
For Immediate Release:

From: US Fish & Wildlife Service

Eastern Massachusetts National Wildlife Refuge Complex

73 Weir Hill Road

Sudbury, MA 01776

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Compatibility Determination for Research Conducted by Non-Service Personnel on Nomans Land Island National Wildlife Refuge, Massachusetts

The Service encourages and supports research and management studies on refuge lands that improve and strengthen natural resource knowledge and management decisions. Priority research addresses information that is important to agencies of the Department of the Interior, U.S. Fish and Wildlife Service, National Wildlife Refuge System, state fish and game agencies and other agencies responsible for managing natural resources.

All researchers will be required to submit a detailed research proposal following Service Policy (FWS Refuge Manual Chapter 4 Section 6, as may be amended), as well as a completed National Wildlife Refuge System Special Use Research and Monitoring Application and Permit. The permit will list all conditions necessary to ensure compatibility and will identify a schedule for periodic progress reports and submittal of a final report or scientific paper. The location and timing of research will vary depending on the individual research project being conducted. Portions of the refuge may not be accessible for scientific research due to the presence of unexploded ordnance or sensitive wildlife and vegetation.

A compatibility determination has been made available for public review by posting at the refuge headquarters at 73 Weir Hill Road in Sudbury, Massachusetts, the Assabet River NWR Visitor Center, 680 Hudson Road, Sudbury, Massachusetts, and posting on the Nomans Land Island NWR website, www.fws.gov/refuge/nomans_land_island

Public comments must be received by 4:00pm on June 4, 2014. Comments will not be accepted via the phone, please send them to Stephanie Koch at 73 Weir Hill Road, Sudbury, MA 01776 or Stephanie_Koch@fws.gov

The mission of the U.S. Fish and Wildlife Service is working with others to conserve, protect and enhance fish, wildlife, plants and their habitats for the continuing benefit of the American people. We are both a leader and trusted partner in fish and wildlife conservation, known for our scientific excellence, stewardship of lands and natural resources, dedicated professionals and commitment to public service. For more information on our work and the people who make it happen, visit www.fws.gov.

COMPATIBILITY DETERMINATION

Use: Research Conducted by Non-Service Personnel

Refuge Name: Nomans Land Island National Wildlife Refuge

Date Established: In 1975, the Service began managing the eastern third of the island under a joint management agreement with the U.S. Navy. In 1998, ownership of the island was transferred in full to the Service.

Establishing and Acquisition Authorities:

Migratory Bird Conservation Act (16 USC §715d)

Purpose(s) for which Established:

“for use as an inviolate sanctuary, or for any other management purpose, for migratory birds....”
(16 USC §715d (Migratory Bird Conservation Act))

National Wildlife Refuge System Mission:

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?

The use is the conduct of scientific research on the refuge by students, universities, and other non-Service personnel. Research conducted on the refuge by non-Service personnel is not a priority public use of the National Wildlife Refuge System under the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. § 668dd-668ee), as amended by the National Wildlife Refuge System Improvement Act of 1997 (Public Law 105-57).

(b) Where would the use be conducted?

The location of the research will vary depending on the individual research project being conducted. Portions of the refuge may not be accessible for scientific research due to the presence of unexploded ordnance (UXO). An individual research project is usually limited to a particular habitat type, plant, or wildlife species. On occasion, research projects will encompass an assemblage of habitat types, plants, or wildlife, or may span more than one refuge or include lands outside the refuge. The research location will be limited to those areas of the refuge necessary to achieve the research objectives and that do not create a significant negative impact to refuge operations and wildlife use. Because of the need to close parts of the refuge spatially or temporally to protect refuge wildlife, some research may not be able to be conducted on the refuge.

(c) When would the use be conducted?

The timing of the research will depend entirely on the individual research project's approved

design. Scientific research may be allowed to occur on the refuge throughout the year, as long as it doesn't conflict with the protection of resources of conservation concern, and appropriate safety measures can be adhered to. An individual research project could be short-term in design, requiring one or two visits over the course of a few days. Other research projects could be multiple year studies that require more frequent visits to the study site. The timing of each individual research project will be limited to the minimum required to complete the project.

(d) How would the use be conducted?

The methods of the research will depend entirely on the individual research project conducted. The methods and study design of each research project will be reviewed and evaluated before the project will be allowed to occur on the refuge. No research project will be allowed if it does not have an approved scientific method, if it negatively affects endangered species, migratory birds, or other high priority species, or if it compromises public health and safety. Specifically, researchers will be required to take appropriate steps to ensure UXO on the island do not pose a safety hazard. Appropriate steps will be determined on a case-by-case basis in consultation with the Navy, depending on the research being proposed. This may include contracting with UXO technicians for on-site UXO surveys prior to field research commencing. In some instances, a Health and Safety Plan (HASP) may also be required.

(e) Why is this use being proposed?

Research by non-Service personnel may be conducted by colleges, universities, Federal, state, local agencies, non-governmental organizations, and qualified members of the public to further the understanding of the natural and physical refuge environments and improve management of refuge resources. Research is therefore an important part of the adaptive management process that often results in improved management of refuge habitats and wildlife populations. Much of the information generated by the research is applicable to management on and near the refuge.

The Service will encourage and support research and management studies on refuge lands that improve and strengthen natural resource knowledge and management decisions. The refuge manager will encourage and seek research related to refuge objectives that clearly improve land management and promotes adaptive management. Priority research addresses information that is important to agencies of the Department of the Interior, U.S. Fish and Wildlife Service, National Wildlife Refuge System, state fish and game agencies and other agencies responsible for managing natural resources.

The refuge will also consider research for other purposes that may not be directly related to refuge-specific objectives, but will contribute to the broader enhancement, protection, use, preservation and management of native populations of fish, wildlife, and plants, and their natural diversity within the region or flyway. These proposals must comply with the Service's governing laws, regulations, and policies.

The refuge will maintain a list of research needs that will be provided to prospective researchers or organizations upon request. Refuge support of research directly related to refuge objectives may take the form of funding, in-kind services such as use of equipment, direct staff assistance in the form of collecting data, providing historical records, conducting management treatments, or

other assistance as appropriate.

Availability of Resources:

The cost for research is incurred in staff time to review research proposals, coordinate with researchers, and write and administer special use permits. Additionally, in many instances Refuge staff will need to accompany researchers to Nomans Land Island NWR and may occasionally provide on-the-ground assistance. The amount of time spent on these activities will vary from year to year, but an estimated 60 hours will be spent on research program administration. Additional refuge costs may include staff time for boat transportation and boat fuel, but researchers may be able to offset fuel costs.

Program administration (GS-12 Wildlife Biologist):	1 staff	60 hours	\$3,600
Boat operation (GLS-09 Federal Wildlife Officer):	1 staff	40 hours	\$2,000
Boat fuel:			\$1,500
Total annual costs:			\$7,100

Anticipated Impacts of the Use:

The Service encourages approved research to further the understanding of natural resources. Research by other than Service personnel adds to the best available information base supporting management decisions. Impacts to wildlife and vegetation by researchers could occur through disturbance (such as altering bird behavior as a result of human presence) or direct mortality or vegetation trampling.

Researchers will need to access the island by boat, and there are only a few safe landing / mooring spots, all located on the north side of the island. Island approaches and landing locations will vary within the north shore depending on wind and locations of nesting birds (including terns, piping plovers, American oystercatchers, and double-crested cormorants) and seals. This will vary by season, and even on a daily basis, but restrictions for minimizing disturbance will be included in special use permits. Once on the island, researcher access will be limited to foot. Pedestrians have the potential to impact migratory birds when they are present in the same areas (Boyle and Samson 1985). However, we expect potential bird disturbances to be very light given that research is not commonly conducted on Nomans Land Island NWR. We also expect potential vegetation trampling from researchers to be light because most access will be restricted to the shoreline and existing trails that have been properly “cleared” of UXO ordnance.

It is possible that direct mortality could result as a by-product of research activities. Mist-netting, for example, can cause stress, especially when birds are captured, banded and weighed. There may also be occasional mortalities to birds, if predators reach netted birds before researchers do. However, all of these injuries and mortalities can be minimized and nearly eliminated when strict protocols of trapping and handling are followed, and research personnel are properly trained. Additionally, all research will be conducted according to the stipulations stated in the special use permit. Overall, allowing well-designed and properly reviewed research to be conducted by non-Service personnel is likely to have very little impact on refuge wildlife populations and habitat. If the research project is conducted with professionalism and integrity, potential adverse impacts

are likely to be outweighed by the knowledge gained. In the event of persistent disturbance to habitat or wildlife, the activity will be further restricted or discontinued.

Public Review and Comment:

This compatibility determination will undergo a 2 week public comment period.

Determination (check one below):

<input type="checkbox"/>	Use is Not Compatible
<input checked="" type="checkbox"/>	Use is Compatible with Following Stipulations

Stipulations Necessary to Ensure Compatibility:

All researchers will be required to submit a detailed research proposal following Service Policy (FWS Refuge Manual Chapter 4 Section 6, as may be amended), as well as a completed National Wildlife Refuge System Special Use Research and Monitoring Application and Permit. This can be found at <http://www.fws.gov/forms/3-1383-R.pdf>. The application can be submitted to the refuge manager via email or by fax. The refuge must be given at least 45 days to review and decide whether to approve proposals before initiation of research. If collection of wildlife is involved, the refuge must be given 60 days to review and decide whether to approve the proposal. The Service cannot guarantee that it will review or approve proposals not submitted within these timeframes.

Research proposals are reviewed by refuge staff and conservation partners, as appropriate, for approval. Evaluation criteria currently include, but are not limited to, the following:

- Research that will contribute to specific refuge management issues will be given higher priority over other research requests.
- Research that will conflict with other ongoing research, monitoring, or management programs will not be permitted.
- Research projects that can be accomplished off-refuge are less likely to be approved.
- Research that causes undue disturbance or is intrusive will likely not be permitted. Level and type of disturbance will be carefully evaluated when considering a request.
- Refuge evaluation will determine if any effort has been made to minimize disturbance through study design, including considering adjusting location, timing, scope, number of permittees, study methods, number of study sites, etc.
- If staffing or logistics make it impossible for the refuge to monitor researcher activity in a sensitive area, the research request may be denied, depending on the specific circumstances.
- The length of the project will be considered and agreed upon before approval. Projects will be reviewed annually.

Special use permits will be issued for all research conducted by non-Service personnel. The permit will list all conditions necessary to ensure compatibility and will identify a schedule for periodic progress reports and submittal of a final report or scientific paper. The regional refuge

biologists, other Service divisions, and Massachusetts State agencies may be asked to review and comment on proposals. All researchers are required to submit a final report to the refuge upon completion of their work. If the study is long-term, an interim progress report will be required. Researchers who publish the work in peer-reviewed publications are to provide copies to the refuge. All reports, presentations, posters, articles or other publications will acknowledge the Refuge System and Nomans Land Island NWR as partners in the research. The acknowledgement recognizes that the research could not have been conducted without the existence of the refuge and its support and cooperation. The research organization/agency or personnel in conjunction with the Service will retain the use and ownership of all data/reports.

All researchers will be required to obtain appropriate State and Federal permits. Researchers may also need to provide an assurance of animal care form or an institutional animal approval form, if applicable. Any research involving ground disturbance may require historic preservation consultation with the Regional Office and/or State Historic Preservation Office. Researchers will be required to take appropriate steps to ensure UXO on the island do not pose a safety hazard. Appropriate steps will be determined on a case-by-case basis in consultation with the Navy, depending on the research being proposed. This may include contracting with UXO technicians for on-site UXO surveys prior to field research commencing. In some instances, a HASP may also be required.

Any research project may be terminated at any time for non-compliance with the conditions of the special use permit, or modified, redesigned, relocated, or terminated upon determination by the refuge manager that the project is causing unanticipated adverse impacts to wildlife, wildlife habitat, or other refuge management activities. Where appropriate, some areas may be temporarily or seasonally closed so that research would be permitted when impacts to wildlife and habitat are less of a concern.

All research related special use permits will contain a statement regarding the Service's policy regarding disposition of biotic specimen. The current Service policy language in this regard is:

You may use specimens collected under this permit, any components of any specimens (including natural organisms, enzymes, genetic material or seeds), and research results derived from collected specimens for scientific or educational purposes only, and not for commercial purposes unless you have entered into a Cooperative Research and Development Agreement (CRADA) with us. We prohibit the sale of collected research specimens or other transfers to third parties. Breach of any of the terms of this permit will be grounds for revocation of this permit and denial of future permits. Furthermore, if you sell or otherwise transfer collected specimens, any components thereof, or any products or any research results developed from such specimens or their components without a CRADA, you will pay us a royalty rate of 20 percent of gross revenue from such sales. In addition to such royalty, we may seek other damages and injunctive relief against you (USFWS 1999).

U.S. Fish and Wildlife Service. 1999. Director's Order No. 109: Use of Specimens Collected on Fish and Wildlife Lands. March 30, 1999.

Justification:

This program as described is determined to be compatible. Any potential negative impacts of research activities on the resources of the refuge will be minimized by the restrictions included in the special use permit special conditions. In addition, the research study design and researcher activities will be regulated and monitored by refuge staff.

The Service encourages approved research to further our understanding of refuge natural resources. Research by non-Service personnel, guided by the stipulations listed above, adds greatly to the information base for refuge managers to make proper refuge management decisions. This use will potentially contribute to the refuge's purpose and the mission of the US Fish and Wildlife Service. While some research activities may cause minimal disturbance to wildlife or result in the loss of specific individuals, this impact will be offset by the value of the research to managers and future generations.

In accordance with 50 CFR 26.41, research conducted by non-Service personnel as described in this compatibility determination, will not materially interfere with or detract from the mission of the National Wildlife Refuge System or the purposes for which the refuge was established.

Signature: Refuge Manager: _____
(Signature and Date)

Concurrence: Regional Chief: _____
(Signature and Date)

Mandatory 10-year Reevaluation Date: _____

Literature Cited:

Boyle, S. A. and F. B. Samson. 1985. Effects of nonconsumptive recreation on wildlife: A review. Wildlife Society Bulletin 13: 110-116.