U.S. Fish and Wildlife Service

Rachel Carson National Wildlife Refuge

Recreational Fishing Plan

July 2020

Appendix A – Compatibility Determination

Appendix B – Environmental Assessment

Appendix C – Intra-Service Section 7 Evaluation

Appendix D – Finding of No Significant Impact

Estimated Lead Agency Total Costs Associated with Developing and Producing the EA (per ERM 10-12): $8,676

Rachel Carson National Wildlife Refuge
Recreational Fishing Plan

July 2020

U.S. Fish and Wildlife Service

Rachel Carson National Wildlife Refuge
321 Port Road
Wells, ME 04090

KARL STROMAYER Digitally signed by KARL STROMAYER Date: 2020.07.31 09:42:57 -04'00'

Submitted:

Refuge Manager **Date**

GRAHAM TAYLOR Digitally signed by GRAHAM TAYLOR Date: 2020.07.31 10:12:18 -04'00'

Concurrence:

Refuge Supervisor **Date**

SCOTT KAHAN Digitally signed by SCOTT KAHAN Date: 2020.07.31 17:55:17 -04'00'

Approved:

Regional Chief **Date**

Table of Contents

I. INTRODUCTION 1

II. STATEMENT OF OBJECTIVES 3

III. DESCRIPTION OF FISHING PROGRAM 6

A. Areas to be Opened to Fishing 6

B. Species to be Taken, Fishing Seasons, Fishing Access 7

C. Fishing Permit Requirements 7

D. Consultation and Coordination with the State 7

E. Law Enforcement 7

F. Funding and Staff Requirements 7

IV. CONDUCT OF THE FISHING PROGRAM 8

A. Angler Permit Application, Selection, and/or Registration Procedures 8

B. Refuge-Specific Fishing Regulations 8

C. Relevant State Regulations 8

D. Other Refuge Rules and Regulations for Fishing 8

V. PUBLIC ENGAGEMENT 8

A. Outreach for Announcing and Publicizing the Fishing Program 8

B. Anticipated Public Reaction to the Fishing Program 9

C. How Anglers Will Be Informed of Relevant Rules and Regulations 9

VI. COMPATIBILITY DETERMINATION 9

VII. MAPS 10

VIII. LITERATURE CITED 20

Appendices

Appendix A. Compatibility Determination A-1

Appendix B. Environmental Assessment B-1

Appendix C. Intra-Service Section 7 Evaluation C-1

Appendix D. Finding of No Significant Impact D-1

Rachel Carson National Wildlife Refuge
Recreational Fishing Plan

I. INTRODUCTION

National wildlife refuges are guided by the mission and goals of the National Wildlife Refuge System (Refuge System), the purposes of an individual refuge, U.S. Fish and Wildlife Service (Service) policy, and laws and international treaties. Relevant guidance includes the National Wildlife Refuge System Administration Act of 1966 (NWRSAA), as amended by the National Wildlife Refuge System Improvement Act of 1997, Refuge Recreation Act of 1962, and selected portions of the Code of Federal Regulations and Fish and Wildlife Service Manual.

The mission of the Refuge System, as outlined by the NWRSAA, as amended by the Refuge System Improvement Act (16 U.S.C. 668dd et seq.), is to:

> *"...administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans."*

The act requires that refuges restore and maintain the integrity, diversity, and environmental health necessary to achieve this mission and the purposes established for each refuge.

The NWRSAA mandates the Secretary of the Interior in administering the System to (16 U.S.C. 668dd(a)(4):

- Provide for the conservation of fish, wildlife, and plants, and their habitats within the Refuge System;
- Ensure that the biological integrity, diversity, and environmental health of the Refuge System are maintained for the benefit of present and future generations of Americans;
- Ensure that the mission of the Refuge System described at 16 U.S.C. 668dd(a)(2) and the purposes of each refuge are carried out;
- Ensure effective coordination, interaction, and cooperation with owners of land adjoining refuges and the fish and wildlife agency of the States in which the units of the Refuge System are located;
- Assist in the maintenance of adequate water quantity and water quality to fulfill the mission of the Refuge System and the purposes of each refuge;
- Recognize compatible wildlife-dependent recreational uses as the priority general public uses of the Refuge System through which the American public can develop an appreciation for fish and wildlife;

- Ensure that opportunities are provided within the Refuge System for compatible wildlife-dependent recreational uses; and

- Monitor the status and trends of fish, wildlife, and plants in each refuge.

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 Code of Federal Regulations (CFR), Title 50, Subchapter C, further details additional procedures related to fishing on a national wildlife refuge. The Refuge Recreation Act requires that funds be available for the development, operation, and maintenance of fishing programs. It is anticipated that inclusion of a fishing program will have a negligible impact on refuge financial resources.

Rachel Carson National Wildlife Refuge (NWR, refuge) consists of 11 refuge divisions protecting approximately 5,700 acres of coastal wetlands, and upland habitat (see Figure 1). All divisions lie along 50 miles of the southern Maine coastline, encompassing the coastal communities of Kittery, York, Eliot, Ogunquit, Wells, Kennebunk, Kennebunkport, Biddeford, Saco, Old Orchard Beach, Scarborough, and Cape Elizabeth, within York and Cumberland Counties.

In order to meet specific refuge and other broader Service directives, the following purposes were established for Rachel Carson NWR:

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

- " ...suitable for - - - 1) incidental fish and wildlife oriented recreational development, 2) protection of natural resources, 3) conservation of endangered or threatened species ..." (16 U.S.C. section 460k-1, Refuge Recreation Act).

- " …conservation of wetlands of the Nation in order to maintain the public benefits they provide to help fulfill international obligations contained in various migratory bird treaties and conventions…" (16 U.S.C. Section 13901(b) 100 Stat 3583, Emergency Wetlands Resources Act of 1986).

- "…for the development, advancement, management, conservation and protection of fish and wildlife resources ..." (16 U.S.C. Section 742f(a)(1) Fish and Wildlife Act of 1956).

- " ... for the benefit of the United States Fish and Wildlife Service, in performing its activities and services" (16 U.S.C. Section 742f(b)(1) Fish and Wildlife Act of 1956.

Therefore, it is a priority of the Service to provide for wildlife-dependent recreation opportunities, including fishing, when this opportunity is compatible with the purposes for which the refuge was established and the mission of the Refuge System.

Rachel Carson NWR was established to preserve migratory bird habitat and waterfowl migration routes associated with southern Maine's coastal estuaries. In the mid-1800s, the estuarine habitats teemed with wildlife. The fishing industry supported many people, and commercial hunters made their living from the wildlife that frequented the marshes. Spurred by the arrival of the railroad in 1842, recreational use of the Maine Coast increased in the 19th and 20th centuries. Thousands of visitors came by train, trolley, and later, automobile. Seasonal and vacation homes built on the edge of the salt marsh quickly followed. By the 1950s and early 1960s, land was at a premium for prospective landowners, individuals, and groups interested in protecting natural resources.

Originally known as the Coastal Maine NWR, the refuge was rededicated in honor of scientist and author Rachel Carson on June 27, 1970, who spent much of her life along the Maine Coast. During the mid-1970s, the refuge acquired 4,000 acres, and has expanded its boundary several times over the years to protect coastal salt marshes from encroaching development, and thereby protect vital wildlife habitat.

In 2007, the approval of the final Comprehensive Conservation Plan (CCP) for Rachel Carson NWR established the 11th division, the York River Division. In December 2011, the refuge acquired Timber Point in fee title, adding 157 acres to the refuge's Little River Division. It was one of the last large, undeveloped properties under private ownership on the southern Maine coast. In 2017, the refuge acquired the 90-acre Davis Property, the first land acquisition in the York River Division.

Portions of the refuge (i.e. the Ogunquit River, the Webhannet River, the Merriland River, the Mousam River, and the Spurwink River) have been open to recreational fishing since 2000, following the refuge's previous fishing plan from 2000. This Recreational Fishing Plan expands fishing opportunities available to the public by opening the Little River at Timber Point.

II. STATEMENT OF OBJECTIVES

In addition to the stated purposes of the refuge, further goals were established for Rachel Carson NWR in the CCP and Environmental Assessment (USFWS 2007):

1. Perpetuate the biological integrity and diversity of coastal habitats to sustain native wildlife and plant communities, including species of conservation concern.

2. Perpetuate the biological integrity and diversity of freshwater habitats to sustain native wildlife and plant communities, including species of conservation concern.

3. Perpetuate the biological integrity and diversity of upland habitats to sustain native wildlife and plant communities, including species of conservation concern.

4. Increase appreciation and stewardship of coastal Maine wildlife and their habitats by providing positive wildlife-dependent experiences for refuge visitors.

5. Develop the Rachel Carson NWR as an outstanding center for research and demonstration emphasizing land management techniques for restoring and sustaining healthy estuarine ecosystems in concert with the national Land Management Research Demonstration (LMRD) program.

6. Foster off-refuge cooperative actions and partnerships to advance refuge goals.

The objective of the refuge fishing program, as stated by objective 5.4 in the refuge CCP is as follows:

> *"Provide high-quality sport fishing opportunities that minimize conflicts with neighbors and refuge programs and ensure that at least 90 percent of anglers have a positive experience."*

The NWRSAA of 1966, as amended by the Refuge System Improvement Act of 1997, and the Refuge Recreation Act of 1962 authorize public fishing on refuges where the fishing program is compatible with the purposes for which the refuge was established.

As part of this Fishing Plan, a compatibility determination was prepared and, assuming management decisions are based on sound biological principles, and user time and space restrictions are used to minimize wildlife disturbance, fishing is deemed compatible and a worthwhile recreational opportunity to provide for the public (Appendix A).

Figure 1. Rachel Carson NWR (*Additional maps can be found in Section VII*)

III. DESCRIPTION OF FISHING PROGRAM

A. Areas to be Opened to Fishing

Currently, nine of the refuge's rivers are accessible for recreational fishing and seasonally support one or more of the targeted recreational fisheries. Chauncey Creek, Brave Boat Tidal Creek, Ogunquit River, Stevens Brook, Webhannet River, Merriland River/Skinner Mill, Mousam River, Goosefare Brook, and Spurwink River have supported fishing activities for hundreds of years and were incorporated into the previous Refuge Fish Plan in 2000. In order to expand the current compatible fishing program, the addition of a designated portion of the Little River at Timber Point will be opened to public fishing. Detailed maps and fishing site descriptions can be found in Section VII, Maps.

B. Species to be Taken, Fishing Seasons, Fishing Access

Anglers with a valid fishing license may fish for any Federal and State authorized recreational species, which may include brook trout, togue, whitefish, smelts, American eel, shad, striped bass, Atlantic mackerel, bluefish, pollock, alewife, herring, and Atlantic menhaden.

The co-occurring open ocean Atlantic salmon, Atlantic sturgeon, and shortnose sturgeon are federally protected species, and as such, are not available for fishing. Incidental catch of these species requires the angler to release the fish immediately, alive and uninjured.

All of the refuge fishing locations are tidal; the fishing season is open year round for saltwater fishing to the head of tide.

Fishing access is limited to specific access points for carry-in boat launch, parking, and for designated shoreline fishing areas. All fishing access points and areas will be posted as open to fishing. Please refer to Section VII. Maps for detailed fishing site descriptions and maps.

Daily bag limits, length limits, and any applicable seasonal regulations for each fishable species can be found online at *http://www.eregulations.com/maine/fishing/.* Annually, species daily bag limits, length limits, and open seasons are subject to change and all sportsmen must be aware of current regulations, which will be made available at refuge headquarters, sporting goods stores, and also online at: *http://www.eregulations.com/maine/fishing/.*

C. Fishing Permit Requirements

Not applicable. No specific refuge permit is required for fishing. All applicable State and Federal licenses are required for all recreational angling on the refuge.

D. Consultation and Coordination with the State

Fishing will be permitted within the framework of applicable State and Federal regulations. Pre-season meetings between the refuge and the State to review changes in the regulations and

coordinate law enforcement patrol will take place annually. The Service has consulted with the Maine Department of Inland Fisheries and Wildlife and the Maine Department of Marine Resources on this plan, and will receive formal comments from them prior to implementation. The State will also be consulted if any further changes occur in the Recreational Fishing Plan.

E. Law Enforcement

Refuge law enforcement will work to ensure compliance with fishing regulations and monitor for impacts to wildlife species (illegal fishing, harassment etc.) and habitat (trail abuse, vegetation damage, plant removal, pollution, etc.). Refuge law enforcement, State game wardens, Maine Marine Patrol, and local police departments all have concurrent jurisdiction on refuge property and will work to ensure all State and Federal regulations are followed by refuge visitors. Consistent patrols will have an outreach and educational component and strategic signage will help inform the public of refuge fishing regulations. Refuge management will monitor for impacts to other species and habitat and will stay in contact with local law enforcement and landowners adjacent to fishing areas to manage any conflicts resulting from angling.

F. Funding and Staffing Requirements

Sufficient resources are available to expand the fishing program. Existing staff and refuge budget have provided sufficient resources to continue with current management, although the refuge anticipates increased capacity necessitated by the additional of new lands for fishing access. These activities are within the projected budget and staffing capabilities of the refuge to manage.

Annual administrative costs for the refuge fishing program total $5,000. Our existing staffing and budget provide sufficient resources to implement this fishing plan. Although we anticipate increased angler activity resulting from the addition of new access points and fishing opportunities, managing those activities falls within the projected budget and staffing capabilities of the refuge.

IV. CONDUCT OF THE FISHING PROGRAM

A. Angler Application, Selection, and/or Registration Procedures

Information on all fishing opportunities will be found and downloaded from the Rachel Carson NWR website: *https://www.fws.gov/refuge/rachel_carson/*. No registration with the refuge and no refuge permits are required to fish on the refuge. All anglers must abide by Federal and State regulations and any permitting requirements to fish on the refuge.

B. Refuge Specific Fishing Regulations

Generally, fishing regulations on Rachel Carson NWR will follow Maine regulations except as noted below. General regulations pertaining to all national wildlife refuges are found in 50 CFR subchapter C. Regulations specific to Rachel Carson NWR include:

- 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 for use as bait.

C. Relevant State Regulations

Fishing will be conducted according to Maine State regulations for game fish, baitfish and fish bait except as noted in refuge-specific regulations.

D. Other Refuge Rules and Regulations for Fishing

Additional rules and guidelines include:

- The refuge is open from half hour before sunrise to half hour after sunset, unless otherwise posted. Fishing is prohibited outside of these times.

- Anglers are restricted to designated open fishing areas.

V. PUBLIC ENGAGEMENT

A. Outreach for Announcing and Publicizing the Fishing Program

The Recreational Fishing Plan 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. To inform the public of the fishing program and any future updates, a news release will be submitted to media outlets along the Maine coast following the approval of the plan and on an as-needed basis.

B. Anticipated Public Reaction to the Fishing Program

Fishing has been permitted on Rachel Carson NWR for many years and the lands and waters comprising the refuge were known fishing grounds historically. We are supported by many people who are eager to engage in this long-standing conservation tradition. Fishing is an important economic, recreational and sustainable use of Maine's natural resources. Comments on the Recreational Fishing 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.

C. How Anglers Will Be Informed of Relevant Rules and Regulations

Angler orientation of the refuge will be achieved by providing maps of the refuge at the visitor information center, and on the refuge website. The maps have refuge trails, public use areas,

closed areas, and local roads clearly defined. A refuge web-based interactive map is available at: takemefishing.org. In addition, anglers will be directed to the State's website (http://www.eregulations.com/maine/fishing) for daily bag limits, length limits, and any applicable seasonal regulations. Anglers may address questions to refuge staff by calling, writing, e-mailing, or visiting.

VI. COMPATIBILITY DETERMINATION

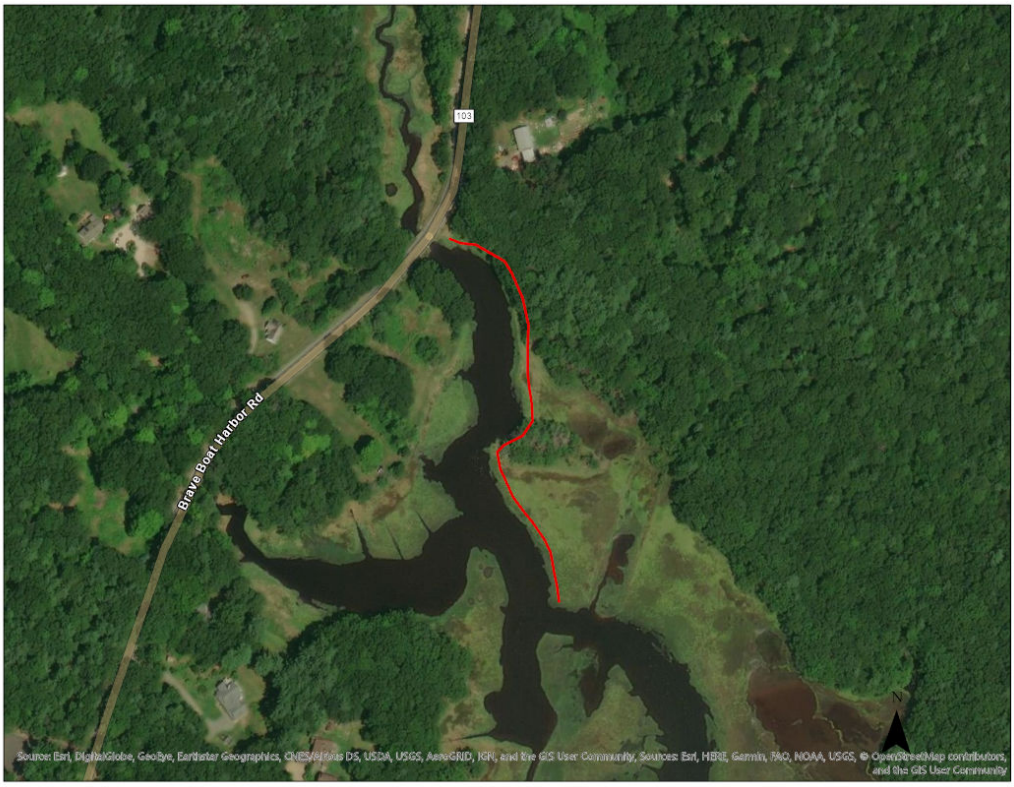
Fishing activities proposed in this plan are compatible with the purposes of the refuge. See attached Appendix A. Compatibility Determination.

VII. MAPS

Fishing Sites Descriptions and Maps

Chauncey Creek ~ Kittery
Carry-in, non-motarized boat access only at the intersection of Cutts Island and Seapoint Roads (yellow dot). Note that tidal changes in this area may cause previously navigable channels to become treacherous or impassable. Park adjacent to the site on Seapoint Road.

Brave Boat Tidal Creek ~ York
Fishing permitted on north side of streambank from Brave Boat Harbor Road to the first trestle downstream, approximately 1,000 feet. Park at pull-off northeast of Brave Boat Harbor Road, south of Payne Road, adjacent to creek. No refuge parking available.



Ogunquit River ~ Ogunquit/Wells

Anglers may fish on the north bank of the Ogunquit River, east of Route 1. Access is limited to the marked and posted areas at the refuge boundary corner behind the Ogunquit River Inn and Suites east (downstream), on the Wells side of the river, for approximately 500 feet. No refuge parking available.

Stevens Brook ~ Wells

The east side of Stevens Brook is open for fishing from Bourne Avenue to the point where Stevens Brook approaches Ocean Avenue (approximately 1/4 mile). Approach from the public parking lot on Ocean Avenue.

Webhannet River ~ Wells
Fishing permitted along the west bank of the Webhannet River. The area begins at the north side of Mile Road and continues approximately 400 feet north (downstream), ending at the first tidal creek.

Merriland River/Skinner Mill ~ Wells
Anglers may fish from the refuge boundary, east (downstream) for approximately 1,000 feet, which includes the oxbow. Access is by an existing trail on the south side of the river across private property. Park on Skinner Mill Road; no refuge parking available.

Mousam River ~ Kennebunk
Fishing allowed east of Route 9, on north side of river, west to our posted boundary and east to the point opposite Great Hill Road (approximately 0.3-mile). Access will be from the bridle path along the first tidal creek. Fishing is currently allowed on the opposite bank and at the mouth of the Mousam River. Park on Route 9; no refuge parking available. A public boat launch is also located at the Western Avenue bridge (yellow dot).

Little River ~ Biddeford

At the end of Granite Point Road in Biddeford, two shoreline sites along the Little River are open for fishing. These areas are approximately 275 meters near the parking lot, and 2,165 meters from the trail overlook south towards the land bridge and around Timber Island (marked in red). A carry-in, carry-out non-motorized boat launch is also located here (yellow dot).

Goosefare Brook ~ Saco

Anglers may fish on the south side of the Goosefare Brook outlet. There is very little parking in the immediate area; use the public parking lot at the end of Bayview Road.

Spurwink River ~ Scarborough
Fishing is permitted along the west bank of the Spurwink River, north of the Route 77 bridge. The area (red) extends approximately 1,000 feet, ending at a point near the fork in the river. Limited parking available just off Route 77. A carry-in, carry-out, non-motorized boat launch is also located here (yellow dot).

VI. LITERATURE CITED

Maine Department of Inland Fisheries and Wildlife (MDIFW). 2015. *Open Water & Ice Fishing Laws and Rules: January 1, 2015 – December 31, 2015*. Maine Department of Inland Fisheries and Wildlife, Augusta, Maine.

Maine Department of Inland Fisheries and Wildlife (MDIFW). 2000. *Wildlife Division: Research and Management Report 2000*. Maine Department of Inland Fisheries and Wildlife, Augusta, Maine.

Maine Department of Inland Fisheries and Wildlife (MDIFW). 2006. *Wildlife Division: Research and Management Report*. Maine Department of Inland Fisheries and Wildlife, Augusta, Maine. http://www.maine.gov/ifw/wildlife/surveys_reports/research_management/pdfs/2006.pdf.

Smith, K., Wilson, K., Sulikowski, J.S., and Aman, J. 2015. Fish of the Saco Estuary: River Channel and Tidal Marshes. Sustaining the Saco Estuary: Final Report 2015. 39-55.

U.S. Fish and Wildlife Service. 2007. *Final Comprehensive Conservation Plan*. Rachel Carson National Wildlife Refuge, Maine. http://www.fws.gov/northeast/planning/Rachel%20Carson/ccphome.html.

U.S. Fish and Wildlife Service. 2012. *Annual Hunt Program*. Rachel Carson National Wildlife Refuge, Maine.

U.S. Fish and Wildlife Service. 2015. *Annual Report of Lands Under Control of the U.S. Fish and Wildlife Service*. U.S. Fish and Wildlife Service.

U.S. Fish and Wildlife Service. 2011. *Hunter Information 2010-2011 Hunting Season*. Rachel Carson National Wildlife Refuge, Maine.

Wells National Estuarine Research Reserve, WNERR. 2015. Fish Species of the Wells Reserve at Laudholm Farm. Found on: 10/21/2015. http://www.wellsreserve.org/sup/downloads/fish_checklist.pdf