FINDING OF NO SIGNIFICANT IMPACT

ENVIRONMENTAL ASSESSMENT
for RECREATIONAL FISHING
RACHEL CARSON NATIONAL WILDLIFE REFUGE
YORK AND CUMBERLAND COUNTIES, MAINE

The U.S. Fish and Wildlife Service (Service) proposes to expand fishing at Rachel Carson National Wildlife Refuge (NWR, refuge) in accordance with the refuge's Recreational Fishing Plan. This plan seeks to: (1) offer additional fishing opportunities for fresh- and salt-water finfish in compliance with the refuge Comprehensive Conservation Plan (CCP) (USFWS 2007); (2) open the Little River at Timber Point to fishing; and (3) provide refuge-specific regulations that closely align with Maine regulations. Rachel Carson NWR consists of 11 refuge divisions along 50 miles of the southern Maine coastline protecting approximately 5,700 acres of coastal wetlands, and upland habitat.

Selected Action

Proposed Action Alternative

Under this alternative, fishing would be permitted at 11 fishing access points on the refuge (see Recreational Fishing Plan, Section VII for maps) as well as any future established fishing locations. Recreational fishing activities, including allowable methods of taking, limits, species, and open/closed seasons would be consistent with applicable State regulations. Anglers would also have to comply with additional refuge-specific regulations, including but not limited to those contained in the Code of Federal Regulations (50 CFR §32.38), which are updated as needed. Refuge fishing opportunities occur in tidewater habitat year-round. Refuge permits are not required but anglers must possess the applicable State license or saltwater registry, while fishing.

This alternative was selected over other alternatives because it offers the best opportunity for recreational fishing that would result in a minimal impact on physical and biological resources, while meeting Service mandates under the National Wildlife Refuge System Administration Act (NWRSAA) of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997. Expanding the fishing program on Rachel Carson NWR is not expected to have a significant impact to wildlife, other uses, or refuge administration. This alternative will best meet the purpose and need, refuge objectives, and Service mandates.

The Department of the Interior Secretarial Order 3347 – "Conservation Stewardship and Outdoor Recreation," signed March 2, 2017, and Secretarial Order 3356 – "Hunting, Fishing, Recreational Shooting, and Wildlife Conservation Opportunities and Coordination with States, Tribes, and Territories," signed September 15, 2017, includes direction to Department of the Interior agencies to "…enhance recreational fishing, specifically regarding efforts to enhance and expand recreational fishing access." The selected alternative will also promote one of the priority public uses of the National Wildlife Refuge System (Refuge System), and providing opportunities for visitors to fish will promote stewardship of our natural resources and increase public appreciation and support for the refuge.

Other Alternatives Considered and Analyzed

No Action Alternative
Under this alternative, coastal and freshwater fishing will remain available at the Moody, Upper and Lower Wells, Mousam River and Spurwink River divisions. State, Federal and refuge-specific regulations will apply to any fishing at these locales. The Recreational Fishing Plan and refuge specific regulations will continue to be evaluated annually and modified when necessary.

Alternative C: Expanded Fishing Opportunities, Full Shore Access
Under this alternative, the Service would expand the annual fishing program at Rachel Carson NWR to include shoreline fishing on the Little River at Timber Point. This action would open the entire shoreline of the Little River at Timber Point including the land bridge and Timber Island, approximately 3,000 meters.

Under Alternative C, the entire shoreline of the Little River at Timber Point would be open to fishing and the expected impact on vegetation would be expected to be greater than the other two alternatives. The number of anglers would increase as additional angling opportunities are utilized. More anglers using the refuge could lead to an increase in incidental littering, trampling of vegetation and vehicle traffic. These effects have the potential, when excessive, to lead to denudation of the soil surface and soil erosion, which can negatively affect water quality through runoff, causing an increase in turbidity and nutrients in the water column. However, angler density is expected to remain manageably low, and such adverse impacts are not expected.

Summary of Effects of the Selected Action

An Environmental Assessment (EA) was prepared in compliance with the National Environmental Policy Act of 1969, as amended (NEPA) to provide a decision-making framework that: (1) explored a reasonable range of alternatives to meet project objectives; (2) evaluated potential issues and impacts to the refuge, resources and values; and (3) identified mitigation measures to lessen the degree or extent of these impacts. The EA evaluated the effects associated with expansion of fishing opportunities at Rachel Carson NWR for two different scales, as well as the effects of a no-action alternative. It is incorporated as part of this finding.

Implementation of the agency's decision would be expected to result in the following environmental, social, and economic impacts:

Affected Environment	Selected Action
Fished Species	Minor, long-term adverse impacts to species. Anglers must abide by the State's seasons, catch limits, and regulations to protect the State's fish populations, in addition to the refuge-specific regulations. The refuge's fishing pressure is projected to be sustainable, and other fishing opportunities exist nearby in the southeastern part of Maine and adjacent areas.
Other Wildlife and Aquatic Species	Minor, short-term adverse impacts to non-other species. The

	refuge fishing access points have been selected to coincide with existing uses to help reduce impacts.
Threatened and Endangered Species	Not likely to adversely affect threatened and endangered species. Nesting beaches would be closed to all fishing and there would be no impact on the birds or their nesting habitat. Large areas of the shoreline at Timber Point are closed to public use and provide undisturbed loafing areas. If threatened or endangered shorebirds expanded their nesting or staging habitats into the proposed fishing areas, signs and symbolic fencing would be erected to prohibit foot traffic and human disturbance during the nesting season.
Vegetation	Minor, short-term impacts to vegetation. To minimize impacts, and to discourage widening of existing trails and establishment of new trails by the public, signs will be posted to educate anglers. As visitors are seeking access to very specific and productive sites, impacts to trails are expected to be localized and minimal.
Water Resources	No impacts.
Cultural Resources	No impacts.
Visitor Use and Experience	Minor, short-term adverse impacts to other public uses. Conflicts between anglers and other public users have been limited in the past and we anticipate to remain minimal in the future.
Socioeconomics	Minor, short-term and minor, long-term benefits.
Refuge Management & Operations	Minor, short-term and minor, long-term impacts to refuge management and operations

Fishing currently occurs in the area and only a negligible increase in fishing is expected to occur. While fishing does remove individuals from the population, we do not anticipate that projected fishing pressure will affect the refuge's fish population as a whole. Anglers must abide by the State's seasons, catch limits, and regulations to protect the State's fish populations. The refuge's fishing pressure is projected to be sustainable. Other fishing opportunities also exist nearby in the southeastern part of Maine and adjacent areas. The practice and popularity of catch-and-release fishing would also minimize impacts on the fish populations.

While refuges, by their nature, are unique areas protected for conservation of fish, wildlife and habitat, the selected action will not have a significant impact on refuge resources and uses for several reasons. Measures to mitigate and/or minimize adverse impacts have been incorporated into the proposal:

1. In the context of local and State fishing programs, the selected action will only result in an additional five to seven anglers per day, though possibly additive to existing fish takes, would be a tiny fraction of the estimated populations and harvest. The Service works closely with the State to ensure that additional species harvested on a refuge are within the limits set by the State to ensure healthy populations of the species for present and future generations of Americans.

2. The Refuge System uses an adaptive management approach to all wildlife management on refuges. This approach involves monitoring and re-evaluating the fishing opportunities on the refuge on a regular basis to ensure that the fishing programs continue to contribute to the biodiversity and ecosystem health of the refuge and these opportunities do not contribute to any cumulative impacts to habitat or wildlife, including impacts from climate change, population growth and development, or local, State, or regional wildlife management.

3. The adverse direct and indirect effects of the selected action on air, water, soil, habitat, wildlife, aesthetic/visual resources, and wilderness values are expected to be non-existent, minor and/or short-term. The benefits to long-term ecosystem health from the selected action, in conjunction with other existing refuge programs, will far outweigh any of the short-term adverse impacts discussed in the EA and document.

4. The refuge-specific regulations detailed in 50 CFR are measures that will reduce or avoid impacts. Fishing regulations will be enforced by refuge and State law enforcement officers. Providing fishing information through various forums will ensure the public is aware of applicable laws and policies.

5. The selected action, along with the proposed mitigation measures, will ensure that there is low danger to the health and safety of refuge staff, visitors, and the anglers themselves.

6. The action is not in an ecologically sensitive area.

7. The action is not likely to adversely affect any threatened or endangered species; and will have no effect to federally designated critical habitat.

8. The action will not impact any cultural or historical resources.

9. The action will not impact any wilderness areas.

10. There is no scientific controversy over the impacts of this action, and the impacts of the proposed action are relatively certain.

11. The proposal is not expected to have any significant adverse effects on wetlands and floodplains, pursuant to Executive Orders 11990 and 11988.

Additionally, stipulations are necessary to ensure compatibility:

- Anglers are prohibited from using any lead fishing tackle, including lead jigs, sinkers, lines, and lures.

- Anglers are prohibited from trapping fish on the refuge to use as bait.

- Fishing will be restricted to areas that have been designated and posted.

- Fishing is only allowed from 30 minutes before sunrise to 30 minutes after sunset.

The proposal is compatible with the purpose of the refuge and the mission of the Refuge System (see the Compatibility Determination, Appendix A, in the Recreational Fishing Plan). Furthermore, the action is consistent with applicable laws and policies regarding the establishment of fishing on national wildlife refuges.

Public Review

The proposal has been thoroughly coordinated with all interested and/or affected parties, including the Maine Department of Inland Fisheries and Wildlife (MEDIFW). We notified the public through local venues, the refuge website, and notification in the Federal Register (as part of other expansions and openings on national wildlife refuges). A 30-day comment period on the draft documents began on March 23, 2020. Due to the unprecedented pandemic response, the comment period was extended an additional 15 days, to May 7, for a total period of 45 days.

Comments on the plan were received from a total of three individuals during the 45-day comment period. Substantive comments were reviewed and considered when finalizing the plan.

Comment: Concern at the Little River Division, particularly on the southeast side of Timber Point. There is a proposed designated coastal area to the east of the historic Ewing House, approximately .2 miles that runs from the house to a small brackish pond on the Atlantic Ocean side… historically the former owners had a trail connecting two houses along that section of the coast. "… If that area is opened up, I foresee fishermen (or even bird watchers, photographers, etc) going off the Main Trail and cutting the distance in half to get to that spot (behind one of the barns). … I highly encourage staff to look at this section closer and keep it in the Unauthorized Entry Prohibited section."

> RESPONSE: We have sought a balance to provide access for this priority public use – by opening up some, but not all, of the coastline at Timber Point to anglers. The conservation of roseate terns, common eider and salt water pools are of great importance to the refuge, and much of the refuge coastline at Timber Point will remain closed to all visitation, including fishing. The Interior unit referenced above, with the exception of the tidal riverine and coastline area open to fishing and the access trail from the parking lot to the Ewing House, will remain closed to the public under the fishing plan. It is not anticipated that the coastal area attractive for tide pooling will draw substantial numbers of anglers.

Comment: "We agree that fishing should have minimal impacts to these species. In particular, stake and twine and signage at the plover nesting areas like Timber Point (Goose Rocks) and Goosefare Brook should be effective at deterring anglers from wandering into the sensitive nesting areas. As indicated in the plan, an angler may flush a plover or red knot occasionally at the tide edge or beach face, but the birds have ample, alternate foraging habitat nearby. I have observed anglers at many plover beaches, and they always seem to be focused on their fishing vs. birds. In my experience, they use good etiquette around the nesting areas.

As you know, anglers are a small fraction of the public use of many of these areas. Other uses include hikers, beach goers, bird watchers, etc. Angling activity is unlikely to increase disturbance to plovers and red knots substantially over the other public uses that already occur there. Access point (e.g., the path from the parking area at Goosefare Brook) are designed to lead anglers away from the nesting area.

It would be valuable to continue to gather more information on how these birds react to fishing and other public uses (like boating, aquaculture, kite boarding, etc.) to better understand what activities may have a significant effect on the behavior of plovers, red knots and other shorebirds, and terns. There are some new studies being published that help document the effects of different levels of human disturbance."

> RESPONSE: Fishing on Service lands is a tradition that dates back to the early 1900s. Congress reaffirmed that the Refuge System was created to conserve fish, wildlife, plants, and their habitats, and would facilitate opportunities for Americans to participate in compatible wildlife-dependent recreation on Refuge System lands. We prioritize wildlife-dependent recreation, including fishing, when doing so is compatible with the purpose of the refuge or the mission of the Refuge System. We will evaluate the fishing program annually, and if monitoring indicates that this use or any of its components are not compatible (materially interferes with or detracts from fulfillment of the Refuge System mission or the purposes of the refuge), we would curtail, modify or eliminate the use or component. Impacts to the salt marsh and banks will also be monitored and evaluated and if necessary, corrective action will be taken to further limit access and/or restore habitat.

Comment: "There is already a parking problem at Timber Point – I can't imagine why you want to attract more people."

> RESPONSE: There are only six paved parking spots at this refuge location, which helps ensure that the area does not receive too many visitors. For the entire refuge, we expect an increase of approximately five anglers per day. Other fishing opportunities also exist nearby in the southeastern part of Maine and adjacent areas.

Comment: "I'd be for it if the public would be clean and respectful. I go there every week, and every week I pull trash out …. worried about all the bait containers, fishing line and other refuse that will be left, including lead weights everywhere."

> RESPONSE: The placing of fishing line collection tubes and signage encouraging people to be respectful of the environment and not to litter will be placed at the fishing area. Several times a year, staff, volunteers, and Youth Conservation Corps members will clean parking areas and pick up trash, helping to alleviate this issue. Lead weights are prohibited on the refuge, and it is illegal to abandon property or dispose of waste on a refuge (see 50 CFR 27.93 and 27.94), whether fishing-related or not.

No substantive changes were made to the plan based on the comments.

<u>Determination</u>

Based upon a review and evaluation of the information contained in the EA, as well as other documents and actions of record affiliated with this proposal, the Service has determined that the proposal to expand recreational fishing opportunities at Rachel Carson NWR does not constitute a major Federal action significantly affecting the quality of the human environment under the meaning of section 102(2) (c) of NEPA. As such, an environmental impact statement is not required. An EA has been prepared in support of this finding (Appendix B) and is available upon request to Rachel Carson NWR.

The Service has decided to select the proposed action as described in the EA, and implement the Recreational Fishing Plan for Rachel Carson NWR upon publication of the final 2020-2021 Station-Specific Hunting and Sport Fishing Regulations. This action is compatible with the purpose of the refuge and the mission of the National Wildlife Refuge System, and consistent with applicable laws and policies. See attached Compatibility Determination (Appendix A).

SCOTT KAHAN Digitally signed by SCOTT KAHAN
Date: 2020.07.30 15:43:01 -04'00'

Regional Chief
National Wildlife Refuge System

Date