, summer and fall) will provide the Refuge Manager a written report stating the number of ponies present on the refuge. The report at a minimum will

INTRA-SERVICE SECTION 7 BIOLOGICAL EVALUATION FORM

Originating Person: Louis Hinds, Refuge Manager

Station Name: Chincoteague National Wildlife Refuge

Prepared By: Amanda A. Daisey, Wildlife Biologist

Telephone and Facsimile Numbers: (Phone) 757/336-6122; (Fax) 757/336-5273

Date: April 22, 2011

Project Title: Chincoteague Pony Penning and Piping Plover/Sea Turtle Management,

I. Service Program: National Wildlife Refuge System

II. Geographic Area Including Name of County/City and State and Specific Project Location:

Chincoteague National Wildlife Refuge
Assateague Island
Accomack County
Chincoteague, Virginia

III. Background Information:

Two herds of feral horses known as the "Chincoteague Ponies" reside on Chincoteague National Wildlife Refuge. Crop damage caused by free roaming animals in 17th century Eastern Shore led colonial legislatures to enact laws requiring fencing and taxes on livestock. The Chincoteague Ponies are believed descendants of colonial horses brought to Assateague Island by farmers to avoid fencing expenses and taxation. Prior to the refuge's establishment in 1943, the Chincoteague Volunteer Fire Company (CVFC) purchased the Virginia portion of Assateague Islands' ponies and retains ownership.

CNWR annually issues a Special Use Permit to CVFC allowing 150 adult ponies to graze on Assateague Island, Virginia. Ponies graze within two barbed wire sections referred to as the north (3,354 ac) and south (542 ac) compartments (Fig. 1). The North Wash Flats impoundment is closed to pony grazing during the piping plover breeding season. The grazing compartments were created in part to prevent ponies from grazing in important refuge habitats, including shorebird breeding areas, and to reduce visitor-pony contact for safety. The CNWR maintenance staff and CVFC maintain, replace, and repair sections of the fencing year round.

The Annual Chincoteague Pony Swim and Auction is held the last consecutive Wednesday and Thursday in July. The CVFC rounds up all ponies from both the north and south compartments and places them into holding corrals. Horseback riders swim the

ponies across Assateague Channel from Assateague Island to neighboring Chincoteague Island. Foals and yearlings are sold at auction to benefit the Town of Chincoteague's ambulance and fire services. Following the auction, the remaining ponies are returned to their respective compartments on CNWR.

Proposed Activity: CVFC Beach Pony Walk

The Monday prior to the Pony Penning Swim, approximately 110 ponies and their foals from the North compartment are herded to the south holding corral on Beach Road. The "Pony Walk" is a popular event with visitors and begins at 0600 hrs. The CVFC traditionally moves the ponies via horseback from the South Wash Flats along the beach intertidal zone through the beach parking lots and Beach Road to the south corral (Fig. 2). Over 1,700 visitors attended the Pony Walk in 2010. Spectators congregate on the beach berm between the beach parking lots and Swan Cove Trail to view the Chincoteague ponies. Because of the number of parking spaces available and the number of visitors anticipated to try to view the event, visitors are expected to park at the beach parking lot and walk north along the beach to where they would like to view the ponies. In 2010, two piping plover pairs nested and hatched chicks along a portion of the Pony Walk route. Disturbance and/or harm to piping plovers, nests, and broods is a concern. CNWR proposes continuing the Pony Walk using piping plover nest protection measures and alternative Pony Walk routes when necessary.

IV. Pertinent Species and Habitat Within Action Area

- A. Action area:** Assateague Island, Virginia beach habitat, from South Wash Flats (north pony corral) to the current public beach parking lots (Beach Road).
- B. List of listed species/critical habitat, proposed species/critical habitat, and candidate species known to occur or potentially occurring within the action area. Include species/habitat occurrence.**

Piping Plover (*Charadrius melodus*) - 2 breeding pairs with chicks in the area in 2010
 Loggerhead sea turtle (*Caretta caretta*) – 1 sea turtle nest in the area in 2010
 Green sea turtle (*Chelonia mydas*) – very low potential for a nest in the area
 Leatherback sea turtle (*Dermochelys coriacea*) – very low potential for a nest
 Seabeach amaranth (*Amaranthus pumilus*) – low potential for occurrence
 Red Knot (*Calidris canutus rufa*) – migrant, not present in late July

V. Determination of Effects

- A. Explanation of the adverse and beneficial effects of the action on species and/or critical habitat listed above.**

Herding ponies down the beach and the large number of spectators on the beach to view the ponies may result in trampling of plover nests or young and sea turtle nests that occur on the beach along the pony route. The ponies, the cowboys, spectators, and Refuge personnel all increase the chance of trampling. The pony penning event is also expected to result in human disturbance to piping plover nests and young that is greater than what would occur without the event. This includes the presence of large numbers of people for several hours; and mass movements of people up the beach in the early morning, and then down the beach after the ponies have passed. This may result in interference with normal breeding, feeding, and sheltering activities for plovers, and may result in plovers moving into areas they would not otherwise use as a result of either being precluded from normal use areas by people, and flushing. Any sea turtle hatchlings that emerge from nests at the time of the event may also be subject to trampling, disorientation, and disturbance as a result of the presence of large numbers of people and the ponies. Most of the activities are expected to occur within the intertidal zone, and consequently, the potential effects to seabeach amaranth are limited to those already addressed within the 2008 biological opinion.

B. Explanation of actions to be implemented to reduce adverse effects:

CNWR staff will meet annually with a CVFC representative prior to the Pony Walk to discuss event logistics and the pony route. If piping plover nests and/or chicks are present on the beach between South Wash Flats and the beach parking lot #1, staff and the CVFC will follow one or more of the following measures:

Piping Plover Nest Protection (Fig. 3).

Staff will construct a temporary fence north of the any piping plover nests located within the established pony penning route. The fence will direct the ponies, firemen, and spectators to the intertidal zone and around the plover nests. A staff member, intern or trained volunteer will be stationed near the plover nests during the Pony Walk to monitor incubating adults and eggs. Staff will remove the temporary fence after the ponies pass the nest. CNWR staff currently employs this method with sea turtles nests and found the method effective.

Sea Turtle Nest Protection

Staff will construct a temporary fence north of any sea turtle nest within the pony penning route to divert the ponies and people away from the nest. The nest site will also be marked with signs and flagging to aid in preventing trampling.

Alternate Pony Walk Routes

If piping plover chicks are present within the Pony Walk route, CVFC will herd the ponies along an alternate route to avoid contact with plover broods:

Alternate Route #1: Piping plover chicks between South Wash Flats and C-Dike (Fig. 4).

CVFC will herd ponies from the North Pony Corral along the Service Road to C-Dike. The ponies will cross the dike to the beach and continue along the traditional route to the South Pony Corral.

Alternate Route #2: Piping plover chicks between C-Dike and Swan Cove Trail (Fig. 5).

CVFC will herd ponies from the North Pony Corral along the Service Road to the Wildlife Loop. Ponies will follow the Wildlife Loop to Swan Cove Trail and cross to the beach. Once on the beach, the ponies will continue along the traditional route to the South Pony Corral.

Alternate Routes #3A & 3B: Piping plover chicks between Swan Cove Trail and Parking Lots.

Option A (Fig. 6): CVFC will herd ponies from the North Pony Corral and cross to the beach adjacent to South Wash Flats. Ponies will walk south along the beach intertidal zone and cross to the Wildlife Loop via Swan Cove Trail. The ponies will continue along the Wildlife Loop to Black Duck Trail. Ponies will continue on Beach Road to the South Pony Corral.

Option B (Fig. 7): CVFC will herd ponies from the North Pony Corral and cross to the beach adjacent to South Wash Flats. Ponies will walk south along the beach intertidal zone and into F-Pool. The ponies will continue through F-Pool, west of the beach parking lot #1 to Beach Road. Ponies will continue on Beach Road to the South Pony Corral. Staff will erect temporary buffer fencing on the beach around the plover brood. The fencing will keep visitors away from the plover brood during the event. Staff members, interns or trained volunteers will be stationed along the fencing during the Pony Walk. Staff will remove the temporary fence after the ponies pass the nest.

Alternate Route #4: Piping plover chicks in multiple locations between South Wash Flats and Parking Lots (Fig. 8).

CVFC will herd ponies from the North Pony Corral south along the Service Road. Ponies will cross to Beach Road through the Office Complex or Wildlife Loop parking lots. Ponies will continue on Beach Road to the South Pony Corral.

Visitor/Spectator Management

Refuge personnel will be briefed prior to the event to allow them to provide information to the public about avoiding plover and sea turtle nests that will reduce potential adverse effects. If alternate pony routes are used, Refuge staff will notify visitors of the selected route through outreach, signage, and visitor contacts. While most visitors are expected to closely follow the pony route, some visitors may travel up the beach to reach portions of the pony route that are along the beach, and in doing so, may walk past plover nests or unfledged young plovers that the pony re-routing was intended to protect. If spectators are expected to travel on the beach near plover nests or young, Refuge staff will provide direction, signage, and other appropriate aids to help direct people away from areas where young plovers or plover nests occur. If young plovers may be in the intertidal zone, a Refuge monitor will be stationed at the nest to determine the location of young and help Refuge staff direct spectators to avoid and minimize disturbance to plover nests and young.

With the implementation of these measures to avoid and minimize potential effects of the pony penning event on piping plovers and sea turtles, the risk to these species is significantly reduced. The likelihood of trampling of a plover nest or chick or sea turtle nest or hatchling is almost eliminated, and would only be expected to occur if the CVFC loses control of one or more ponies, or if spectators or visitors fail to heed Refuge personnel instructions or signage. Disturbance to plovers may still occur as a result of the large numbers of people on the beach in the vicinity of nesting areas, and disturbance may result in temporary changes in plover behavior and habitat use, but these effects are expected to be limited to a few hours of the morning of the event, and are not expected to be significant enough that they would result in injury, death, or reproductive failure of any plovers. Consequently, with the implementation of the action to reduce adverse effects, the remaining effects are expected to be insignificant or discountable.

VI. Effect Determination and ES Response Requested

A. Listed species/designated critical habitat:

Field Station Determination	Species Name(s)	Ecological Services Response Requested (check one)
No effect		<input type="checkbox"/> None Needed
Is not likely to adversely affect	Piping Plover Loggerhead sea turtle Green sea turtle Leatherback sea turtle Seabeach amaranth	<input checked="" type="checkbox"/> Concurrence
Is likely to adversely affect		<input type="checkbox"/> Formal Consultation

Fig 1. Pony grazing compartments on Chincoteague NWR, Assateague Island, VA.

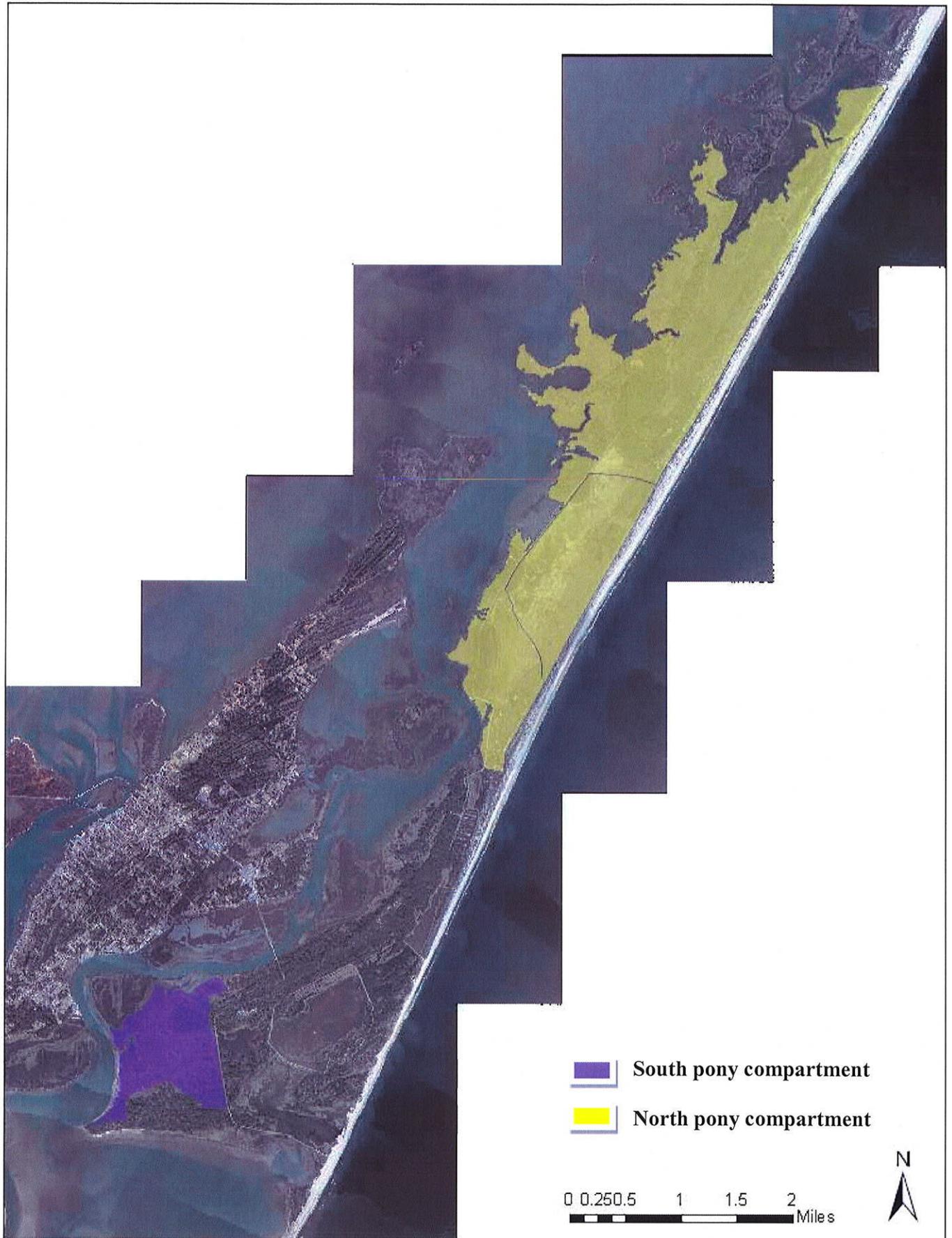
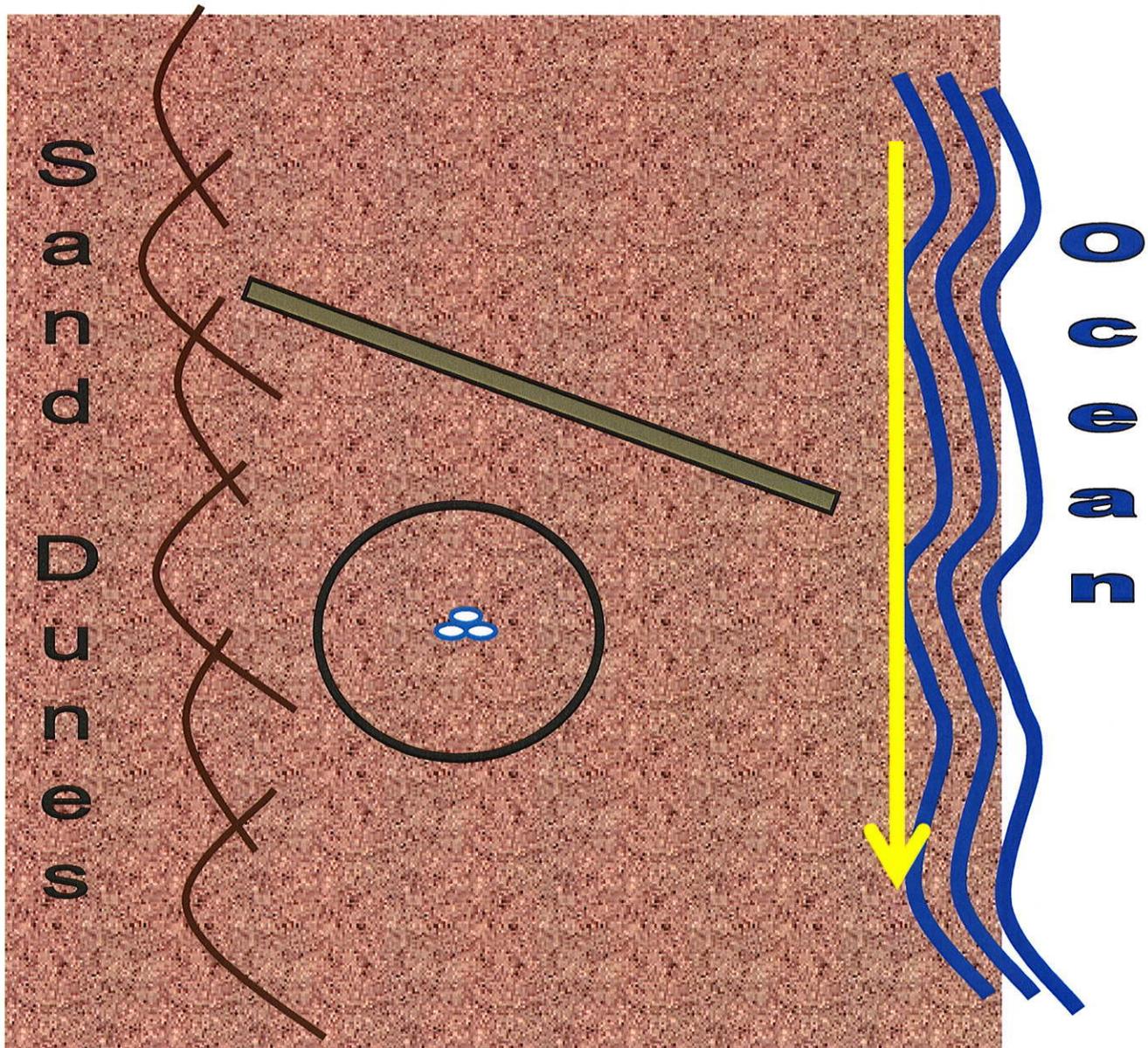


Fig 2. Traditional Chincoteague Volunteer Fire Department “Pony Walk” route from South Wash Flats Impoundment to the South Pony Corral.



Fig 3. Protection measures for piping plover nest located within Pony Walk route.



-  Piping plover nest
-  Nest enclosure
-  Temporary fence
-  Pony walk route

Fig 4. Alternate Route #1: Option used if piping plover chicks are between South Wash Flats and C-Dike.



Fig 5. Alternate Route #2: Option used if piping plover chicks are between C-Dike and Swan Cove Trail.



Fig 6. Alternative Route #3A: Option used if piping plover chicks are between Swan Cove Trail and Parking Lots.



Fig 7. Alternate Route #3B: Option used if piping plover chicks are between Swan Cove Trail and Parking Lots.



Fig 8. Alternate Route #4B: Option used if piping plover chicks are in multiple locations between South Wash Flats and Parking Lots.

