

Draft Compatibility Determination

Title:

Stillwater National Wildlife Refuge, Waterfowl Hunting

Refuge:

Stillwater National Wildlife Refuge

Refuge Use Category:

Hunting

Refuge Use Type(s):

Hunting (waterfowl)

Establishing and Acquisition Authorities and Refuge Purpose(s):

Truckee-Carson-Pyramid Lake Water Rights Settlement Act of 1990 (16 U.S.C. 668dd; §206(b), Title II, P.L. 101-618).

Subsection 206(b)(2) of Public Law 101-618 expanded Stillwater National Wildlife Refuge Boundary to its present approved boundary, and it changed the purposes of the refuge, directing that Stillwater Refuge “shall be managed by the Secretary through the United States Fish and Wildlife Service for the purposes of:“(A) maintaining and restoring natural biological diversity within the refuge;

(B) providing for the conservation and management of fish and wildlife and their habitats within the refuge;

(C) fulfilling the international treaty obligations of the United States with respect to fish and wildlife; and

(D) providing opportunities for scientific research, environmental education, and fish and wildlife oriented recreation” (Truckee-Carson-Pyramid Lake Water Rights Settlement Act of 1990).”

NWRS Mission:

The mission of the System is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans (Pub. L. 105-57; 111 Stat. 1252)

Description of Use:

Is it a priority Public Use:

Yes

What is the Use:]

The use is recreational hunting of waterfowl species on designated areas of Stillwater National Wildlife Refuge (Refuge or NWR). Waterfowl species include ducks, geese, swans, coots, mergansers and snipe. This use also includes an annual youth waterfowl hunt and annual veteran hunt. The youth hunt usually occurs at the end of September or in early October (prior to the start of the general waterfowl hunting season) and in early February (following the general waterfowl hunting season, but prior to the start of the late season for snow and Ross' geese). Youths age 17 or younger can participate in a youth hunt provided they are accompanied by an adult, age 18 or over. Adults cannot hunt during this season. Hunting is an ongoing use of the Refuge that was determined to be a compatible use in 2003 when we issued the Final Comprehensive Conservation Plan and Environmental Impact Statement (CCP/EIS) (USFWS 2002). In accordance with Service Policy 602 FW2.11H, we are now re-evaluating this use.

Where would the Use be conducted:

The Refuge is currently open for waterfowl hunting (see Refuge-Specific Regulations for Hunting and Fishing, Nevada at 50 C.F.R. §32.47). Waterfowl hunting is permitted in all wetland units north of Division Road (USFWS 2003). In addition, the Taber and Dutchbill units would be open to hunting at the conclusion of their life use estates. These two units would be used for Youth, Veteran, Handicapped, and other special hunting opportunities. On the Refuge, 54,063 acres (~65 percent of the 82,475 acres within the boundary) are open to waterfowl hunting. Although wetland acreage on the Refuge varies considerably depending upon the water year, this open area generally includes approximately two-thirds of the Refuge's wetlands (approximately 15,050 acres of potential wetlands) (Bundy, 2002). The remainder of the Refuge is closed to hunting and serves as a sanctuary area for waterfowl and other wildlife during hunting seasons.

When would the Use be conducted:

Waterfowl hunting is allowed on the Refuge 7 days per week within the State-established season (general October through January).

How would the Use be conducted:

Waterfowl hunting on the Refuge is conducted in accordance with the rules published annually by the Nevada Department of Wildlife (NDOW) for hunting of migratory game birds (NDOW, 2019). Waterfowl hunting seasons (including youth and veteran waterfowl hunting seasons), days, hours, and bag limits on the Refuge are established by the State of Nevada, consistent with Federal migratory bird hunting framework regulations for the Pacific Flyway. No reservations are required and hunting is on a first come, first served basis. Hunters would be required to retain the attached head or a fully feathered wing of each bagged bird to allow for identification of species and sex. Waterfowl hunters can use trained, retriever-type dogs to retrieve downed birds.

Motorized and non-motorized boats can be used for waterfowl hunting as shown on Map 3.12 in the Final CCP/EIS (USFWS 2003). Non-motorized boats are allowed on Swan Check Lake, West Nutgrass, West Marsh, and all units open to boating. Motorized boats, are allowed on Lead Lake, Tule Lake, Goose Lake, South Nutgrass, the southeast portion of North Nutgrass Lake, and the south end of Pintail Bay. Air-thrust boats are allowed on Goose Lake, South Nutgrass Lake, the southeast corner of North Nutgrass Lake, and the south end of Pintail Bay. Air-thrust boats may not be operated until 1 hour after the legal shooting time on opening day of waterfowl season. (50 C.F.R. §26.34 aa(5))

Boat launches are available in each wetland unit open to boating. Swan Lake, the northern one-third of Pintail Bay, and northern one-third of North Nutgrass will be maintained as no boating areas in which only walk-in access will be allowed. Between 2009 and 2019 the number of annual boat launches ranged from 0 to 167. This wide variability is tied to climatic variability. The limited water during drought years makes boat launches mostly inaccessible. Data collected by the Service on the number of boat launches does not differentiate between hunting and non-hunting trips. Between 2016 and 2019, the Service issued an average of five airboat permits per year.

An accessible waterfowl hunting blind is located on South Nutgrass Lake. This hunting blind is available to disabled hunters on a first come, first served basis. Persons holding a reservation supersede non-reservation users. Please see the Refuge website for reservation instructions.

Hunters are allowed to park alongside the roads and in designated parking areas. North Road will continue to be closed northeast of the junction with the road approaching North Swan Lake landing. The roads along the east side of Pintail Bay and the northern end of North Nutgrass (dike road) will continue to be closed to vehicles. These access restrictions are implemented to maintain low hunting pressure in these areas while still providing opportunities for hunting. The 2003 CCP/EIS estimated waterfowl hunter densities in Stillwater Marsh on opening weekend at 1 hunter per 50-84 acres of available wetland habitat. On other weekends throughout the season, hunter densities averaged about 1 hunter per 120-190 acres of available wetland habitat. During weekdays, the density averaged about 1 hunter per 315-380 acres of available wetland habitat. The Refuge estimates that current hunter densities have remained consistent with those reported in the 2002 CCP/EIS.

Overnight stays associated with waterfowl hunting are allowed in designated sites within the refuge boundary. Overnight stays are limited to four consecutive nights at one location, not to exceed twelve consecutive nights on the Refuge.

The Service would continue to hold a post-season hunting meeting to gather concerns, suggestions, and other information about the hunt. This meeting would be open to all user groups and interested parties. The information gathered would be used to make appropriate revisions to improve the quality of future hunts on the Refuge and ensure that they remain compatible.

Why would the Use be conducted:

Waterfowl hunting is a wildlife-dependent general public use and is to be given special consideration in refuge planning and management. When determined compatible on a refuge-specific basis, a wildlife-dependent use becomes a priority public use for that refuge and is to be facilitated, that is, strongly encouraged (National Wildlife Refuge System Administration Act of 1966).

Resources:

Existing Management Capability Existing Funds - The U.S. Fish and Wildlife Service (Service) currently has adequate budget and staff to support the annual costs associated with operation of the Refuge waterfowl hunting program. Annual costs are estimated at \$10,240.

Impacts:

In 2002, the Service evaluated the impacts of hunting on each of the Refuge purposes and found them compatible. The Service completed a detailed review of the impacts of visitor use as it relates to the

disturbance of waterbirds on the Refuge (DeLong, A.K. 2002). The review completed by the Service in 2002, informed the waterfowl hunting program that the Service implemented. The waterfowl hunt program includes sanctuary habitat, boating-area restrictions, and limited road closures to ensure that a sufficient amount of high-quality, preferred habitat is available for waterfowl and other birds at most times. These provisions were anticipated to offset the high level of disturbance to waterfowl and other waterbirds that continues in areas where motorized boating is allowed. The Service has maintained each of these provisions since 2002. A review of direct and indirect impacts of waterfowl hunting on Refuge purposes follows.

Hunting has both direct and indirect effects on both the target game species and non-target species. Numerous studies have documented the inverse relationship between the number of waterfowl using a particular area and hunting intensity (Madsen et al. 1992 as cited by Fox and Madsen 1997, Wolder 1993). Waterfowl distribution and abundance has been shown to be influenced by hunters at densities as low as 1 hunter for every 4,000 to 5,000 acres, with dabbling ducks being affected at densities as low as 1 hunter for every 1,300 acres (Mabie 1985, Madsen et al. 1992 as cited by Fox and Madsen 1997). Walking can also affect the distribution of other waterbirds (Burger 1981, Klein 1993).

Hunting intensity is not only a function of the number of hunters per unit area, but also the means by which they access the area and their ultimate distribution. Boat access is a critical function of hunting intensity due to the effects it can have on the distribution and habitat use of waterfowl and other birds (Sterling and Dzubin 1967, Bergman 1973, Speight 1973, Korschgen et al. 1985, Kahl 1991, Bauer et al 1992, Dahlgren and Korschgen 1992). Several studies have shown that the presence of one boat can have the same effect on birds as many boats and people (Tuite et al 1983, Knight and Knight 1984 as cited by Knight and Cole 1995). Speed, noise and increased access are the main factors that impact birds with respect to boats (Speight 1973, Kahl 1991, Dahlgren and Korschgen 1992, Knight and Cole 1995). Motorboats generally have the greater potential for disturbance. Airboats are especially disturbing to waterbirds because they are louder, faster, and can access shallower and more densely vegetated areas than outboard motors. Pollution caused by boats can impact aquatic organisms.

Since 2003, the Service has limited boating on the Refuge, implemented limited road closures, and maintained waterfowl sanctuary. These three actions are believed to offset the high level of disturbance to waterfowl and other waterbirds that occurs from motorized boating. While the presence of hunters, and the act of shooting, affects birds; it is the movement of hunters from their vehicles to their hunting site and the overall distribution of active hunting sites (such as blinds, layout boats) that affects waterbirds the most and are of most concern. We anticipated that maintaining the defined amount of wetland-habitat in the no boating and non-motorized boating areas within the hunt area combined with the low density of walk-in and non-motorized boaters, will continue to provide a sufficient amount and variety of high quality feeding, resting, and thermal habitat for waterfowl and other wildlife for long enough periods each day to allow the Service to achieve refuge purposes. Water pollution from motor boats is minimal because boats are only allowed on about 30 percent of Stillwater Marsh and the number of boaters is not likely to reach levels that would adversely impact aquatic organisms.

Non-target species can also be affected by hunting and associated activities such as boating, walking through the marsh and riparian corridors, camping, and shooting. Human activity, especially boating which can affect large areas in a short period of time, can disrupt bald eagle feeding activity and displace

bald eagles from areas (Skagen 1980). In general, impacts to species that are not hunted will be less than those to waterfowl because they are not hunted and because the hunting season occurs after peak use by most of these birds.

Continued waterfowl hunting on the Refuge would not be expected to have any population level effects because waterfowl are carefully managed by the State, by the Pacific Flyway Council, and by the U.S. Fish and Wildlife Service to ensure the long-term survival of the several species of game waterfowl at healthy, sustainable population levels. This management utilizes substantial survey and monitoring data and adaptive management principles to establish framework regulations within which the states establish their annual hunting regulations. This wildlife management approach is continuing to evolve, yet has proven to be highly successful over many years. Waterfowl populations in North America currently number in the tens of millions.

Hunters, their vehicles and boats, and their dogs can trample native plants, cause erosion, and potentially introduce or spread exotic and invasive species, including fish, wildlife, invertebrates, and plants. Although these are all undesirable effects, in light of the number of years that waterfowl hunting has occurred on the Refuge, it's unlikely that continued hunting would further exacerbate this situation. Also, Nevada law prohibits transport of many aquatic invasive species and requires boat owners (motorized and non-motorized) who visit a water body that is contaminated with aquatic invasive species to decontaminate their boat, motor, push pole/paddle, trailer and other equipment prior to launching into another water body (NRS §503.597). They also encourage hunters to clean, drain, and dry all hunting and related equipment, including clothing, decoys, blinds, dogs, and kennels. These provisions should reduce the likelihood that boats used by waterfowl hunters would contribute to existing invasive species problems on the Refuge.

Waterfowl and other wildlife would be able to escape the lethal and disturbance effects of hunting and related activities by flying or otherwise traveling to the sanctuary area in the southern portion of the Refuge. This area of approximately 28,400 acres (~35 percent of the 82,475 acres within the boundary) receives inflows prior to the wetlands to the north, has less saline habitats than the northern units, and contains approximately one-third of all the wetland acreage on the Refuge (approximately 5,210 acres of potential wetlands – actual wetland acreage depends on the water year) (Bundy, 2002). On average, over a 20-year period, more than 61% of the Refuge's total waterfowl population was found in the sanctuary area during the hunting season, compared with 28% during the non-hunting season (Bundy, 2002). Along with continued management of quality wetland habitat in the sanctuary area, the stipulations described below would greatly reduce the likelihood and magnitude of potential effects of waterfowl hunting on the Refuge's native fish, wildlife, plants, and their habitats.

Native Americans (the Toidikadi people, a tribe of the Northern Paiutes) have lived year-round in the Lahontan Valley for thousands of years. They gathered plants, fished, and hunted mammals, waterfowl, and other animals. As a result, the Refuge is rich in cultural resources, including an abundance of human burials. Natural events, like floods, and wind and sheet wash erosion, can expose remains of their culture, including human burials (Raymond, 1997). Waterfowl hunting has occurred on the Refuge for many years. Hunters and other Refuge visitors are prohibited from collecting or otherwise disturbing cultural resources, including human remains. Therefore, continued waterfowl hunting is not expected to impact cultural resources.

The Refuge is open to other public uses during the hunting season. While some Refuge visitors could find hunting objectionable, the low number of hunters that use this Refuge and the 28,400 acres of the Refuge that are open to the public but closed to hunting, means that visitors who object to hunting could still enjoy a sizable portion of the Refuge and its wildlife, while avoiding interaction with hunters and hunting activity.

Determination:

Determination Status:

Compatible

Mandatory Re-evaluation Date:

2035

Public Review and Comment:

This draft compatibility determination will be available for public review and comment along with the Environmental Assessment and the Hunt Plan. Comments received will be considered in the decision making process.

Stipulations:

- Hunters are required to comply with Refuge System-related and other applicable laws, regulations, and policies, including Prohibited Acts listed in the Code of Federal Regulations (50 C.F.R. §27), Public Entry Regulations (50 C.F.R. §26), Migratory Bird Hunting Regulations (50 C.F.R. §20) and Refuge-Specific Regulations for Hunting and Fishing (50 C.F.R. §32).
- Hunters must have all applicable licenses, permits, stamps, and other authorizations and permissions to hunt for the species or species group(s) being pursued. For all migratory bird hunters, this includes a card, stamp, or other proof of participation in the Migratory Bird Harvest Information Program (HIP); for all waterfowl hunters over the age of 16, this includes a signed Duck Stamp, as required by the Federal Migratory Bird Hunting and Conservation Stamp Act.
- Waterfowl hunting would be allowed only in designated areas of the Refuge. This would include all marsh units that lie north of Division Road and the northern boundary of the Canvasback Gun Club (which is private). Hunting in all other areas south of Division Road, and on Service-owned properties outside the Refuge boundary would be prohibited. The remainder of the Refuge serves as a sanctuary area for waterfowl and other wildlife, and remain closed to hunting. The sanctuary area must have an adequate quantity of water to maintain a range of quality wetland habitats.
- Hunters may set out decoys and blinds in the morning prior to the start of hunting for that day. Hunters may build blinds out of natural materials, but are not allowed to dig up any wetland plants. Hunters would be required to remove all decoys, blinds, and other equipment and supplies from the hunting site at the end of their daily hunt.

Justification:

By its nature, waterfowl hunting would have direct, lethal effects on individual birds. However, hunting on the Refuge would not be expected to have any effects on waterfowl populations because the State of

Nevada regulates hunting consistent with Federal migratory bird hunting framework regulations that are based on long-term and extensive surveys and monitoring of waterfowl populations and their habitats, and hunters across North America. These survey and monitoring data form the largest data set on any wildlife species group in the world ([Migratory Bird Program -Surveys and Data](#)). Using adaptive management principles to apply these data to the establishment of flyway regulations provides for waterfowl hunting opportunities across the Nation and helps to ensure the long-term health of waterfowl populations. The fact that waterfowl populations across the Pacific Flyway remain strong even though sport hunting of waterfowl has occurred on this Refuge since its establishment (and for decades before that time) is testament to the effectiveness of this overall management approach.

In light of the relatively low levels of hunting (total numbers and density of use) occurring on the Refuge outside of opening weekend, the large sanctuary area on site, and the stipulations listed above, it's not expected that this disturbance would materially interfere with achievement of Refuge purposes. Data generated through monitoring of these uses and their effects on wildlife would be used to assess the validity of this expectation. Monitoring would also record changes in the quantity and quality of wetland habitats, numbers of waterfowl and other wildlife, numbers and activities of hunters, and other key elements of this program. As necessary, changes would be made to this program in the future to ensure its continued quality and compatibility.

Hunting is a wildlife-dependent general public use of the Refuge System and is to be given special consideration in refuge planning and management. The Refuge System Administration Act states that the Refuge System, "...was created to conserve fish, wildlife, and plants and their habitats and this conservation mission has been facilitated by providing Americans opportunities to participate in compatible wildlife-dependent recreation, including fishing and hunting, on System lands and to better appreciate the value of and need for fish and wildlife conservation." This Act goes on to state that the Refuge System is to provide increased, compatible opportunities, "...for parents and their children to safely engage in traditional outdoor activities, such as fishing and hunting..." As a wildlife-dependent public use, hunting can also reconnect people, including youth, with the natural world and help address nature-deficit disorder (Louv, 2005). This potential would be furthered through implementation of youth waterfowl hunts on the Refuge.

One of the purposes of the Refuge is to provide opportunities for fish and wildlife oriented recreation. Allowing hunting in a compatible manner would help support achievement of Refuge purposes. It's also expected that hunters would enjoy some wildlife observation and photography ancillary to their hunting efforts. These latter two uses are also wildlife-dependent general public uses that are to be given special consideration in refuge planning and management, and, as fish and wildlife oriented recreation, are also Refuge purposes.

For the several reasons stated above and consistent with the stipulations described herein, this use would not materially interfere with or detract from maintenance of the Refuge's biological integrity, diversity, and environmental health; fulfillment of Stillwater NWR's purposes; or the Refuge System's mission.

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Signature Page:

Refuge Manager: _____

Approval Date: _____

Regional Chief: _____

Concurrence Date: _____