



U.S. Fish and Wildlife Service

News Release

Edwin B. Forsythe National Wildlife Refuge
800 Great Creek Road
Oceanville, NJ 08231

FOR IMMEDIATE RELEASE

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Edwin B. Forsythe National Wildlife Refuge Proposes New Fees for Commercial Guiding

Oceanville, NJ

The Edwin B. Forsythe National Wildlife Refuge announces the availability of the draft compatibility determination (CD) for Commercial Guiding for Priority Public Uses for public review. The refuge is undergoing review of all uses, as required by the National Wildlife Refuge System Improvement Act of 1997. While commercial guiding has occurred in the past, the CD proposes a formal process that includes issuance of a refuge permit, training, and new commercial fees. The public review and comment period is August 20, 2020 through September 21, 2020 with a virtual presentation on September 2, 2020 from 6:00 pm to 7:30 pm.

Entrance fees at the headquarters location in Oceanville will remain the same for the general public: \$2 for trail access, \$4 per vehicle for access to Wildlife Drive, and \$12 for an annual refuge pass. However, to engage in commercial guiding, a \$50 non-refundable application fee and an increase in fees for use of the Wildlife Drive will be implemented. Under the proposal, groups of 20 people or less will be charged \$50 per visit and groups of 21 or more will be charged \$100. This is in keeping with the cost structures of other highly visited National Wildlife Refuges.

Fees collected from this program support maintenance of observation areas, trails and the Visitor Information Center, as well as to support public education and interpretation programming and law enforcement. All comments are due Monday, September 21, 2020. To download the CD, click [here](#). Send comments to forsythe@fws.gov. If you have questions, please contact the refuge at 609/652-1665. To request registration for the virtual presentation on September 2nd, send an email to forsythe@fws.gov. Space is limited.

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 about the refuge, visit https://www.fws.gov/refuge/edwin_b_forsythe/. Connect with our Facebook page at <https://www.facebook.com/ForsytheNWR>, and follow us on Instagram at [@forsythenwr](#).

COMPATIBILITY DETERMINATION

USE: Commercial Guiding of Priority Public Uses

REFUGE NAME: Edwin B. Forsythe National Wildlife Refuge

ESTABLISHING AND ACQUISITION AUTHORITY(IES):

Edwin B. Forsythe National Wildlife Refuge (E.B. Forsythe NWR, refuge) was created on May 22, 1984, by combining the former Brigantine and Barnegat NWRs (98 Stat. 207) and is managed by the U.S. Fish and Wildlife Service (Service).

The Brigantine NWR was established on January 24, 1939, by the Migratory Bird Conservation Commission, under the authority of the Migratory Bird Conservation Act of 1929 (16 U.S.C. § 715d) as amended, to preserve estuarine habitats important to the Atlantic brant (*Branta bernicla*) and to provide nesting habitats for the American black duck (*Anas rubripes*) and rails (*Rallidae*).

The Barnegat NWR was established on June 21, 1967, under the authority of the Migratory Bird Conservation Act (16 U.S.C. § 715d) to preserve estuarine feeding and resting habitat for ducks and brant.

REFUGE PURPOSES:

For lands acquired under the Migratory Bird Conservation Act as amended, “...for use as an inviolate sanctuary, or for any other management purpose, for migratory birds.” (16 U.S.C. § 715d).

For lands acquired under the Fish and Wildlife Act of 1956 (16 U.S.C. § 742(a)-754) as amended, “...for the development, advancement, management, conservation, and protection of fish and wildlife resources...” (16 U.S.C. § 742 (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)).

For lands acquired under the Emergency Wetlands Resources Act of 1986 (16 U.S.C. § 3901(b)) as amended, “...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)).

For lands designated as parts of the National Wilderness Preservation System under Public Law 93-632 (88 Stat. 2154) in accordance with the Wilderness Act of 1964 (16 U.S.C. § 1131) as amended, “...to secure for the American people of the present and future generations the benefits of an enduring resource of wilderness.” (16 U.S.C. § 1131(a)).

NATIONAL WILDLIFE REFUGE SYSTEM MISSION:

The mission of the National Wildlife Refuge System (Refuge System) is “...to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.” — National Wildlife Refuge System Improvement Act of 1997, as amended (Public Law 105-57 (111 Stat. 1254))

DESCRIPTION OF ACTION:

a) What is the use? Is the use a priority public use?

The use is commercial guiding of priority public uses. For the purpose of this document, a “commercial use” occurs when any person, group or organization makes or attempts to make a profit, receive money, amortize equipment, or obtain goods or services as compensation from participants in recreational activities occurring on public lands. Priority public uses are wildlife-dependent uses – hunting, fishing, wildlife observation, photography, environmental education, and interpretation – under the Refuge System Administration Act of 1966 (16 U.S.C. 668dd– 668ee), as amended by the Refuge System Improvement Act of 1997 (Public Law 105–57). Only commercial guiding of priority public use activities (hunting, fishing, wildlife observation, photography, environmental education, and interpretation) are covered by this determination. Requests for any additional activities would be considered in the future on a case-by-case basis.

Per Service policy, “commercial uses of a refuge may be appropriate ... if they directly support a priority general public use...An example of a commercial use that may be appropriate is a concession-operated boat tour that facilitates wildlife observation and interpretation” (603 FW 1, 1.10(D)(10)). With commercial guiding for priority public uses deemed appropriate for the E.B. Forsythe NWR by the refuge manager, it is necessary to analyze the compatibility of the use in this written determination in accordance with 603 FW 2. A compatible use is: “A proposed or existing wildlife-dependent recreational use or any other use of a national wildlife refuge that, based on sound professional judgment, will not materially interfere with or detract from the fulfillment of the National Wildlife Refuge System mission or the purposes of the national wildlife refuge” (603 FW 2, 2.6(B)).

As detailed in this determination, commercial guiding that directly supports wildlife-dependent, priority public uses – hunting, fishing, wildlife observation, photography, environmental education, and interpretation – can be conducted in a manner approved by and coordinated with the Refuge Manager, in a way that does not conflict with refuge objectives and priorities for management, and in a manner that would not materially interfere with or detract from the mission of the Refuge System.

b) Where would the use be conducted?

Commercial guiding would take place throughout the refuge in areas open to public use. The same areas currently used by non-guided visitors for wildlife observation, photography, hunting, fishing, environmental education, and interpretation would be available for commercially guided visitors. The refuge’s Compatibility Determinations (CD) for hunting, fishing, and wildlife observation, photography, environmental education and interpretation have specific information on wildlife-dependent activity locations (Service 2019a and b). Requests to access areas not open to the public would be considered during the Special Recreation Permit (SRP) application process. Currently, E.B. Forsythe NWR contains 48,045 acres. If additional lands are acquired in the future, the Refuge Manager may allow commercial guiding on newly acquired lands as long as the impacts are similar to those included in this CD and the commercial guiding continues to be in accordance with the stipulations necessary to ensure compatibility. The Refuge Manager will document in the administrative record when commercial guiding is allowed to occur on newly acquired lands, or will update and revise this CD if appropriate.

c) When would the use be conducted?

Commercial guiding could take place year-round, subject to the refuge-specific regulations or laws governing the individual public use. Commercial guiding would only occur during daylight hours

(one-half hour before sunrise until one-half hour after sunset). The refuge would approve any requests for guiding outside of these hours through the SRP process.

d) How would the use be conducted?

Any entity, individual, group or organization interested in collecting fees to bring people on to the refuge to pursue permissible recreational activities is considered commercial for the purposes of this CD. Non-profit organizations that do not receive funds beyond that which covers the group's meals and transport costs (gas), are not considered commercial. However, non-profit status does not disqualify consideration of the use as commercial. If any profit is made from the visit it is deemed commercial.

Visitors that engage in commercially guided activities may travel to the refuge on their own or arrive via a tour-provided vehicle (e.g., bus or van). The guided activity may involve walking, driving, hiking, snowshoeing, skiing, boating, or biking. Commercial guiding may occur in and use refuge facilities such as parking areas, roads, trails, boardwalks, pavilions, picnic areas, beachfront, marsh, the Visitor Information Center, kiosks and overlooks that have been designed to accommodate such uses and are located in areas that are least sensitive to human intrusion.

Commercial guides must be approved for refuge access from the Refuge Manager through the Commercial Activities Special Recreation Permit Application (FWS Form 3-1383-C, [available online](#)). A minimum of 2 weeks or 10 business days is needed to process requests. The Refuge Manager will ensure activities associated with commercial guiding of priority public uses are at a level that does not interfere with other refuge activities, management or public uses, or in a manner that would not materially interfere with or detract from the mission of the Refuge System. SRPs will be issued annually on October 1. The annual cost for the SRP is \$50.

The number of permittees for a particular activity is not presently limited; however, restrictions may be placed on the quantity, time, and location of activities as deemed appropriate to sustain the resource and the quality of experience for other refuge visitors. If we determine that limits on the number of commercial permittees are necessary, we will work with guides to determine alternative options that can accommodate the use. However, we may restrict uses due to public safety and/or resource protection. All entrance and use fees will be applied to tour group members at the time of their visit to the refuge. All hunting group members will purchase their own Annual Refuge Hunting Permit at recaccess.com.

Permits are authorized by the Refuge System Administration Act (16 U.S.C. 668dd-ee) and the Refuge Recreation Act (16 U.S.C. 460k-460k-4) of 1962, as amended. In conducting business, the permit holder will comply with all Federal, State, and local laws and U.S. Department of the Interior and Service regulations. The permit holder must comply with refuge regulations and permit conditions. With the exception of the ability to charge guests for services rendered, this use will not impart any additional privileges beyond those available to all refuge users.

The following is a non-exhaustive list of program guidelines:

- Permittees are responsible for the actions of their employees, agents, others working under the SRP, and their clients.
- Permittees are required to hold general liability insurance of a minimum of \$300,000/occurrence.

- Permittees are required to hold current first aid and CPR certifications.
- Permittees may be assisted by any number of individuals. However, the refuge reserves the right to limit guides and clients as needed. Assistants must be named/authorized on the permit issued and possess the applicable state licenses and/or registration to perform the duties conducted.
- The permit holder will not advertise on refuge property. Business information may only be distributed during approved programs covered by the SRP, and only to those participants registered for that program while on refuge property.
- For those who held a SRP in a previous year, a new permit will not be issued for the current year until the refuge office has received an accounting of the tours and activities conducted under the previous permit.
- A copy of a valid SRP must be available for inspection by any law enforcement officer or refuge staff member, on request, whenever an activity authorized by the permit is occurring.
- The violation of any special conditions of the SRP, or of any Federal, state, local, or refuge regulation may result in a Notice of Violation being issued or the revocation or cancellation of the permit without written or verbal warning.
- SRPs are not issued automatically and must be applied for each year.

Sites in the Recreation Fee Program at the refuge include:

Site	Use	Fee
Trails in Galloway Townshp	Hiking	\$2/user/day
Wildlife Drive	Vehicular access to the Drive	\$4/car/day
Wildlife Drive	Bicycle or pedestrian access to the Drive	\$2/user/day
Annual Pass to Fee Area	All of the above	\$12/user/12 months

Typical requests for commercial guiding SRPs are described below:

Scenario 1: A group of 25 people in 11 cars meet up to go around the Wildlife Drive with a local conservation organization. Group members paid that organization \$15 each for the guiding service as part of a bird festival. *The guide is considered commercial. The guiding organization must obtain a Special Recreation Permit to conduct the trip. Each group member pays the refuge entrance fee, unless they have a refuge annual pass, Duck Stamp or America the Beautiful pass.*

Scenario 2: A nature guiding company brings a van with 12 group members to the Wildlife Drive to go bird watching during a week-long tour of South Jersey. *The guide is considered commercial. The company must obtain a Special Recreation Permit to conduct the trip. Because the van contains up to 20 people, the fee for entry is \$50.*

*Scenario 3: A couple hires a private guide to take them to a few refuge trails (not in the Wildlife Drive area) to hike and learn about nature. They travel in the guide’s vehicle. *The guide is considered commercial. The guide must obtain a Special Recreation Permit to conduct the trip. The couple does not pay a fee to the refuge as they are using sites that do not require an access fee.**

*Scenario 4: Two waterfowl hunters want to learn more about hunting on Barnegat Bay. They hire a guiding service, who provides the boat ride, a hunting blind, firearms, and ammunition, etc. The blind is on a refuge marsh. *The guide is considered commercial. The guide must obtain a Special Recreation Permit to conduct the trip. The group members must each purchase an Annual Refuge Hunt Permit to hunt with the guide on the refuge and must obtain all other required state and Federal permits and stamps.**

e) Why is this use being proposed?

We would allow commercial guiding to facilitate and enhance the experience of visitors while participating in wildlife-dependent priority public uses because many visitors may not have the knowledge, skills, confidence, or equipment to learn about the refuge and engage in these activities on their own. Commercial guides would help facilitate a safe experience, and assist with observation and appreciation of refuge wildlife and habitats by tour members.

Edwin B. Forsythe NWR is incredibly popular with birdwatching and photography groups and organizations. Non-profit organizations as well as commercial guiding companies bring hundreds of people each year to visit the Wildlife Drive and other refuge locations. At this time, refuge staff do not have an opportunity to reach out to those guides to ensure they have updated refuge information and data and that they share the most pertinent information we would wish visitors to know. The proposed process would provide that opportunity for communication. Refuge staff would also learn what is important to those visitors, which could help affect public use planning and activities.

Each guide would attend a training session to meet some refuge staff, see a presentation about the refuge that would include history, biology, management actions, and current events. Refuge staff would make clear what information the guides are expected to share with their tour group members. The annual report the refuge receives from guides will inform how the refuge is being used and how staff can improve the visitor experience.

Migratory bird hunt guiding has occurred at the refuge for many years. New hunters can struggle with start-up support, especially when a boat is required. Commercial guiding provides an opportunity to enhance the hunting experience, success, and safety. The guiding program will ensure that hunt guides are well versed in refuge regulations and can help support new and long-time hunters, especially those who do not live in the area.

AVAILABILITY OF RESOURCES:

The estimated cost to operate this commercial guiding program is \$7,525 annually. In addition, we estimate it costs about \$300,740 per year to operate the public use programs on the refuge for hunting, wildlife observation, wildlife photography, environmental education, and interpretation (based on 2018 estimates in the CDs for these uses). We anticipate that about \$3,000 in fees would be collected annually from this use based on our current knowledge of activities on the refuge. Those fees would be used to support the visitor services program at the refuge.

Item	Cost
Refuge Managers	\$2,347 (40 hours)

Fish and Wildlife Officer	\$1,449 (40 hours)
Visitor Services Manager	\$3,000 (80 hours)
Administrative Officer	\$729 (20 hours)
Total to implement	\$7,525

Most staff time would be used to review applications/requests and establish relationships with groups, as well as SRP preparation. The financial and staff resources necessary to provide and administer this use at its current level and at the proposed level are sufficient, and we expect the use to continue in the future subject to availability of appropriated funds.

ANTICIPATED IMPACTS OF THE USE:

Currently, commercial guiding is occurring on the refuge, but is not approved, regulated, or administered by the Service. The proposed use is anticipated to have the same level of impacts as is currently occurring, and those impacts, though minimal, may even be reduced as the use will now be supervised by refuge staff. For detailed descriptions of potential impacts from priority public uses – hunting, fishing, wildlife observation, wildlife photography, environmental education and interpretation, see approved refuge CDs. Following, are short descriptions or summaries of potential impacts from commercial guiding in authorized areas within the refuge, as well as any impacts beyond that described in the aforementioned CDs.

Wildlife

Disturbance to wildlife is expected to occur when people access the refuge, but it is expected to be negligible and short-term if people stay on trails, on roads, paved areas, etc. Disturbance to wildlife by activities associated with recreational trails has long been documented (Beale and Monaghan 2004; Burger 1981; Gill et al. 1996; Knight and Cole 1991) and can be extrapolated to other visitor areas (roads, parking lots, etc.). These disturbances can result in wildlife moving away from trails, shifting habitat use, or abandoning a site. In some cases, birds nest farther away from trails (Miller et al. 1998) and reproductive success diminishes with increased disturbance on the trails (Schulz and Stock 1993). Human presence and disturbance can alter the ability of wildlife to use or access resources (food supplies, roosting sites, or prey species) (Gill J.A. 2007). Wintering waterfowl are known to experience higher levels of disturbance by pedestrians than vehicles in an impoundment system (Pease et al. 2005). Mammalian use of trails in forests of the eastern United States were not impacted by hikers (Kays et al. 2017), and impact to nesting birds can vary depending on which level of the forest breeding occurs (Deluca and King 2014; Thompson 2015). Noise impacts on wildlife are documented (Shannon et al. 2016), which can interfere with wildlife communication, behavior and abundance.

Beale and Monaghan (2004) observed that adverse impacts to wildlife increase as number of users increase. The study found that an animal's response to one visitor walking down a trail is entirely different than its response to a group of users walking down a trail.

Several studies have identified management actions to minimize wildlife impacts including seasonal closures, designated parking areas, etc. (Borgmann 2010, Pease et al. 2005). To reduce disturbance to birds in the Wildlife Drive impoundment system, the public is only permitted atop the dike, which would also be observed by commercial guides. Areas that would be accessed by commercial guides have been open to the public for many years and no large-scale impacts to wildlife have been observed.

Federally listed species

A Section 7 analysis is being finalized and uses will be managed to result in a not likely to adversely affect any threatened and endangered species on the refuge.

Vegetation and Soils

Most of the public access to support the use occurs in areas that are generally hard-surface roads, trails, and dikes and are already open to public use. Increased damage to ecosystems is known to occur when informal trails are created and used by the public (Barros and Pickering 2017). No informal or off-trail activity is permitted with this use; therefore, impacts to vegetation and soil should be minimal. Habitat will not be impacted if the public stays on trails and in designated visitor areas.

People can be vectors for invasive plants when seeds or other propagules are moved from one area to another. The threat of invasive plant establishment would always be an issue requiring annual monitoring, and when necessary, treatment. Staff would work to educate tour guides to reduce introductions and would also monitor and control invasive species. This threat is considered to be minimal.

Air Quality

Edwin B. Forsythe NWR is a designated Class I air quality area and the Wilderness Area is afforded special protection by the Clean Air Act. The New Jersey Department of Environmental Protection Division of Air Quality and the Service work together to monitor air quality. The uses described herein will not have a long-term impact on air quality in the area. There is a potential that providing commercial guiding would reduce automobile transportation, and air pollution, as people may travel together in less vehicles; however, those beneficial impacts are expected to be minimal.

Hydrology (Water Resources and Wetlands)

The refuge is comprised of over 33,000 acres of tidal saltmarsh, over 7,000 acres of forested wetlands, 1,700 acres of impoundments, and nearly 600 acres of freshwater herbaceous wetlands. Commercial guiding could occur in wetland areas such as marshes, lakes and tidal streams that run through the refuge. Boating in freshwater areas like Lily Lake or Middle Branch is only permitted via boats with non-combustible engines, which reduces emissions. Boating in tidal streams for duck hunting or other uses occurs regularly and it is not anticipated that use for guided activities would dramatically increase the impacts from motorized boats. Walking on marshes is permitted for waterfowl hunting, but the increase due to guided hunting is not expected to negatively impact marshes in the long term.

Wilderness

The approximately 6,600-acre Brigantine National Wilderness Area occurs in the refuge. The area is comprised of Holgate Beach (southern end of Long Beach Island); Little Beach Island (south of Little Egg Inlet); and the Mullica-Motts area (south of the Mullica River: 1,780 acres of marsh). Public use activities on refuge wilderness occur at Holgate Beach (fishing, walking), and at Mullica-Motts and Little Beach marshes (hunting). At Holgate, most visitors either walk on the front beach or drive along the water's edge (off-refuge) to access the site. Foot traffic is permitted on all beach areas to a point where the dunes begin, and on the Clamming Trail, which is well-marked. Vehicles (licensed only, no All-Terrain Vehicles) are only permitted from the mean high water line towards the ocean. The intention of the limitation is to adhere to the Wilderness Act of 1964, as amended, which prohibits the use of motorized vehicles on wilderness areas. Access to Little Beach and Mullica-Motts marshes is only by boat via coastal streams (NJ state waters). Hunters are permitted to walk on the marsh to access hunting sites. All uses of refuge wilderness areas were evaluated in recent compatibility determinations (located on the refuge's website

https://www.fws.gov/refuge/Edwin_B_Forsythe/visit/rules_and_regulations.html). We expect guided visitation to wilderness sites to be limited, and for the use to not negatively impact wilderness resources.

Cultural and Indian Trust Resources

Public use of facilities by commercially guided groups will not likely impact cultural and Indian Trust resources. All activities with the potential to impact historic properties or areas of importance to Federally Recognized Tribes will comply with Section 106 of the National Historic Preservation Act (NHPA) prior to implementation and are noted above.

Visitors and Other Users

Across all uses, we estimate that about 250,000 people visit the refuge each year. More than half visit the Wildlife Drive, and other visitors engage in all of the six priority public uses of the refuge at a variety of locations. Commercial guiding is likely occurring to support nearly all of the uses in various forms, including companies that provide hunt guiding services, non-profit conservation organizations, and nature clubs. To date, few conflicts occur between user groups, and none have been known to occur as a result of commercial guiding.

The most likely conflict would occur when caravans of cars use the Wildlife Drive (e.g., for a nature group field trip) on particularly busy days during spring and fall migration. Though the Wildlife Drive is two lanes in one direction, visitors are known to block traffic and cause congestion regardless if they are part of a commercially guided group or not. One should not assume that guided services will always include large groups. Individuals could also hire guides to improve their refuge experience. Impacts on other uses from the use of guides is expected to be negligible.

Cultivating the refuge's relationship with communities allows the Service to raise visibility and promote the Refuge System. Refuge staff will develop a better understanding of how guides perceive their roles and abilities toward providing high quality visitor experiences that are consistent with the refuge's management direction, refuge purposes, and the Refuge System mission (Cline et al. 2007, Monz et al. 2010).

Guided activities have been found to improve visitor experience based on the knowledge received and from having questions answered at the time of the tour. A guide holds the attention of the visitors and their personality and interactions can increase the enjoyment of the experience (Roberts et al. 2014). Knowledge gained during an interpretive experience with sea turtles was shown to shift language used to describe the turtle egg-laying phenomenon to include words associated with threats to the species, and it led to the likelihood that visitors would intend to act differently with this new knowledge (Smith et al. 2019).

Socioeconomics and Environmental Justice

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, requires all Federal agencies to incorporate environmental justice into their missions by identifying and addressing disproportionately high or adverse human health or environmental impacts of their programs and policies on minorities and low-income populations and communities. The Service has not identified any potential high and adverse environmental or human health impacts from the commercial guiding actions proposed in this CD.

Activities supportive of commercial guiding would generally improve the socioeconomics of the area. The most recent Banking on Nature report (Service 2019) estimates that use of Forsythe refuge results in over \$4 million in recreation expenditures. Allowing commercial guiding on the refuge will provide an opportunity for a positive, long-term economic impact.

Continuing to allow guides that comply with refuge regulations maintains and promotes development of sustainable tourism opportunities in local economies (Chan et al. 2016, McNicol and Rettie 2018, The Center for Jackson Hole 2017).

Cumulative Impacts

Commercial guides will engage in activities that are already enjoyed by thousands of refuge visitors each year, and that are on areas open for approved refuge uses. While there may be times that guides have groups that could increase disturbance to wildlife or to other refuge visitors, we expect those impacts to be short-term, intermittent and negligible. Many guided activities already occur on the refuge, and this CD is assuring those activities are regulated, appropriate and ensure minimum disturbance or conflict with other refuge uses. Improved use management and coordination with commercial guides will improve the guided visitor experience and contribute positively to the economy. Guides will have refuge-supplied information that will improve knowledge of refuge resources, purposes and history for visitors. Overall, we expect negligible negative habitat and wildlife-related impacts and positive long-term impacts for visitor experience and some socioeconomic outcomes for commercially guided uses of the refuge.

PUBLIC REVIEW AND COMMENT:

This draft CD will be available for a 30-day public review and comment period. Notification will be posted at the refuge headquarters and visitor information center, on the refuge website (<http://www.fws.gov/northeast/forsythe>), and the refuge Facebook page. A group of five stakeholders from organizations representing waterfowl, fishing, photography and nature guiding met on February 12, 2020, for refuge staff to gather information about commercial guiding opportunities in the area to inform this CD. Attendees are listed in the Appendix. Comments about this CD can be sent to the refuge at forsythe@fws.gov or P.O. Box 72, Oceanville, NJ 08231 until September 21, 2020.

DETERMINATION (check one below):

- Action is Not Compatible
- Action is Compatible with Following Stipulations

STIPULATIONS NECESSARY TO ENSURE COMPATIBILITY:

To ensure compatibility with the Refuge System and the refuge goals and objectives, guiding can occur under the following conditions.

1. Parties interested in guiding public uses on the refuge will complete a commercial activities SRP application and will be required to submit commercial use fees. A copy of a valid SRP must be available for inspection by any law enforcement officer or refuge staff member, on request, whenever an activity authorized by the permit is occurring.
2. Permittees may only operate in designated public use areas that are open to the public. Seasonal or permanent closures in certain areas may be imposed on guides if the level of use becomes excessive, conflicts occur with other users engaged in priority wildlife-dependent recreation, or habitat and/or wildlife impacts occur. Unless otherwise noted, the permit holders and their clients do not have the exclusive use of the lands covered by the SRP.
3. Each permittee must attend a refuge training the first time an SRP is issued, and then every 3 years subsequently.

4. Permit holders will provide all participants with information that the refuge requests be shared.
5. SRP holders must turn in use figures to the refuge by August 1 each year and must include the date of each trip, the number of participants in each trip, and the location(s) visited.
6. Refuge staff have the right to accompany any tour, program, or activity, with proper notice, as a non-paying observer.
7. All applicable stipulations from the current Compatibility Determinations for priority public uses apply to this use.

JUSTIFICATION:

We have determined that allowing commercial guiding in support of wildlife-dependent, priority public uses (hunting, wildlife observation, wildlife photography, environmental education, and interpretation) on Edwin B. Forsythe NWR will contribute to the mission of the Refuge System. Refuge visitors enjoy participating in wildlife-dependent priority public uses, but many may not have the knowledge, skills, or equipment to engage in these activities. Guides may help facilitate a safe and high-quality priority public use experience, and facilitate observation and appreciation by participants and observers of the refuge’s wildlife, habitats, and conservation programs. The use will not cause an undue administrative burden. When conducted in accordance with stipulations detailed in this CD, commercial guiding in support of priority public uses at the refuge is compatible with refuge objectives and priorities for management and contributes to fulfillment of the Refuge System mission. Annual adjustments can be made to the use of any of its components to ensure its continued compatibility, and further the mission of the Refuge System by providing opportunities for priority public uses, while conserving the fish, wildlife and plant resources for the benefit of present and future generations. Therefore, no significant adverse impacts from commercial guiding are anticipated and this activity would not materially interfere with or detract from the mission of the Refuge System.

Signature - Refuge Manager: _____
(Signature and Date)

Concurrence - Regional Chief: _____
(Signature and Date)

Mandatory 10-year Reevaluation Date: _____

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APPENDIX

List of stakeholders attending the February 12, 2020, meeting:

Larry Metzger – Limit Outfitters

Brian LaFay – Reedy Creek Outfitters

Ray Hennessey – Ray Hennessy Wildlife

Brett Ewald – New Jersey Audubon Society

Alex Majewski – Lighthouse Sportfishing