Appendix E – Summary of Public Comments

Summary of Public Comments and Service Responses on the Rhode Island National Wildlife Refuge Complex Hunting and Fishing Plan, Compatibility Determinations and Environmental Assessment

Introduction
In March 2020, the U.S. Fish and Wildlife Service (Service, we) published the draft Hunting and Fishing Plan (Plan), Compatibility Determinations (CDs), and Environmental Assessment (EA) for the five refuges within the Rhode Island National Wildlife Refuge (NWR) Complex. The Plan, CDs, and EA propose new and expanded hunting and fishing opportunities.

On March 16, 2020, we uploaded the hunt plan and associated documents onto the refuge websites, and on March 17, the first of four press releases was distributed to news organizations and partners through email notifications. In subsequent days, a press release was shared on Facebook with a link to the plan. Two public open houses were scheduled for April but were cancelled due to the group size limitations in place during the COVID-19 pandemic. The initial 40-day comment period was extended three separate times, eventually ending on June 8, 2020. Over the course of the comment period, frequently asked questions were posted to the websites, along with a brief summary of the plan for each Rhode Island refuge. A video about the proposed plan was posted to the refuge websites and linked from Facebook.

Summary of Comments Received
During the 85-day comment period, a total of 1,641 individuals, organizations, and municipal governments offered comments. This document summarizes the substantive comments and provides the Service’s responses.

We received comments from the Rhode Island Congressional delegation, three State Senators, four State Representatives, three municipal governments, and many non-governmental agencies including Narrow River Land Trust, Narrow River Preservation Association, Friends of Canonchet Farms, Ducks Unlimited (CT and RI chapters), Audubon Society of Rhode Island, Federated Rhode Island Sportsman Club, Backcountry Hunters and Anglers - New England, Congressional Sportsmen’s Foundation, Sportsmen’s Alliance, Center for Biological Diversity, Humane Society of the United States, RI Pet Network, Animal Service League, Inc., Whale Rock Land Company, Harbor Island Improvement Association, Defenders of Animals, Spartina Cove Homeowners Association, Narragansett Police Department, along with two petitions—one with over 50,000 signatures and another with over 700 signatures—and other groups offering comments similar to the organizations already listed.

Summary of Plan Changes
Parts of the Plan and EA have been changed to reflect what was learned during the public comment period.

John H. Chafee National Wildlife Refuge
Stedman Unit. A small parking lot was proposed off Crest Avenue in South Kingstown to facilitate hunter access. Further review indicates that Crest Avenue is a private road, and there is question as to whether the Service, which has a right to use Crest Avenue, has legal authority to provide public access across this road. Consequently, the proposed construction of the parking
lot has been removed from the final proposal, and alternate access will be considered elsewhere at a later time.

**Mumford Unit.** This 16-acre unit is located adjacent to the heavily used William O’Neil Bike Path, and public comment revealed that the area is used for environmental education by an elementary school in close proximity to the unit. Safety concerns specifically for this unit were identified from the Narragansett Police Department, a local conservation organization, and State representatives. We will remove this unit so that public safety can be ensured and environmental education for children can be facilitated.

**Middlebridge Unit.** This 40-acre unit lies adjacent to a Town-owned public recreation area and a subdivision. The Town of Narragansett Police Department has requested limiting method of take to archery only. To further accommodate multiple public uses we will limit the method of take for deer, wild turkey, fox and coyote to archery hunting. Shotguns will be allowed for waterfowl hunting in the Northeast section of the unit, where waterfowl hunting exists adjacent to the refuge.

**Starr Drive Unit.** This unit’s 31 acres is considerably reduced after application of State setbacks due to development immediately adjacent to the unit. The Town of Narragansett Police Department has requested limiting method of take to archery only. The unit is adjacent to the Canonchet Farms trail, which receives high use, and portions of which are proposed for upgrade to a paved bike trail. We will change the method of take for deer, wild turkey, fox, and coyote to archery only. Waterfowl hunting with firearms will still be allowed.

**Foddering Farms Unit.** This unit is located within the Town of Narragansett, and the Town of Narragansett Police Department has requested limiting method of take to archery only. While the Rhode Island NWR Complex is continuing to allow the use of firearms in pursuit of waterfowl on refuge lands, we will alter the proposed harvest of deer, wild turkey, fox, and coyote to archery only.

**Sachuest Point National Wildlife Refuge**
The Service had proposed a short-duration (3 to 5 days), limited (maximum 8 hunters), mentored firearms hunt for white-tailed deer, with the chance to opportunistically hunt coyote or fox while deer hunting. The proposed hunt would not occur annually. Those opposed to the proposal, included the municipality, State representatives, and congressional delegation. Of all public comments on the plan, 38 percent were specific to Sachuest Point NWR (n=621) and 97 percent of those were opposed to the plan. One primary issue was public safety, including hunting with firearms near town beaches. In addition, salt marsh areas located within the hunt unit have recently been restored and are susceptible to trampling. For these reasons, the hunt unit area is being decreased from 223 acres to 150 acres to exclude areas near town beaches and the salt marsh, and the allowed method of take will be changed from firearms to archery only.

**Service’s Response to Comments by Subject**
We address and respond to substantive comments that suggest the Service’s analysis is flawed in specific ways such as challenges to the accuracy, adequacy, methodology, or assumptions of the information presented; or comments offering relevant information the Service didn’t previously
consider. Our discussion does not include detailed responses to comments we determined to be non-substantive, such as comments that solely support or object to our statements without providing reasoning that meet the criteria for a substantive comment; comments that do not pertain to the project area or proposal; or typographical corrections.

The full versions of the final Hunting and Fishing Plan, CDs, and EA are available online at: https://www.fws.gov/refuge/Ninigret/

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We grouped similar comments together and organized them by subject in the discussion below:

- General Comments on the Hunting and Fishing Plan
  - General support.
  - General opposition to hunting and fishing.
  - Hunting is not an effective way to increase public use on wildlife refuges.
  - Impacts to non-hunters.
  - Opposition to killing animals and general animal welfare, and hunting will change the character of the refuges.
  - Increase in littering.
  - Enough private and/or State lands already available for hunting and fishing.
  - How can hunting be allowed but not dog walking?
  - Why is Sedge Island closed to fishing access but open to waterfowl hunting?
  - Do not want to see field dressed deer with hunters on the trails at Trustom Pond NWR.

- Hunting and Fishing Administration
  - Professional cull not hunt.
  - Alternate methods to manage wildlife populations.
  - Fox and coyote hunting.
  - Lead ammunition and fishing tackle.
  - Proposed parking lot at John H. Chafee NWR.
  - Public engagement was inadequate.
  - Hunting goes against/ violates deed of donation restrictions at Trustom Pond NWR, and some land purchases on the John H. Chafee NWR.
  - Willing to pay entrance fee if proposal intent is to raise money.
  - Do not want their taxpayer money going towards this proposal.
  - No limits on hunting permits.

- Biological Impacts
o Cumulative Impacts.
o Disturbance to threatened and endangered species.
o General overuse and negative impacts on the environment.
o Impacts to the seabird community.
o Impacts to Saltmarsh sparrows and salt marsh habitat.
o Hunting lacks a biological basis of need, and therefore should not be pursued.

- Safety
  o Safety concerns associated with hunting near residential areas, accidental shootings, increased noise which may impact health, and areas are too small.
o Use of crossbows is dangerous in archery only areas.
o Inexperienced hunters.
o Lack of law enforcement and staff will lead to increased violations, poachers, and trespass.
o How will safety buffers be identified?
o Safety concerns specific to Block Island NWR.

General Comments on the Hunting and Fishing Plan

General Support
Many commenters supported expanding the hunting (116 commenters) and fishing (104 commenters) plan for the Complex.

Response: We appreciate the support, and remain interested in providing a variety of hunting and fishing opportunities for the public, which is supported by the National Wildlife Refuge System’s (Refuge System) priority public uses policy. Sections 5(c) and (d) of the National Wildlife Refuge System Improvement Act of 1997 (Public Law 105-57; Improvement Act) states “compatible wildlife-dependent recreational uses are the priority general public uses of the Refuge System and shall receive priority consideration in planning and management; and when the Secretary [of the Interior] determines that a proposed wildlife-dependent recreational use is a compatible use within a refuge, that activity should be facilitated, subject to such restrictions or regulations as may be necessary, reasonable, and appropriate.” Hunting is one tool used to manage and maintain wildlife populations at a level compatible with the environment while providing wildlife-dependent recreational opportunities and permitting the use of a valuable renewable resource. The refuge works closely with Rhode Island Department of Environmental Management (RIDEM) to manage the deer herd based on data they collect throughout the year, and we coordinate with them on refuge deer hunting regulations. Secretarial Order 3356 also directs “greater collaboration with state, tribes, and territorial partners” which encourages better alignment of refuge-specific regulations with State regulations.

General Opposition to hunting and fishing on National Wildlife Refuges
Many commenters expressed general opposition to any hunting (1465 commenters) or fishing (68 commenters) at the Rhode Island NWR Complex and/or in the Refuge System. In many
cases, commenters stated that hunting was antithetical to the purposes of a “refuge,” which, in their opinion, should serve as an inviolate sanctuary for all wildlife.

**Response:** The Improvement Act stipulates that hunting and fishing (along with wildlife observation and photography, and environmental education and interpretation), if found to be compatible, is a legitimate and priority general public use of a refuge and should be facilitated. The Service has adopted policies and regulations implementing the requirements of the Improvement Act that refuge managers comply with when considering hunting and fishing programs.

We allow hunting on refuge lands only if such activity has been determined compatible with the established purpose(s) of the refuge and the mission of the Refuge System as required by the Improvement Act. Hunting of resident and migratory wildlife species on refuges generally occurs consistent with State regulations, including seasons and bag limits. Secretarial Order 3356 also directs “greater collaboration with state, tribes, and territorial partners” which encourages better alignment of refuge-specific regulations with State regulations. Refuge-specific hunting regulations can be more restrictive (but not more liberal) than State regulations and often are more restrictive in order to help meet specific refuge objectives. These objectives include resident and migratory wildlife population and habitat objectives, minimizing disturbance impacts to wildlife, maintaining high-quality opportunities for hunting and other wildlife-dependent recreation, eliminating or minimizing conflicts with other public uses and/or refuge management activities, and protecting public safety.

The word “refuge” includes the idea of providing a haven of safety for wildlife, and as such, hunting might seem an inconsistent use of the Refuge System. However, the Improvement Act stipulates that hunting, if found compatible, is a legitimate and priority general public use of a refuge which should be facilitated.

On refuges designated as an inviolate sanctuary for migratory birds, hunting can be allowed, provided that hunting of migratory gamebirds cannot exceed 40 percent of the land base at any one time unless shown to be beneficial to the populations. Other species can be hunted throughout the area as determined compatible. The proposed plan meets this requirement.

Furthermore, we manage refuges to support healthy wildlife populations that in many cases produce harvestable surpluses that are a renewable resource. As practiced on refuges, hunting and fishing do not pose a threat to wildlife populations. It is important to note that taking certain individuals through hunting does not necessarily reduce a population overall, as hunting can simply replace other types of mortality. In some cases, however, we use hunting as a management tool with the explicit goal of reducing a population; this is often the case with exotic and/or invasive species that threaten ecosystem stability. Therefore, facilitating hunting opportunities is an important aspect of the Service's roles and responsibilities as outlined in the legislation establishing the Refuge System, and the Service will continue to facilitate these opportunities where compatible with the purpose of the specific refuge.
**Hunting is not an effective way to increase public use on wildlife refuges**
The Town of South Kingstown states it “believes that hunting is not an effective way to increase use of wildlife refuges located within the Office of Management and Budget’s New York-Newark, Hartford-West Hartford, and Boston-Worcester-Providence Combined Statistical Areas (CSAs). These CSAs are among the most-densely populated areas on the North American continent and the Federal lands located here consist of small parcels surrounded by urban or suburban residential development. The Service properties in southern New England and southern New York are already being put to their best and highest uses as both wildlife refuges and public recreational venues controlled by existing Federal policy.” Furthermore, the Town “believes that allowing hunting on these properties would reduce their cumulative recreational benefit because hunting requires large spaces and creates natural “exclusion zones” into which birdwatchers, walkers, and joggers will not venture. The Town believes that if the FWS proposed plan is adopted the actual and perceived danger of hunting allowed near walking, bicycle and kayak trails will suppress, not increase, recreational use of FWS properties between New York and Boston.

**Response:** This issue raised is beyond the scope of the current analysis, which considers hunting and fishing opportunities on the national wildlife refuges in Rhode Island only.

**Impacts to non-hunters**
Several commenters (512) expressed concerns about the impacts to non-hunters including people observing wildlife (hiking, walking, birding, and wildlife photography) and others learning about and enjoying the natural world. Concerns included the exclusion of the non-hunters (locals and tourists) to the refuges during the special hunts when refuges would be closed, multi-use trails where hunters and non-hunters would be allowed on the refuge during the same time, hunting being an incompatible use, and general impacts from stress and anxiety associated with hunting on the refuges. One commenter stated that the impacts to non-hunters was not adequately addressed in the EA and the data used was outdated.

**Response:** A compatibility determination evaluates whether a proposed use is consistent with the purposes for which a national wildlife refuge is established, and is not used to determine compatibility between uses. Hunting is equally considered along with fishing, photography, wildlife observation, environmental education and interpretation - none are considered of higher priority than the others.

At Sachuest Point NWR, the refuge would be temporarily closed to other public uses during the 3- to 5-day deer hunt during the cooler season. The hunt is not scheduled to be offered every year. This relatively short and infrequent temporary closure period affecting 1.4 percent of the calendar year is not considered a significant impact to other recreational uses. The refuge would typically be open 98.6 percent of the remaining year to other public uses. The refuge is regularly closed for various other management activities including use of prescribed fire and invasive species management, with no significant impacts to public use levels.
At Trustom Pond NWR, the trails would remain open for other uses during the hunting period. The standard safety setbacks would apply, in addition to a prohibition of hunting within 100 feet of trails, and the number of hunters will be limited by permits. Archery only hunting means that gunshots will not be heard. The plan allows for modifications if significant issues arise. While some may not choose to visit the refuge, we feel that most uses will continue.

News releases, refuge websites, and Facebook posts will be used to alert locals and tourists about upcoming special hunts at Sachuest Point NWR and Ninigret NWR when those refuges will be closed to all other uses. Notices will be posted at the trailheads 2 weeks prior to the closure events. Similarly, notices will be posted at the trailheads of Ninigret NWR and Trustom Pond NWR during the archery seasons, recommending hikers to wear fluorescent orange clothing during the hunting season.

Anticipated impacts to visitor use and experience is addressed in Table C-4 of the Environmental Assessment. Staff collect visitor use data on an annual basis with a variety of techniques. The visitation numbers used in the Hunting and Fishing Plan, and the EA are current estimates of usage on the Complex. We identified potential conflicts and the plan addresses means to minimize those conflicts.

**Opposition to killing animals and general animal welfare, and hunting will change the character of the refuges**

Many commenters (106) were opposed to killing any wildlife and mentioned concerns for wounded game and fish. Some commenters (12) expressed concern that hunting will change the character of the local area near John H. Chafee NWR, Sachuest Point NWR, and Trustom Pond NWR.

**Response:** As detailed in our response to *General Opposition to hunting and fishing on National Wildlife Refuges*, above, we do not take lightly the decision to allow hunting on a refuge, and we never allow hunting if there is evidence that it will impair the purposes of the refuge, public safety, or the mission of the Refuge System. Refuge managers use a variety of techniques to minimize disturbance to non-target species of wildlife, such as time and space zoning. In some cases, hunting may be part of a management program to reduce the population of nuisance species; otherwise, hunt programs are carefully designed and regulated so as not to affect the sustainability of wildlife populations. Refuge managers are authorized to suspend a hunt program at any time if it appears as though the hunt is causing unacceptable impacts to refuge values or resources.

The Service understands that some members of the public do not believe that hunting on refuges is ethical. However, the Improvement Act stipulates that hunting and fishing, if found to be compatible, are legitimate and priority public uses of a refuge and should be facilitated. As detailed above, the decision to open a refuge to hunting must comply with all applicable laws, regulations, and policies; requires rigorous examination; and provides many opportunities for public comment, all to ensure that hunting is consistent with the purpose of the specific refuge and the mission of the Refuge System.
We must base our decisions on the best available science, and these commenters have not provided information that would change our analysis. Our hunting programs are consistent with State regulations and, where necessary, use more stringent refuge-specific regulations to ensure that hunting and fishing are carried out in a safe, responsible manner. We do not believe the overall character of the refuges will be changed.

**Increase in littering**
Some commenters (12) expressed concern that fishing paraphernalia would be tossed aside, injuring companion animals and non-target wildlife, and trash would be left behind by hunters damaging the environment.

**Response:** It is illegal to abandon property or dispose of waste on a refuge (see 50 CFR 27.93 and 27.94), whether fishing and hunting related or not. It is also illegal to disturb or injure any non-target plants or wildlife (see 50 CFR 27.51) on a refuge. Further, many refuges have specific regulations to guard against littering associated with fishing and hunting. There is no evidence to suggest that hunters and anglers litter any more than the general public does. We will continue to encourage anglers through education and signage to pack out all litter and not discard fishing tackle on the refuges.

**Enough private and/or State lands already available for hunting and fishing**
Several commenters (143) opined that State-run Wildlife Management Areas and private lands offer enough opportunities for hunters and anglers. Many believe that non-consumptive users that participate in wildlife observation and photography should enjoy a higher priority when it comes to use of refuge lands.

**Response:** The proposed plan evaluated hunting and fishing opportunities on national wildlife refuges only. Nationwide, the Service has experienced high demand for participation in some existing hunting opportunities on refuge lands, with an estimate that over 16 million Americans actively participate in hunting and fishing opportunities. We feel that there is adequate demand for these types of outdoor opportunities, regardless of other opportunities in the State.

**How can hunting be allowed but not dog walking?**
Some commenters questioned why hunting was a compatible use on the refuges but dog walking was not compatible.

**Response:** Allowing dogs on refuge lands throughout the year would represent a substantial and long-term adverse impact to a wide variety of wildlife including ground nesting and foraging birds. In comparison, hunting is undertaken during a shorter period of time by fewer individuals, mostly occurring outside of the key nesting periods for many wildlife species. Activities must be found to be appropriate and compatible before allowing the use – we have found that the wildlife-dependent use of hunting meets this standard. Dog-walking is not a wildlife-dependent use, and must first be determined as an appropriate use, which has not occurred on Complex lands.
Why is Sedge Island closed to fishing access but open to waterfowl hunting?
One commenter was concerned about not allowing fishing access to Sedge Island unit in the John H. Chafee NWR, while allowing access for waterfowl hunting.

Response: Sedge Island Unit is an important location for salt marsh restoration and for nesting saltmarsh sparrows, a species on conservation concern, which nests during the spring and summer months. Fishing activities during the nesting season could result in disturbance to nesting sparrows or trampling of cryptic nests if the public walked through high marsh nesting habitat. Salt marsh plants also have increased sensitivity to trampling during the growing season. Therefore, fishing is not compatible from Sedge Island as it could disturb nesting sparrows and damage sensitive nesting habitat located near the shoreline. Waterfowl hunting, as outlined in the plan and EA, would be conducted after the saltmarsh sparrow nesting season, and when salt marsh grasses are dormant and less sensitive to disturbance. Walking on the area for waterfowl hunting would be shorter in duration and less frequently than if the area were to be opened for the fishing season.

Do not want to see field dressed deer with hunters on the trails at Trustom Pond NWR
Five commenters expressed concerns about seeing the field dressed game and hunters with weapons while sharing the trails at Trustom Pond NWR.

Response: At Trustom Pond NWR, the archery deer and turkey hunts will be conducted by refuge permit only, therefore, a limited number of hunters will be allowed on the refuge during the hunting season. Hunters will be allowed to park in an alternate parking area, and allowed to enter the refuge off the normal hiking trails. However, it is likely the hunters may also need to use established hiking trails. While non-hunters may object to the site of dressed game or hunters, hunting is a legitimate, compatible use at the Complex. We will annually publicize the hunting season to alert non-hunters of the upcoming hunting activities and dates at Trustom Pond NWR, and the other refuges in the Complex. While some may not choose to visit the refuge, we feel that most users will continue.

Hunt Administration

Professional Cull not Hunt
Several commenters (46) expressed that a professional cull will be more appropriate than a hunting program on the refuge. Some commenters mention a cull would be more cost effective.

Response: The funding and staffing requirements of the proposed hunt are outlined in the plan. Comparatively, use of a professional to cull the herd on a long-term basis would be prohibitively expensive, and would not provide the public with the recreational opportunity.

Alternate methods to manage wildlife populations
The Town of South Kingstown and other commenters (9) recommend the Service use alternate methods to manage populations with immunocontraceptives such as the vaccine known as porcine zona pellucida (PZP), other contraceptives, and time-limited hunting options as means to
control deer and coyote populations.

Response: The plan and EA not only addresses the need to limit deer densities, but also provides hunting opportunities, which is an appropriate use on national wildlife refuges. Application and use of contraceptives are expensive, and research has shown they can have undesirable consequences on the deer population.

Fox and coyote hunting
Several commenters (57) including the Humane Society of the United States and the Center for Biological Diversity were opposed to hunting fox and/or coyote. Commenters stated that hunting these predators is not biologically supported, the Service should consider an alternative without coyote hunting, and the Service provided no population estimated for these species.

Response: Through the ‘No Action’ alternative, the impacts of not opening to coyote, fox, and other species were already considered. Refuge and State biologists determined that piping plovers and New England cottontail rabbits are likely to benefit temporarily at a localized scale with even just the very small reduction of coyotes and foxes that is expected through opportunistic harvest by deer hunters. In addition, senior State biologists report “an abundance” of coyotes in the State. Coyote populations are documented to be a nuisance in some areas by Dr. Numi Mitchell, lead scientist from the Narragansett Bay Coyote Study. Dr. Mitchell’s 2017 report to municipalities suggests that coyote numbers in some locations can be controlled by removing anthropomorphic food sources, and lethal control does not reduce coyote numbers in the long-term because coyotes have the ability to rapidly re-populate any vacated territory. The general consensus among biologists is that coyote populations are believed to be stable or increasing in most areas in the Northeast. Refuge and State biologists expect that opportunistic take of coyotes and foxes (while hunters are primarily targeting deer) will not be detrimental to the overall Rhode Island coyote or fox populations. Further, nuisance calls to the State can serve as a proxy in the absence of scientific population estimates, and calls have been consistently over 100 for the past 3 years.

Lead ammunition and fishing tackle
Some commenters (14) and organizations raised concerns about allowing lead ammunition and lead tackle to be used on the Complex, which could result in toxic levels of lead in the environment.

Response: The Service shares the concerns regarding lead in the environment. We acknowledge the potential adverse effects of spent lead ammunition (bullets) and lost fishing tackle on the environment, endangered and threatened species, humans, and all fish and wildlife susceptible to biomagnification or acute poisoning.

Although there is not a Servicewide ban on lead ammunition for non-migratory bird hunting activities or lead fishing tackle, the Service has taken specific steps to limit the use of lead in hunting and fishing activities on refuges and hatcheries. At Rhode Island NWR Complex, the effects of lead will be minimized by only allowing archery hunting on many refuge units. Further, the refuges will work to educate hunters and anglers on
the impacts of lead on the environment, including on human health and safety concerns of consuming animals harvested with lead ammunition. We always encourage hunters and anglers to voluntarily use non-toxic ammunition and tackle. Lead alternatives are becoming more widely available and used by hunters and anglers; however, they remain more expensive.

Ultimately, the Service believes it is important to collaborate in partnership with States to reach decisions on lead use. The Refuge Improvement Act states “[r]egulations permitting hunting or fishing of fish and resident wildlife within the System shall be, to the extent practicable, consistent with State fish and wildlife laws, regulations, and management plans.” (16 U.S.C. 668dd(m)). Ultimately, we share a strong partnership with the States in managing wildlife and, therefore, we are discussing the possibility of phasing out toxic ammunition in a coordinated manner with each State wildlife agency.

On refuges in Rhode Island, the Service will allow lead ammunition and tackle in a manner consistent with the State. We do not anticipate a large number of new hunters or anglers as a result of the new and expanded opportunities, and so the addition of lead into the environment is expecting to be minor or negligible, and dispersed. The Service will continue to work in partnership with States to encourage use of non-toxic alternatives, and in some places to prohibit the use of lead, where necessary to ensure compatibility.

Proposed parking lot at John H. Chafee NWR
Many commenters (38) expressed concern about the proposed parking lot on the John H. Chafee NWR at the junction of Hillside Road and Crest Avenue, questioning the Service’s legal rights to access the area for a new parking lot.

Response: As an abutting landowner, the Service has the right to access Crest Avenue. However, the proposed construction of the parking lot has been removed from the final proposal, and alternate access will be considered elsewhere at a later time.

Public engagement was inadequate
Some commenters (11) communicated that there was inadequate public engagement for the proposed plan due to the cancelling of the two proposed public open houses, and the release of the proposed plan during the COVID-19 pandemic excluded some people from learning about the plan and submitting comments. Additionally, some commenters (12) expressed concerns that neighbors were not mailed individual notifications about the proposed plan, and that no notifications were posted at the refuge trailheads informing the public about the proposal.

Response: We issued four press releases to Rhode Island news organizations between March 17 and May 29, 2020. The draft documents were available for public review on the five refuge websites since March 16, 2020, and Facebook posts directed the public to review the documents on the refuge websites. All Town Managers were sent email notification about the draft plan and EA. The comment period was extended to 85 days to allow for public comments to be received. Sending individual letters was not feasible, nor is it required. Notice boards at the refuges were only used to post COVID-19 safety guidelines. The media printed (and posted online) information about the proposed plan
and EA several times during the comment period, along with many Letters to the Editors. The Service feels that the extended comment period provided adequate opportunity for the public to comment.

Hunting goes against/ violates deed of donation restrictions at Trustom Pond NWR, and some land purchases on the John H. Chafee NWR.

Two commenters wrote with concerns about allowing hunting on Trustom Pond NWR lands that had been donated to the Service with the perceived intention of the lands being used as an inviolate sanctuary and not for hunting. Two other commenters expressed concern regarding hunting on the parcels acquired by the Service in the Whale Rock land area.

Response: On the John H. Chafee NWR, there is no hunting proposed at the Whale Rock land area; therefore, the plan and proposed action will have no impact on this series of parcels. Overall, on the John H. Chafee NWR, one of the purposes for which the refuge was established was to provide for wildlife dependent recreational activities. The plan is consistent with this refuge purpose.

At Trustom Pond NWR, the deed for lands donated by the Audubon Society of Rhode Island expressly prohibits hunting on those lands. No hunting is proposed on those lands. Another parcel of land was donated for administration by the Secretary of the Interior through the Service as an inviolate sanctuary for migratory birds and/or as a refuge for wildlife. While the Refuge Improvement Act allows for hunting on national wildlife refuge lands with purposes of providing an inviolate sanctuary, no hunting of migratory gamebirds is being proposed in this parcel. The limited number of hunt permits, and season for archery hunting of non-migratory bird species are not felt to significantly impact migratory birds from disturbance. The proposed plan is consistent with the deeds of donation. No changes to the plan were made as a result of these comments.

Willing to pay entrance fee if proposal intent is to raise money

Five commenters are willing to pay an entrance fee or suggest the Complex charges for parking to help increase refuge funding, in turn preventing hunting.

Response: The proposal was developed not to increase revenues, but rather to provide for wildlife dependent recreational activities and, where possible, to address population management issues. Hunting and fishing are legislatively authorized uses of refuges.

Do not want their taxpayer money going towards this proposal

Fifteen commenters expressed concerns about using taxpayer funds to support hunting and fishing, and many suggest the funds would be better spent promoting the current uses on the refuges and enhancing environmental education and programs.

Response: Hunting and fishing on national wildlife refuges are acceptable uses when determined to be compatible. The activities do require administration, part of which requires an outlay of expenditures as shown in the EA. These expenditures are entirely permissible under current Federal law.
No limits on hunting permits
One commenter expressed concern that there would be no hunting permits required at some of the refuges, which would lead to too many hunters in an area.

Response: While no refuge permits will be required to hunt on Block Island NWR, John H. Chafee NWR, and Ninigret NWR, every hunter will need to print, sign, and carry with them a current season hunting brochure while on refuge lands. At these refuges, we believe that hunters will limit their numbers by the available hunting areas and parking locations. All refuge hunters will be required to submit harvest information to the State and refuge, which will provide the Complex with data to help manage the refuge hunts. The decision to not require limits was in part based on review of past years’ permit data.

Biological Impacts

Cumulative Impacts
Three commenters suggest the Service must consider all cumulative impacts and should complete a comprehensive Environmental Impact Statement.

Response: We annually conduct management activities on refuges that minimize or offset impacts of hunting and fishing on physical and cultural resources, including establishing designated areas for hunting; restricting levels of use; confining access and travel to designated locations; providing education programs and materials for hunters, anglers, and other users; and conducting law enforcement activities. Cumulative impacts are summarized on page C-24 of the draft EA, and are also addressed in the compatibility determinations. As discussed in the draft documents, the expected increase in hunter and angler numbers are expected to be less than 50, with relatively minor harvest increases. No significant changes were made to the EA as a result of these comments.

Disturbance to threatened and endangered species
The Center for Biological Diversity commented, “We’re particularly concerned about disturbance impacts to endangered birds during the fall hunting season, during the period preceding their fall migrations, when these species are likely to be present on the Complex. Year-round saltwater fishing from shorelines is also very problematic because piping plovers and other endangered birds are likely to be present near the shorelines and could be disturbed by anglers.” Ten additional commenters also expressed concerns about impacts to endangered species.

Response: Staff at the Complex completed an Intra-Service Section 7 Biological Evaluation in March 2020 to evaluate the impacts of the proposed action on endangered species including piping plovers, roseate terns, and red knots. We acknowledge that the proposed hunting and fishing activities may affect, but are not likely to adversely affect, piping plovers. The Complex will maintain current annual beach closures at Ninigret NWR and at Trustom Pond NWR from April 1 through September 15 to limit disturbance of nesting and foraging piping plovers. On Second Beach at Sachuest Point NWR, beach closures will be instituted from April 1 until nesting activities conclude. Piping plovers have not nested at Block Island NWR since 2009; therefore, anglers will not disturb
nesting activities there. The majority of the piping plovers leave Rhode Island in August before the start of the hunting season. Individual plovers continue to use refuge beaches and mudflats through mid-September. Disturbance to foraging/migrating birds would likely be minimal since the hunting season begins near the end of fall migration for piping plovers.

Refuge staff do not expect there will be any impacts from the proposed action on roseate terns. Small numbers of roseate terns annually use beach, mudflat, and shallow water habitats at the Refuge Complex for foraging and staging during fall migration (July to mid-August). Disturbance to foraging and migrating terns is not anticipated since birds will have migrated through these areas prior to the start of hunting seasons. The proposed fishing area at John H. Chafee NWR is from the bank along the refuge shoreline that consists of salt marsh habitat; therefore, no disturbance is expected to staging or migrating terns. Refuge beaches will be closed to anglers and all other activities as outlined above to eliminate disturbance to migrating roseate terns through mid-September annually.

In Rhode Island, red knots are most commonly found at Napatree Point (13 miles to the west of project site) where they occur annually during fall migration from mid-September to early October. Small numbers of red knots (typically <5 individuals) occur infrequently on beaches and mudflats at Sachuest Point and Block Island NWRs during fall migration. Impacts to red knots from the proposed action may include temporary flushing of roosting or foraging birds. However, these disturbances are anticipated to be rare and short-term given the infrequent occurrence of red knots in the project area, and the limited number of expected participants in September and October when red knots could be present. Since any disturbance would be minimal and short-term in nature, no additional actions from those included in the draft EA will be taken to reduce effects. We conclude that the proposed use may affect, but is not likely to adversely affect, red knots.

**General overuse and negative impacts on the environment**
Several commenters (62) submitted concerns about the general overuse and negative impacts caused to non-target plants and animals during hunting and fishing, including disruption of the natural balance of the ecosystem including food chain, migrating birds, and other natural processes.

**Response:** We do not allow hunting on a refuge if it is found incompatible with that individual refuge's purposes or with the mission of the Refuge System. Service biologists and wildlife professionals, in consultation with the State, carefully consider how a proposed hunt fits with individual refuge goals, objectives, and strategies before allowing the hunt. None of the known, estimated, or projected harvests of migratory game birds, upland game, or big game species in the plan is expected to have significant adverse direct, indirect, or cumulative impacts to hunted populations, non-hunted wildlife, endangered or threatened species, plant or habitat resources, wildlife-dependent recreation, air, soil, water, cultural resources, refuge facilities, or socio-economics.
Impacts to the seabird community
One commenter wrote about the impacts to the seabird community from discarded fishing litter.

**Response:** We share the commenters concerns regarding potential negative impacts to seabirds and other wildlife species due to ingestion or entanglement of discarded fishing gear. It is illegal to abandon property or dispose of waste on a refuge (see 50 CFR 27.93 and 27.94), whether fishing and hunting related or not. It is also illegal to disturb or injure any non-target plants or wildlife (see 50 CFR 27.51) on a refuge. We will continue to encourage anglers through education and signage to pack out all litter and not discard fishing tackle on the refuges. We estimate the number of new anglers expected on the refuges as a result of the new or expanded opportunities to be very low, and the resulting addition of fishing litter into the environment negligible or minor.

Impacts to saltmarsh sparrows and salt marsh habitat
Some commenters (7) raised concerns about the impacts to saltmarsh sparrows (*Ammodramus caudacutus*) and adverse impacts to the health of the marsh, which could threaten to accelerate the extinction of saltmarsh sparrows. Commenters questioned what baseline data we have on the salt marsh health and questions how the Service will monitor impacts from the proposed use.

**Response:** Impacts to the salt marsh and the saltmarsh sparrow are analyzed in the EA (Table C-3. Anticipated Impacts to Natural Resources). We share the commenters concerns over impacts to the health of salt marshes, which could threaten or accelerate the extinction of saltmarsh sparrows. We have participated in a variety of research and monitoring activities to assess or improve the biological integrity, diversity, and environmental health of our salt marshes, and will continue to do so as necessary in the future. Since 2012, the refuge has collaborated with researchers from the Saltmarsh Habitat and Avian Research Project (SHARP) assessing saltmarsh sparrow abundance and nest success on refuge marshes at John H. Chafee and Sachuest Point NWRs and throughout the species range. In response to increasing threats to salt marsh habitats from sea level rise, coastal development, invasive species, and other anthropogenic threats, the Service, in conjunction with U.S. Geological Survey, designed a method for assessing salt marsh health and function. The program, known as Salt Marsh Integrity (SMI), was implemented at the Rhode Island NWR Complex from 2012 to 2016 to evaluate the baseline conditions of salt marshes to better inform management actions. SMI metrics measured during the assessment included tidal flood duration, native plant cover, invasive species abundance, herbicide use, marsh surface elevation, nekton, and breeding bird abundance.

Within the past 5 years, the refuge completed comprehensive salt marsh restoration projects at the John H. Chafee and Sachuest Point NWR, including thin layer placement of sediment on the marsh surface to create high marsh nesting habitat, use of living shorelines, and runnel excavations to drain impounded water causing degraded conditions on the marsh platform. We implemented a monitoring program (2014-2019) to evaluate the success of these efforts intended to enhance the overall health and resiliency of salt marshes to accelerated sea level rise. Monitoring parameters included vegetative cover, ground water level/salinity, and saltmarsh sparrow abundance and nest success. These
parameters were collected pre and post restoration at impact and control sites. Repeating these measurements or the measurements collected through SMI over time, will serve to evaluate effects of management actions, or impacts to the overall health of salt marsh habitat.

Waterfowl hunting at John H. Chafee NWR, as outlined in the plan and EA, would be conducted after the saltmarsh sparrow nesting season, and when salt marsh grasses are dormant and less sensitive to disturbance. The new fishing area is intentionally small to limit the number of anglers trampling salt marsh vegetation. We estimate the number of waterfowl hunters and anglers expected on the refuges as a result of the new or expanded opportunities to be very low, and the resulting impact to marsh vegetation negligible or minor. The salt marsh health will continue to be monitored, and if unacceptable impacts occur, changes to an annual hunt and fishing plan will be made.

At Sachuest Point NWR, the newly restored salt marsh has been removed from the proposed hunt unit.

**Hunting lacks a biological basis of need, and therefore should not be pursued**

Ten commenters quoted the plan and EA which states “there is a limited deer population at Sachuest Point NWR”, therefore, these commenters felt that hunting at Sachuest Point was unnecessary and not appropriate. Five other commenters expressed similar opinions, stating that hunting should only be allowed if there is a biological objective or need to manage the population.

**Response:** On national wildlife refuges, there are six wildlife-dependent recreational activities which are promoted when compatible. Hunting is equally considered along with fishing, photography, wildlife observation, environmental education and interpretation - none are considered of higher priority than others. Hunting can be allowed as a recreational activity without the need to control deer populations or other biological need.

The limited, special hunt at Sachuest Point NWR would provide a hunting opportunity to non-traditional or new user groups, and support the Refuge Improvement Act by supporting hunting opportunities where they are appropriate and compatible. Hunting was not proposed solely as a means to control the deer population at Sachuest Point NWR. The deer herd on Aquidneck Island roam on and off the refuge. However, the deer at the refuge have showed signs of becoming acclimated to the public, getting too close and losing their fear of humans, which can lead to adverse impacts. We hope that putting limited hunting pressure on the deer at this refuge will aid in preventing human-deer conflicts on the trails.

**Safety**

**Safety concerns associated with hunting near residential areas, accidental shootings, increased noise which may impact health, and areas being too small**

Many commenters (603) mentioned safety concerns. Concerns included accidents and injuries
from firearms and archery hunting; increased risk and danger when hunting near beaches, residential areas, schools, the O’Neil bike path, open refuge trails, and the Narrow River; damage to houses and personal property; noise disturbance causing fear and anxiety in non-hunters.

Response: As detailed in the Complex’s Plan, CD and EA, hunting activities would be limited by safety zones adopted by the State of Rhode Island. This includes prohibiting discharge of firearms within 500 feet of a dwelling, discharge of any archery gear within 200 feet from a dwelling, and a prohibition against discharge from or across a road. All hunters must have in their possession a valid State hunting license, which requires new hunters to pass a hunter education course that includes safety. Hunters will also be required to carry on their person a refuge hunting brochure, which describes the regulations. Aerial maps showing the hunt unit boundaries and safety zones will be provided to hunters to aide in navigation. The plan allows for adjustment to the hunt program should problems or safety issues arise, including season length and methods of take. The Service is confident that the hunting opportunities discussed in the plan can be provided safely. It is worth noting that injuries and deaths related to hunting are extremely rare, both for hunters themselves and for the non-hunting public. The Service feels the hunts can be conducted safely.

The EA recognizes and discusses that noise disturbance may occur. At Sachuest Point NWR, the hunt unit area is being decreased from 223 acres to 150 acres to exclude areas near town beaches and the salt marsh, and the allowed method of take will be changed from firearms to archery only. The Complex will notify the public of upcoming refuge hunting seasons each year through press releases, refuge websites, and Facebook posts.

Use of crossbows is dangerous in archery only areas
Thirteen commenters wrote that crossbows are too dangerous to be used in areas designated as archery only, such as Trustom Pond NWR.

Response: The annual RIDEM Hunting and Fishing Abstract describes the regulations for the use of crossbows as archery equipment. Prior to obtaining an archery license, including the use of crossbows, each hunter must successfully pass a bow hunter education course which covers the safe use of the weapons. We feel that crossbows are an appropriate weapon to be used during the refuge archery season by licensed hunters.

Inexperienced hunters
Twenty-one commenters suggest that inexperienced hunters will be a greater safety risk to non-hunters and will injure and wound more animals. Most of the commenters referenced the proposed hunting at Sachuest Point NWR.

Response: At Sachuest Point NWR, the refuge will be closed to all other users during the limited special hunts, therefore, the risk to non-hunters is very low. The refuge will alert the general public to these closures and when a special hunt is to be held. These special hunts will be mentored by refuge staff or partners which will further reduce the
risk to non-hunters. The Service has been conducting a special youth deer hunt at Ninigret NWR for several years without increased injury or wounded animals.

**Lack of law enforcement and staff will lead to increased violations, poachers, and trespass**

Several commenters (14) stated that increasing hunting opportunities will lead to increased violations, poaching, and trespass, with limited law enforcement available to enforce the regulations.

**Response:** All hunters must participate in a hunter education course prior to receiving a hunting license. We believe that the vast majority of hunters are law-abiding citizens and will respect neighboring landowners’ property rights. While the refuge will provide hunting maps and refuge-specific regulations, it is ultimately the responsibility of the hunter to know and obey them. Private landowners will be encouraged to contact either refuge and/or State/local law enforcement officers if trespassing incidents occur and every effort will be made to respond in an efficient and timely manner. Federal wildlife officers will patrol public hunting areas to enforce game laws and address trespass issues as necessary. Coordination with RIDEM advises that there are already sufficient laws and regulations in place to conduct a safe and effective hunt at the Complex.

**Gun-Free Schools Act of 1990 (and its amendment in 1996)**

One commenter asked how the Gun-free Schools Act of 1990 (18 U.S. Code § 922 as amended) would apply to proposed hunting at the Stedman unit of the John H. Chafee National Wildlife Refuge.

**Response:** The Act prohibits the possession and discharge of firearms within school zones with exceptions. A school zone is defined as the property of a state, public, or private school including private lands within 1,000 feet of school property. A portion of the Stedman unit lies within the 1,000 feet of school-owned property.

Exceptions to the Act allow for possession and discharge of firearms if (a) on private property not part of school grounds; and (b) if the individual possessing the firearm is licensed to do so by the State, and the law of the State or political subdivision requires that, before an individual obtains such a license, the law enforcement authorities of the State or political subdivision verify that the individual is qualified under law to receive the license.

The proposed action complies with the exceptions provided under the Act. The State of Rhode Island has promulgated laws regulating the possession of firearms and also requires a hunting license to be acquired prior to pursuing and harvesting wild game in the State. The State further requires that prior to obtaining a hunting license, the applicant must pass a hunter education course. The proposed hunting and fishing plan would allow hunting on refuge lands only, provided participants have a valid State hunting license. Therefore, the proposed use is consistent with the Gun-free Schools Act of 1990 (as amended).
How will safety buffers be identified?
Several commenters (11) asked how safety buffers/zone would be identified to ensure hunters did not trespass on private property, and to ensure hunters were not too close to houses.

Response: As detailed in the Complex’s Plan, CD and EA, hunting activities would be limited by safety zones adopted by the State of Rhode Island. This includes prohibiting discharge of firearms within 500 feet of a dwelling, discharge of any archery gear within 200 feet from a dwelling, and a prohibition against discharge from or across a road. Hunters will be required to carry on their person a personally signed refuge hunting brochure, which describes the regulations. Aerial maps showing the hunt unit boundaries and safety zones will be provided to hunters to aide in navigation. Refuge boundaries are posted in the field. Ultimately, it is the responsibility of the hunter to know their location at all times and follow the Federal, State, and refuge hunting regulations. Federal wildlife officers will patrol public hunting areas to enforce game laws and address trespass issues as necessary.

Safety concerns specific to Block Island NWR
Four commenters felt that hunters on the Block Island NWR should be required to register with the Town of New Shoreham Police Department; that hunting seasons should align with Town dates, and additional safety setbacks should be instituted at Wash Pond. One commenter asked the frequency of law enforcement patrols during the hunt.

Response: Hunting on the Block Island NWR has been allowed since 2012. The hunting season dates have been, and will continue to be coordinated with the Town of New Shoreham to the extent possible, including a prohibition of hunting on weekends by the Town. Hunters will be encouraged to register with the Police Department, as has been done in the past. Aerial maps showing the hunt unit boundaries and safety zones will be provided to hunters to aide in navigation. Refuge boundaries are posted in the field. Ultimately, it is the responsibility of the hunter to know their location at all times and follow the Federal, State, and refuge hunting regulations. Federal wildlife officers will patrol public hunting areas to enforce game laws and address trespass issues as necessary. The Service feels that safety zones, requirements for hunter safety including requirements for archery proficiency tests while hunting on Block Island will provide sufficient safety for the hunters and the public at large.