



## ***Compatibility Determination- Trapping on Overflow NWR***

---

**USE:** Trapping

**REFUGE NAME:** Overflow National Wildlife Refuge (NWR)

**DATE ESTABLISHED:** 1980

**ESTABLISHING AND ACQUISITION AUTHORITY:**

- 16 U.S.C. 715d (Migratory Bird Conservation Act)
- 16 U.S.C. 460k-1 (Refuge Recreation Act)
- 16 U.S.C. 460k-2 (Refuge Recreation Act (16 U.S.C. 460k-460k-4), as amended)
- 16 U.S.C. 668dd(a)(2) (National Wildlife Refuge System Administration Act)

**REFUGE PURPOSES:**

- “...for use as an inviolate sanctuary, or for any other management purpose, for migratory birds.” 16 U.S.C. 715d (Migratory Bird Conservation Act)
- “...suitable for incidental fish and wildlife oriented recreational development; the protection of natural resources; and the conservation of endangered species or threatened species.” 16 U.S.C. 460k-1 (Refuge Recreation Act)
- “...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)
- “...conservation, management, and ...restoration of the fish, wildlife, and plant resources and their habitats...for the benefit of present and future generations of Americans.” 16 U.S.C. 668dd(a)(2) (National Wildlife Refuge System Administration Act)

**NATIONAL WILDLIFE REFUGE SYSTEM MISSION:**

The mission of the Refuge System, as defined by the National Wildlife Refuge System Improvement Act of 1997, 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.*

## **DESCRIPTION OF USE:**

### **(a) What is the use? Is the use a priority public use?**

Allow trapping as part of the South Arkansas Refuge Complex Trapping Plan, and in accordance with State and refuge trapping regulations, which permits the trapping of badger, beaver, bobcat, coyote, gray fox, red fox, mink, muskrat, nutria, opossum, raccoon, river otter, spotted skunk, striped skunk and weasel. The opening of trapping seasons, trapping methods, and other regulations on the refuge would generally follow regulations established for the state.

All trapping by the public requires a refuge Special Use Permit (SUP) with a current fee of \$35.00 and a State trapper's license. Permits will be issued on a first-come, first-served basis and may be limited based on management need. Trappers must carry the State trapping license and the Special Use Permit while trapping. Refuge management may at any time, before or during the trapping season, halt or limit trapping on the refuge. Conditions of the SUP may be modified as needed; these changes will be made by an addendum which becomes part of the issued SUP. The SUP includes terms and conditions of trapping activity and requires each permit holder to keep a trapping log and provide this information to the refuge. All trapping activities are planned and operated with the refuge's primary goals and objectives as the guiding principles.

Refuge management reserves the right to change specific regulations in the future to ensure that safety requirements or management goals are met. This may include opening newly acquired lands or periodically closing areas to trapping if there is habitat, wildlife protection, or public safety concerns. Additional details and components are included in the South Arkansas Refuge Complex Trapping Plan.

Trapping within itself is not a priority public use; however, trapping is a wildlife-related public use recreational activity that is authorized under the National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997 (Public Law 105-57).

### **(b) Where would the use be conducted?**

Trapping will be allowed within the refuges 13,973 acres, and except in no hunting zones. Furthermore, trapping may be allowed on any future land purchased or leased for the refuge. Areas excluded from trapping will be noted on the refuge brochure and on the Special Use Permit which is required by each trapper.

### **(c) When would the use be conducted?**

Trapping will be allowed in accordance with all applicable federal and State regulations. Trapping will occur within the trapping season framework established by the Arkansas Game and Fish Commission (AGFC), and trapping season would be listed in the refuge brochure.

Federal regulations in 50 CFR pertaining to the National Wildlife Refuge System Administration Act, as well as, existing refuge-specific regulations will apply. However, the refuge manager may, upon annual review of the trapping program and in coordination with the AGFC, impose further restrictions on trapping, recommend that the refuge be closed to trapping, or further liberalize trapping regulations within the limits of state seasons and regulations. The refuge manager may restrict trapping if it conflicts with other, higher priority refuge programs or endangers refuge resources or public safety. Current refuge regulations close trapping during any quota deer hunt and trapping season is normally early- to mid-November – January 31.

**(d) How would the use be conducted?**

Trapping will be subject to federal, State, and refuge-specific regulations and occur within the State season framework. Refer to the Overflow NWR Public Use Brochure for stipulations on trapping within the refuge.

Trapping of furbearers by the public for recreational purposes is allowed on portions of the refuge via a \$35.00 Special Use Permit (SUP). Species open for harvest are subject to AGFC and refuge regulations and may include: badger, beaver, bobcat, coyote, gray fox, red fox, mink, muskrat, nutria, opossum, raccoon, river otter, spotted skunk, striped skunk and weasel. Raccoon, river otter, and beaver are the primary target species for trapping on the refuge based upon reports required from each permittee annually. Trappers are required to maintain detailed records of take as a condition of the SUP and provide this information to the refuge.

**(e) Why is this use being proposed?**

Trapping is used on refuges to control predators and to manage populations that impact refuge habitats and infrastructure (e.g., beaver, that as a result their dams, impound water both on- and off- refuge property that kills trees). An increased or over populated beaver population will alter the area's hydrology by resulting in more dams and beaver ponds; thus, having a negative effect on refuge resources, as well as, neighboring properties. Trapping to control muskrats and nutria can be used effectively to achieve desired interspersion of wetland vegetation and aids the refuge in controlling an exotic invasive species (nutria). Trapping to control raccoon populations would reduce their predation on migratory and resident birds which has been shown to adversely impact the reproduction of breeding Neotropical migratory birds (Schmidt 2003) and ground-nesting wild turkeys (Dickson 1992) in the hardwood habitats of Arkansas. Trapping programs conducted for resource management reasons are conducted by refuge staff, by trappers under contract, and by the public through issuance of refuge Special Use Permits.

Trapping is also viewed by the Service as a legitimate recreational and economic activity when there are harvestable surpluses of furbearing mammals. By allowing this use, we are providing opportunities and facilitating refuge programs in a manner and location that offer high quality, wildlife-dependent recreation while maintaining our biological integrity. When compatible, trapping will be allowed.

## **AVAILABILITY OF RESOURCES:**

Refuge law enforcement is the primary method necessary to ensure proper and safe administration of trapping at Overflow NWR. Currently, there is one full-time law enforcement officer (LEO) at Overflow NWR. Furthermore, AGFC Wildlife Officers provide additional law enforcement support. Sufficient staff and funding within the refuge's base budget is available to meet the needs of implementing this program. The land used for furbearer trapping has been open to public use (and trapping) since it was acquired. The bottomland hardwood forests of the refuge are dissected by an intricate system of rivers, creeks, lakes, beaver ponds and sloughs that support abundant and diverse furbearer populations. The habitat is able to support a sustained harvest of furbearers far in excess of current levels. Trappers will provide necessary equipment and resources to administer the trapping. Thus, furbearer trapping activities will require minimal effort from refuge staff and will not exceed the general operational costs of the refuge.

## **ANTICIPATED IMPACTS OF THE USE:**

Trapping and its associated activities (e.g. access), can result in positive or negative impacts to wildlife and other refuge resources. In its current highly-regulated form, trapping is expected to cause only minor negative impacts to the refuge and may include: damage to vegetation, littering, conflicts among refuge visitors, and disturbance to wildlife. A positive effect of the refuge trapping program will be the provision of additional wildlife-dependent recreational opportunities and a better appreciation and more complete understanding of the wildlife and habitats associated with the refuge. This can translate into more widespread and stronger support for the refuge, the National Wildlife Refuge System (NWRS), and the Service. The following is a discussion of refuge-specific impacts.

Overflow NWR was established to provide for the needs of migratory birds and other wildlife. Regulated trapping does not adversely affect the ability of the refuge to fulfill this purpose. National Wildlife Refuges are managed first and foremost for wildlife. The focus of refuge management is to benefit wildlife populations, and not necessarily, individual animals. Trapping does cause mortality and wounding of individual animals, but is regulated so as not to threaten the future of wildlife populations. In fact, trapping is a tool to maintain a balance between certain wildlife populations and the habitats in which all wildlife species depend. The effects of trapping on wildlife populations are monitored within the State and across the nation and are considered when establishing trapping regulations and annual bag limits.

### General Impacts of Trapping

Direct impacts are those impacts immediately attributable to an action. Indirect impacts are those impacts that are farther in time and in space. Effects that are minor when considered alone, but collectively may be important are known as cumulative effects. Incremental increases in activities by people engaged in the variety of allowed uses on the refuge could cumulatively result in detrimental consequences to wildlife and/or habitats. It will be important for refuge staff to monitor these impacts to ensure wildlife and other refuge resources are not impacted in a detrimental manner.

Trapping on the refuge is conducted for resource management reasons with the primary targets of beaver, river otter, muskrat, and raccoon. It is anticipated that impacts to refuge habitat or wildlife will be minimal as a result of furbearer trapping. The AGFC carefully develops density figures when determining annual harvest needs to keep populations healthy. Harvest data from AGFC indicates furbearers (e.g., beavers, muskrats, raccoons and river otters) are stable or increasing.

Relatively high populations of beaver, nutria and muskrats tend to complicate water management activities and damage wetlands, dikes and levees; raccoons have been documented as an efficient nest predator primarily linked to the cause of reproductive failure in birds (Hoover, 2006). Furbearer trapping on the refuge focuses on the following:

- Reduce numbers of beavers, nutria, muskrats, and raccoons to limit damage to refuge habitat and adjoining private property.
- Safeguard refuge infrastructure (levees, roads, water control structures) critical to managing habitat for fish and wildlife.
- Provide a traditional recreational use of refuge resources while meeting the purposes of the refuge and mission of the NWRS.
- Provide quality trapping opportunities that minimize conflict with other public use activities.

With restrictions that only allow motorized vehicles at designated parking areas/access points along the perimeter of the refuge, disturbance is minimized. The refuge trapping program follows all applicable federal laws, regulations and policies; including Migratory Bird Conservation Act, 50 CFR, NWRS Manual, NWRS goals and objectives, and the Refuge Comprehensive Conservation Plan. This activity is compliant with the purpose of the refuge and the NWRS Mission; trapping does not alter the refuge's ability to meet habitat goals, to provide for safety and it does support several of the primary objectives of the refuge.

Also by offering this use on the refuge, individuals have the opportunity to engage in a traditional outdoor activity. Trapping (like hunting) also helps to further visitors' knowledge and appreciation of wildlife which can result in increased public support for natural resource protection within the refuge. Increased public stewardship will support and complement the Service's actions in achieving the refuge's purposes and the mission of the NWRS.

### Disturbance

Human disturbance can alter wildlife behavior (e.g. foraging time), population structure, and distribution patterns of wildlife. It is probable that trapping would cause some or all of these effects to some degree on refuge wildlife. A number of measures mitigate these effects. Trapping seasons largely occur outside the times when most wildlife species are raising offspring and are most sensitive to disturbance. Also, trapping is controlled by a combination of a restricted number of days allowed for trapping and a minimal number of permitted trappers for the trapping season.

## Habitat

Trapping is not expected to adversely affect refuge habitat; however, trapping, specifically beaver trapping, often has a positive effect on wildlife habitat.

## Biological Integrity, Diversity, and Environmental Health

Trapping conducted in accordance with State and federal regulations is not expected to adversely affect wildlife populations that occur on the refuge and likely assists in maintaining the biological integrity, diversity, and environmental health of the refuge. Some species, such as beaver and raccoon, today occur at levels well above those thought to occur under historic conditions. Left unchecked, high numbers of such species could adversely affect biological integrity, diversity, and environmental health. Trapping is a closely monitored tool that effectively regulates wildlife populations.

## Other Uses and Public Safety

Dogs are permitted for hunting raccoon, opossum, squirrels, and rabbits on the refuge. At the present levels of use (e.g. trappers and dog handlers), dogs used for this purpose are not expected to adversely impact trapping, nor is trapping expected to adversely affect sporting dogs. Refuge trappers primarily use water-set traps targeting beaver and river otter; which, in addition to state trapping regulations that regulate trap size, trap location and trap style further reduce the chances of sporting dogs being captured in traps. Land-set traps are also mitigated by state regulations described below in order to reduce the chances of sporting dogs being captured and injured inadvertently by traps:

- Non-drowning sets with foothold traps, snares and box traps must be checked daily. Kill traps must be checked at least every 72 hours.
- Foothold traps must be smooth-jawed.
- Foothold traps on land must have a jaw spread no greater than 6 inches (measured from the inside edge at the dog).
- Foothold traps in water sets must have a jaw spread no greater than 8 1/2 inches (measured from the inside edge at the dog).
- Foothold traps with a jaw spread greater than 5 inches (measured from the inside edge at the dog) must have offset or rubber-padded jaws.
- Body-gripping traps on land must have a jaw spread no greater than 6 inches.
- Body-gripping traps in water sets must have a jaw spread no greater than 10 inches.

As public use levels on the refuge expand across time, unanticipated conflicts between user groups may occur. The Refuge's Visitor Services programs will be adjusted as needed to eliminate or minimize each problem and provide quality wildlife-dependent recreational opportunities that include promoting public safety. Overall, the cumulative impact of trapping on other wildlife-dependent recreation or public safety at Overflow NWR is expected to be minor.

**PUBLIC REVIEW AND COMMENT:**

This compatibility determination will be made available for public review and comment for a 30-day period by 1) posting on refuge bulletin board/kiosk, 2) posting on refuge website and social media networks, 3) public media press release.

**DETERMINATION (CHECK ONE BELOW):**

**USE IS NOT COMPATIBLE**

**USE IS COMPATIBLE WITH FOLLOWING STIPULATIONS**

**NEPA Compliance for Refuge Use Decision: Place an X in appropriate space.**

Categorical Exclusion without Environmental Action Statement

Categorical Exclusion and Environmental Action Statement

Environmental Assessment and Finding of No Significant Impact

Environmental Impact Statement and Record of Decision

**STIPULATIONS NECESSARY TO ENSURE COMPATIBILITY:**

The refuge will permit trapping in accordance with AGFC and specific refuge regulations. An Environmental Assessment is on file at the refuge headquarters as part of the Trapping Plan. Refuge specific regulations will be reconsidered annually and adjusted as new information becomes available. As outlined in the refuge Comprehensive Conservation Plan, this amended plan will serve as the required update for the Trapping Plan. The following stipulations will help ensure the refuge trapping program is compatible with refuge purposes.

- This use must be conducted in accordance with State and federal regulations, and special refuge regulations published in the refuge Public Use Regulations brochures.
- This use is subject to modification if on-site monitoring by refuge personnel or other authorized personnel results in a determination that trapping is causing unanticipated negative impacts to natural communities, wildlife species, or their habitats.
- Trapping seasons may be more restrictive than State seasons and regulations to ensure compliance with visitor safety and reduce wildlife disturbance.
- Law Enforcement Officer(s) will promote compliance with refuge regulations, monitor public use patterns and public safety, and document visitor interactions. Law Enforcement personnel will monitor all areas and enforce all applicable State and federal regulations.

- The refuge manager may, upon annual review of the trapping program and in coordination with the AGFC, impose further restrictions on trapping, recommend that the refuge be closed to trapping, or further liberalize trapping regulations within the limits of State seasons and regulations. Trapping restrictions may be implemented if conflicts with higher priority refuge programs occur, or adversely affects refuge resources or public safety.
- All trapping by the public requires a Special Use Permit with a current fee of \$35.00.
- A written report of total harvest (target and non-target species) must be reported to the refuge manager following the end of the trapping season.

## JUSTIFICATION

Trapping is an approved wildlife-dependent use for the NWRS through which the public can develop an appreciation for fish and wildlife (National Wildlife Refuge System Improvement Act of 1997). The Service's policy is to provide expanded opportunities for wildlife-dependent uses when compatible and consistent with sound fish and wildlife management and ensure that these uses receive enhanced attention during planning and management.

Furbearer trapping has been a traditional use throughout southern Arkansas and is an important element of wildlife management programs within the AGFC, as well as, the NWRS. Furbearer trapping on the refuge is considered an important management tool in meeting refuge goals and objectives. Wetland management, dike/levee maintenance, and migratory bird management are influenced by furbearer management. The trapping program conducted on the refuge is designed to manage healthy wildlife populations, reduce impacts and damage to refuge facilities and adjoining private property, and offer an additional recreation opportunity.

Considering the information presented in this document and with the stipulations previously described, trapping will not materially interfere with or detract from the NWRS mission or purposes of the refuge. Furthermore, trapping as described in this Compatibility Determination, contributes to the NWRS mission by conserving and managing wildlife resources, whereby the regulated taking of furbearing wildlife species promotes healthy populations, via a modern scientific trapping program; thus, meeting the requirement that the economic use of natural resources on refuges must contribute to the achievement of the refuge's purpose or the mission of the NWRS (50 CFR 29.1).

*"The mission of the 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."* (National Wildlife Improvement Act of 1997)

Trapping seasons and bag limits are established by the AGFC through population monitoring protocols, and adopted or amended by the refuge. The furbearer management program relies on population monitoring, research, reporting, and other methods to establish trapping regulations. These regulations help ensure the continued well-being of furbearer populations. Specific refuge regulations address equity and quality of opportunity for trappers, and help safeguard refuge habitat. Disturbance to other fish and wildlife does occur, but this disturbance is generally short-

term and minor in nature. Trapping is not expected to adversely affect the biological integrity, diversity, and environmental health of the refuge or the NWRS.

This use has been determined compatible based on the data presented and provided the aforementioned stipulations are implemented. This use is being permitted as a public use and management tool that meets refuge purposes and goals, and contributes to the mission of the NWRS by providing compatible opportunities for the benefit of the American public while conserving and managing fish, wildlife and plant resources on these lands. Trapping will not diminish the primary purposes of the refuge or negatively impact other users. Refuge regulations will ensure proper control of the means of use and provide management flexibility should adverse impacts develop.

## **REFERENCES CITED**

50 CFR 29.1. [http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=992a608814845465a503cd555c1db637&mc=true&r=PART&n=pt50.9.29#se50.9.29\\_11](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=992a608814845465a503cd555c1db637&mc=true&r=PART&n=pt50.9.29#se50.9.29_11)

Dickson, J.G. 1992. *The Wild Turkey: Biology and Management*. Stackpole Books, Harrisburg, PA. 463 pp.

Hoover, J.P. 2006. Water depth influences nest predation for a wetland-dependent bird in fragmented bottomland forests. *Biological Conservation*. 127:37-45.

National Wildlife Improvement Act of 1997.

[http://www.fws.gov/uploadedFiles/NWRS%20Improvement%20Act\(18\).pdf](http://www.fws.gov/uploadedFiles/NWRS%20Improvement%20Act(18).pdf)

Schmidt, K.A. 2003. Nest Predation and Population Declines in Illinois Songbirds: A Case for Mesopredator Effects. *Conservation Biology*. 17: 1141-1150.

**SIGNATURE: REFUGE  
MANAGER:**\_\_\_\_\_

**(Signature and date)**

**REVIEW: REGIONAL COMPATIBILITY  
COORDINATOR:**\_\_\_\_\_

**(Signature and date)**

**REVIEW: REFUGE  
SUPERVISOR:**\_\_\_\_\_

**(Signature and date)**

**CONCURRENCE: REGIONAL  
CHIEF:**\_\_\_\_\_

**(Signature and date)**

**MANDATORY 10- OR 15-YEAR REEVALUATION DATE:** \_\_\_\_\_