



**U.S. Fish & Wildlife Service**

# **Wertheim National Wildlife Refuge**

## *Hunting 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):  
\$9,254

**Wertheim National Wildlife Refuge  
Hunting Plan**

July 2020

U.S. Fish and Wildlife Service

Long Island National Wildlife Refuge Complex  
340 Smith Road  
Shirley, NY 11967

**Submitted By:**

Project Leader

  
\_\_\_\_\_  
Signature

7-8-2020  
Date

**Concurrence:**

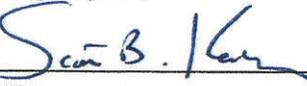
Refuge Supervisor

  
\_\_\_\_\_  
Signature

7-10-2020  
Date

**Approved:**

Regional Chief,  
National Wildlife Refuge System

  
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Signature

7/29/2020  
Date

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# WERTHEIM NATIONAL WILDLIFE REFUGE HUNTING PLAN

## **I. Introduction**

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

Wertheim National Wildlife Refuge (NWR, refuge) was established in 1947 pursuant to the authority of the Migratory Bird Conservation Act of 1929 “for use as an inviolate sanctuary, or for other management purposes for migratory birds” 16 U.S.C. §715d. The refuge’s purposes also note that it is “suitable for - (1) incidental fish and wildlife-oriented recreational development, (2) the protection of natural resources, (3) the conservation of endangered species or threatened species...” 16 U.S.C. §460k-1 (Refuge Recreation Act (16 U.S.C. § 460k - 460k-4), as amended).

The mission of the Refuge System, as outlined by the National Wildlife Refuge System Administration Act (NWRSA), 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 NWRSA mandates the Secretary of the Interior in administering the Refuge 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.

Therefore, it is a priority of the Service to provide for wildlife-dependent recreational opportunities, including hunting, when compatible with the purposes for which the refuge was established and the mission of the Refuge System. Wertheim NWR, the headquarters of the Long Island NWR Complex, comprises 2,688 acres on the south shore of Long Island in the town of Brookhaven. Wertheim NWR was established with the support of surrounding communities whose residents had the foresight and commitment to ensure the perpetuity of their natural environment. The first parcel of refuge land was a donation of 1,804 acres from Cecile and Maurice Wertheim who had maintained the area as a private reserve for hunting. An additional 700 acres were acquired under the provisions of the Migratory Bird Conservation Act (MBCA) and the Refuge Recreation Act. The primary purpose of the refuge is to preserve the quality marshes for the benefit of wintering and migrating waterfowl, especially American black ducks (*Anas rubripes*).

The refuge protects the Carmans River estuary and associated tidal marshes, one of the last undeveloped estuaries on Long Island. Wertheim NWR also includes freshwater impoundments, upland oak-pine forests, upland shrublands, and small grassland/forest openings. It provides important wintering habitat for black ducks and State-listed species such as pied-billed grebe, short-eared owl, and northern harrier. Forested uplands provide habitat for breeding and migrating songbirds.

## **II. Statement of Objectives**

The objectives of the hunting program on Wertheim NWR will:

- Develop a hunting program that is in alignment with refuge habitat management objectives (reduce the deer population, improve habitat conditions, benefit Federal trust species);
- Provide the public with wildlife-dependent recreational opportunities and increase access for hunters;
- Implement a hunting program that is administratively efficient and manageable with existing staff and funding levels;

- Contribute to New York State deer management efforts, which includes reducing negative impacts caused by deer; and
- Conduct the hunt in a manner safe for hunters, other refuge users, neighbors and refuge staff.

### **III. Description of Hunting Program**

#### **A. Areas to be Opened or Changed to Hunting**

Public deer hunts at Wertheim NWR began in 2005. The lottery-issued permit deer hunt includes archery and firearms. The current hunt includes one 3-day, two 2-day archery hunts, and two 2-day shotgun hunts.

Wertheim NWR proposes adopting New York State (State) hunting regulations for the refuge areas open for those uses, with some additional refuge-specific regulations to minimize conflicts with other refuge objectives and visitor activities. The Service assessed hunting and sport fishing opportunities and regulations using the Service's Hunt/Fish Opportunity Tool (SHOT). Information in this report can be used to promote regulatory alignment for hunting; alignment of Service regulations between stations; and new or expanded hunting and sport fishing opportunities on Service lands and water. The Service assessed regulatory alignment of hunting regulations with general State regulations, based on species open, season dates, method of take, and bag limits. Hunting assessments included a hunt-unit level analysis of these factors. Additional factors assessed included alignment to State land regulations; general public access; limits on the number of people who can hunt; and how permits are issued, including drawings, fees, and demographics such as youth and people with disabilities. The hunting program will be reviewed annually.

The 2,688-acre Wertheim NWR is divided into five hunt units (Table 1) based on the refuge's network of roads and watercourses (Figure 1). Approximately 1,390 acres of the refuge provides habitat for white-tailed deer. These available habitats include forests, shrublands, old fields/grasslands (herbaceous), marsh, and open water. Wertheim NWR Hunt Unit 3, which contains the Black Tupelo Trail and Indian Landing Loop, as well as Hunt Unit 4, which includes the White Oak Nature Trail, may be open simultaneously or closed periodically during the hunting season to allow access for other refuge users. Specific closures and regulations will be listed in the annual refuge hunting regulations.

**Table 1. Hunting Units/Acreage at Wertheim NWR**

Hunt Unit	Acreage
Unit 3	639
Unit 3A	197
Unit 4	256
Unit 5	67
Unit 6	231
Total Hunt Acres	1,390

In order to provide public safety and align with State hunting regulations, a 500-foot “no hunt” zone will be enforced within and along the refuge boundaries during firearms season and a 150-foot “no hunt” zone during the archery season. The Service honors all State and local laws applicable to hunting, including the following New York law: NYS ECL 11-0931-4(a)(2) *No person shall “discharge a firearm or long bow within five hundred feet from a dwelling house, farm building or farm structure actually occupied or used, school building, school playground, or occupied factory or church.”*

Two hunt units (3A and 5) that were closed to shotgun hunting due to their close proximity to dwellings and public highways may be opened for concurrent archery hunting. Collectively, these units will provide 265 more acres, for approximately seven more hunters during the month of January. Access to these units will increase chances for deer harvest and population management and expand opportunities for interested hunters.

In addition, Wertheim NWR will open to turkey hunting. Approximately 773 acres of uplands habitat will be open to turkey hunting on the refuge (Table 2). Available habitats include forested uplands, shrublands, and old fields/grasslands (herbaceous) (Figure 2). Wertheim NWR Hunt Unit 3, which contains the Black Tupelo Trail and Indian Landing Loop, as well as Hunt Unit 4, which includes the White Oak Nature Trail, may be open simultaneously or be closed periodically during the hunting season to allow access for other refuge users. Specific closures and regulations will be listed in the annual refuge hunting regulations.

**Table 2. Proposed Changes to Wertheim NWR Hunting Program**

Hunt	Current Action	Proposed Action	Change
Wertheim NWR (Deer)	1,390 acres	1,390 acres	0 acres
	11 days	90 days	79 days
	111 permits	# of permits TBD	# of permits TBD
Wertheim NWR (Turkey)	0 acres	773 acres	773 acres
	0 days	1 to 14 days	1 to 14 days
	N/A	# of permits TBD	# of permits TBD

## **B. Species to be Taken, Hunting Periods, Hunting Access**

All hunts will comply with applicable Federal regulations as published annually in the Code of Federal Regulations (CFR), as well as State regulations, as published annually by the New York State Department of Environmental Conservation (NYSDEC), unless otherwise noted.

Wertheim NWR is located within Wildlife Management Unit 1C (Suffolk County). Hunters will be required to have a NYSDEC hunting license, as well as a refuge-specific permit. Hunters will be selected by lottery and these hunts will take place within the applicable State hunting seasons. Hunting on the refuge may occur consecutively or intermittently in 1-week sessions during the season.

White-tailed Deer – Deer may be hunted on Wertheim NWR. The take of white-tailed deer will be in accordance with State seasons. Bag limits will be determined by the refuge, with NYSDEC consultation. Antlerless deer will be targeted, with the goal of reducing the overabundance of deer. The hunt will coincide with the NYSDEC archery (October to January) and firearms (January) seasons. To avoid potential impacts to northern long-eared bats on the refuge, we plan to start deer hunting on November 1. The use of portable tree stands and ground blinds are permitted on the refuge. Accommodations for disabled hunters are provided in Hunt Unit 4.

Wild Turkey – Turkey may be hunted on the refuge in accordance with State regulations. The take of turkey will be in accordance with State seasons and bag limits. Currently, State regulations do not allow turkey hunting on Long Island during the fall season; thus, the refuge may host, in partnership with NYSDEC, a Youth Spring Turkey hunt in April.

Access for the permit deer and turkey hunt will be by foot from designated parking areas in the hunt units. Parking will be limited with parking lots filled on a first-come, first-served basis. A refuge permit will be required for hunters to park in designated parking areas within each hunt unit. The parking lots will be open 1 hour before legal shooting time to 1 hour after legal shooting time. The State legal shooting time for deer hunting is sunrise to sunset. The legal hunting hours for turkey are from one-half-hour before sunrise to noon.

## **C. Hunter Permit Requirements**

Hunters will be required to have a NYSDEC hunting license, as well as a refuge-specific permit. Refuge-specific regulations will be outlined in the hunt permit application and hunter orientation materials. Hunters will be selected by lottery and these hunts will take place within the applicable State hunting seasons. A limited number of permits may be issued so that the refuge can facilitate hunting activities in a safe, enjoyable manner for hunters and other refuge users, while also managing impacts to the natural resources.

#### **D. Consultation and Coordination with the State**

Refuge staff met with NYSDEC biologists on August 27, 2019, to discuss current and potential deer management including the development of this Hunting Plan. We also invited and had one NYSDEC conservation officer attend our annual deer hunt planning meeting on June 17, 2019. During our August meeting and site visits at Seatuck NWR and Wertheim NWR, we discussed ways to align refuge hunting regulations and deer population management goals, where possible, with State management goals. NYSDEC offered to check in deer harvested from Wertheim NWR at their Ridge Hunter Check Station.

Long Island NWR Complex and NYSDEC will coordinate on the Hunting Plan for Wertheim NWR and Seatuck NWR. Refuge hunter participation and harvest data is currently collected by both the refuge and NYSDEC. We also will work together to patrol the two refuges to ensure safe, enjoyable hunting opportunities and other outdoor recreational uses.

#### **E. Law Enforcement**

Enforcement of refuge violations normally associated with management of a national wildlife refuge is the responsibility of commissioned Federal wildlife officers. Other officers, special agents, State environmental conservation officers and the local police department may assist the Long Island NWR Complex Federal Wildlife Officer.

During the hunting seasons, the refuge will be patrolled regularly by Federal and State Wildlife Officers, and hunters may be checked for compliance with Federal and State laws. Regulations and maps will be posted on the Wertheim NWR website: <https://www.fws.gov/refuge/wertheim/> and at the refuge headquarters/Visitor Center and will be given to each hunt permittee. Wertheim NWR boundaries will be clearly marked by refuge boundary signs.

#### **F. Funding and Staffing Requirements**

Annual hunt administrative costs for Wertheim NWR are approximately \$12,000 and include: administration (printing and processing applications, issuing permits), law enforcement, signage, equipment, infrastructure (parking areas, roads, gates), and other miscellaneous administrative costs. Wertheim NWR funds are used to conduct hunts, since there is not funding specifically allocated for hunts. Funds collected through hunter application fees are also available to offset costs to the refuge. It is anticipated that funding will be sufficient to continue the hunting program at Wertheim NWR in the future.

Administrative	\$ 3,000
Law Enforcement	\$ 5,000
Signage, Maps, Brochures, Equipment	\$ 3,000
<u>Infrastructure</u>	<u>\$ 1,000</u>
<b>Total Annual Costs</b>	<b>\$12,000</b>

#### **IV. Conduct of the Hunting Program**

To ensure compatibility with refuge purposes and the mission of the Refuge System, hunting is conducted in accordance with State and Federal regulations, as supplemented by refuge-specific regulations. However, the Refuge Manager may, upon annual review of the hunting program, impose further restrictions on hunting, recommend that the refuge be closed to hunting, or further liberalize hunting regulations up to the limit of State regulations. The refuge will restrict activity if it becomes inconsistent with other priority refuge programs or endangers refuge resources or public safety.

##### **A. Hunter Permit Application, Selection, and/or Registration Procedures**

In addition to a New York State hunting license, all persons hunting on the refuge must obtain a refuge permit. Applications and hunter orientation information will be available on the refuge website and at the Wertheim NWR headquarters. The current application fee is \$15 per permit application and must be included with the completed application to be eligible for the hunter lottery drawing. Upon the lottery drawing, all selected and non-selected hunters will be notified by mail. Youth hunters under the age of 16 who are selected during the lottery drawing must be accompanied by a non-hunting adult with a valid New York State hunting license.

##### **B. Refuge-Specific Hunting Regulations**

To ensure compatibility with refuge purposes and the mission of the Refuge System, hunting must be conducted in accordance with State and Federal regulations, as supplemented by refuge-specific regulations (50 CFR Chapter 1, Subchapter C), and information sheets/brochures. Refuge-specific stipulations are also detailed in the Compatibility Determination (Appendix A). Listed below are general procedures that pertain to hunting on Wertheim NWR as of the date of this plan. These may be modified as conditions change or if refuge expansion occurs.

- Hunters may enter the refuge no earlier than 1 hour before the beginning of legal shooting hours and must exit the refuge no later than 1 hour after the end of legal shooting hours.
- All deer and turkey harvested on the refuge must be checked in at the NYSDEC Ridge Hunter check Station, or comply with NYSDEC harvest reporting online or by phone for deer and turkey.
- Muzzleloaders are not permitted on the refuge.
- Each hunter may only use one portable deer tree stand or ground blind. Tree stands must be removed at the end of each hunt session.
- Hunters in Unit 5 must hunt from a portable tree stand. Only archery deer hunting is allowed in Unit 3A and Unit 5.
- Hunt Unit 4 has special access for disabled hunters only at the White Oak Nature Trail.

Hunters must carry a refuge hunt permit before entering this area. Only hunters possessing a State-issued “Permit for Physically Challenged Hunters” are eligible to receive special access to this area.

- Hunters may not have loaded weapons (including nocked arrows) in the no hunt buffer zone.

#### Additional Prohibited Activities

- Motor vehicles are restricted to designated roads and parking areas. Do not block gates and roadways with vehicles. The use of all-terrain vehicles, dirt bikes, or other non-licensed vehicles is prohibited.
- Permits are non-transferable.
- The refuge will monitor, evaluate, and make necessary adaptations to the hunting program to ensure that the refuge is meeting resource management objectives and continuing to offer quality experiences. The Refuge Manager has the authority to extend or close hunting opportunities on the refuge within the established hunting seasons of New York State, while ensuring compatibility.
- A limited number of permits will be issued for deer hunting at Wertheim NWR through a pre-season drawing. Hunters may choose their own hunting location anywhere within the hunt units on a first-come, first-serve basis.
- Hunters must be off the refuge by one hour after the end of legal shooting time.

#### **C. Relevant State Regulations**

Hunters are responsible for knowing and complying with all NYSDEC hunting regulations.

#### **V. Public Engagement**

##### **A. Outreach for Announcing and Publicizing the Hunting Program**

The refuge maintains a mailing list, for news release purposes, to local newspapers and websites. Special announcements and articles may be released in conjunction with hunting seasons. In addition, information about the hunt will be available at Wertheim NWR headquarters or on the refuge website. The Hunting Plan was coordinated with all interested and/or affected parties, including NYSDEC staff. The public was notified of the availability of the draft documents on March 23, 2020, with a 45-day review and comment period. We informed the public through local venues, the refuge website, and social media.

## **B. Anticipated Public Reaction to the Hunting Program**

Based on the comments received during the initial Compatibility Determination (2005) for hunting and the Long Island NWR Complex Comprehensive Conservation Plan (2006), some negative public reaction was expected. However, hunting has been allowed on Wertheim NWR for 15 years. A total of five people submitted comments during the public review period for the two refuges of the Long Island NWR Complex (Seatuck NWR and Wertheim NWR) that published hunt plans. Prior to any hunt, response to any demonstrations or protests would be coordinated through the Department of the Interior's North Atlantic-Appalachian Region 1 Office of the Service. If necessary, State and local law enforcement officials may be asked to assist.

## **C. How Hunters Will Be Informed of Relevant Rules and Regulations**

The refuge will prepare an annual news release announcing the availability of permit applications and provide a summary of the hunting program for that year. The public will be informed of refuge hunting regulations and seasons through news releases to local and widely distributed media outlets, as well as through the Refuge Hunting Regulations Permit. Hunt days will also be posted at the refuge headquarters and information kiosk, as well as on the refuge's website: <https://www.fws.gov/refuge/wertheim/> and the Friends of Wertheim website: <http://www.friendsofwertheim.org>. The Refuge Manager may also choose to announce the hunt to refuge neighbors and other interested parties. The refuge's contact information (address and phone number) will be included in the New York hunting brochures. An annual program update will be filed each year as required, outlining any changes in the current hunt program. Rules and regulations will be published in the *Federal Register* as required.

## **VI. Compatibility Determination**

Hunting and all associated program activities proposed in this plan are compatible with the purposes of the refuge. See attached Compatibility Determination for hunting on Wertheim NWR.

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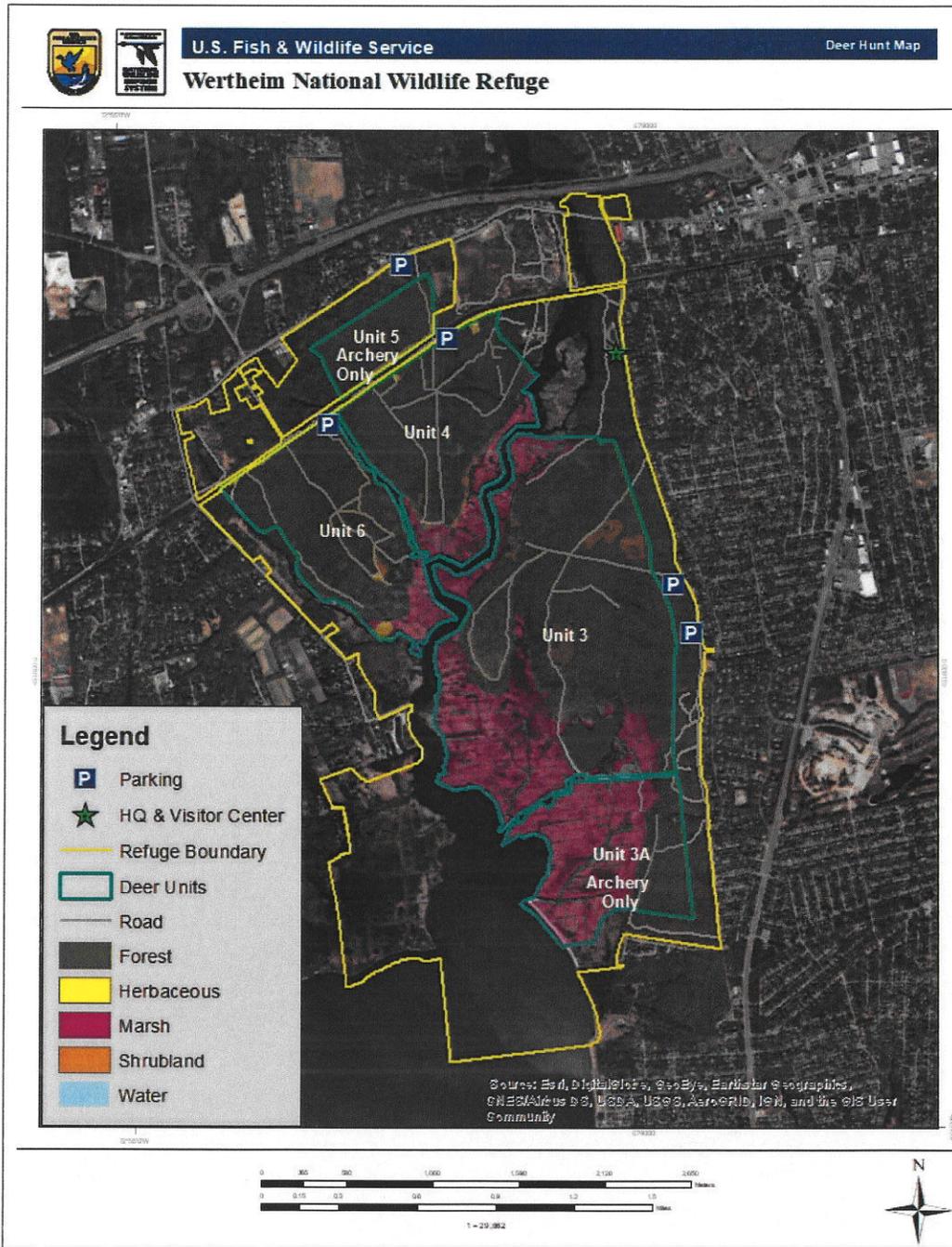


Figure 1. Deer Hunt Map for Wertheim NWR

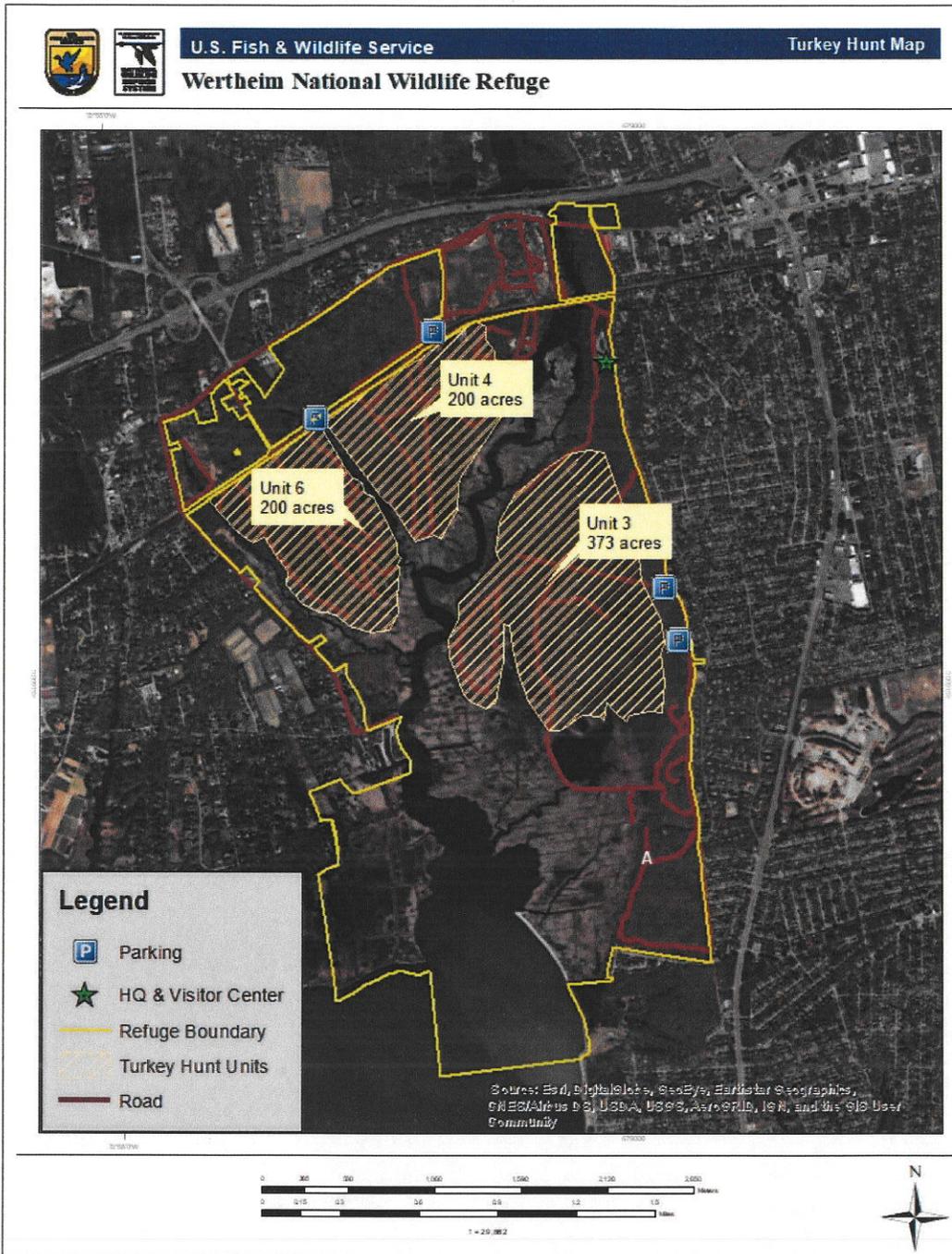


Figure 2. Turkey Hunt Map for Wertheim NWR

## Compatibility Determination

**USE:** Hunting

**REFUGE NAME:** Wertheim National Wildlife Refuge

**DATE ESTABLISHED:** June 7, 1947

**ESTABLISHING AND ACQUISITION AUTHORITY(IES):**

- Migratory Bird Conservation Act of 1929 16 U.S.C. §715d.
- Refuge Recreation Act of 1962 (16 U.S.C. § 460k - 460k-4), as amended).

**REFUGE PURPOSE(S):**

- “for use as an inviolate sanctuary, or for any other management purposes, for migratory birds.”
- “(1) incidental fish and wildlife-oriented recreational development, (2) the protection of natural resources, and (3) the conservation of endangered species or threatened species.”

**NATIONAL WILDLIFE REFUGE SYSTEM MISSION:**

“The mission of the National Wildlife Refuge System (Refuge System) is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resource and their habitats within the United States for the benefit of present and future generations of Americans” (Refuge System Improvement Act of 1997, Public Law 105-57 - 16 U.S.C. 668dd-668ee, Refuge System Administration Act of 1966).

**DESCRIPTION OF USE:**

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

The use is the public hunting of big game, including white-tailed deer and turkey. Hunting was identified as one of six priority public uses by Executive Order 12996 (March 25, 1996), and legislatively mandated by the Refuge System Administration Act of 1966, as amended by the Refuge System Improvement Act of 1997 (Public Law 105-57), and reinforced as a priority use by Department of the Interior Secretarial Order 3356 (September 15, 2017).

**(b) Where would the use be conducted?**

The 2,688-acre Wertheim NWR is divided into five hunt units (Table A1) whose boundaries are defined by refuge roads and watercourses, as seen in Figure 1 of the Hunting Plan. Of the total refuge lands, 1,390 acres are available for hunting. White-tailed deer habitats include forests, shrublands, old fields/grasslands (herbaceous), marsh, and open water. Approximately 773 acres

of upland habitat are available for turkey hunting on the refuge. These habitats include forested uplands, shrublands, and old fields/grasslands (herbaceous).

Two hunt units (3A and 5) that were closed to shotgun hunting due to their close proximity to dwellings and public highways may be opened for concurrent archery hunting. Unit 3, which contains the Black Tupelo Trail and Indian Landing Loop, as well as Unit 4, which includes the White Oak Nature Trail, may be open simultaneously or closed periodically during the hunting season to allow access for other refuge-users. Specific closures and regulations will be listed in the annual refuge hunting regulations.

**Table A1. Wertheim NWR Hunting Units**

Hunt Unit	Acreage
Unit 3	639
Unit 3A	197
Unit 4	256
Unit 5	67
Unit 6	231
Total Hunt Acres	1,390

**(c) When would the use be conducted?**

The use would be conducted in designated areas of the refuge in accordance with Federal and State regulations. Hunting would take place within the open hunting seasons established by the New York State Department of Environmental Conservation (NYSDEC). The Wertheim NWR archery hunt will expand from the current 7 days up to 90 days, which encompasses the archery season, October through January. To avoid potential impacts to northern long-eared bats on the refuge, we would likely start deer hunting on November 1. Hunting during the firearms season in January may increase from 4 days up to 14 days. Currently, State regulations do not allow turkey hunting on Long Island during the fall season; thus, we would develop a youth spring turkey hunt.

**(d) How would the use be conducted?**

All hunts will comply with applicable Federal regulations as published annually in the Code of Federal Regulations (CFR), as well as State regulations published annually by the NYSDEC, unless otherwise noted. Hunters will be required to have a NYSDEC hunting license, as well as a refuge-specific permit. Hunters will be selected by lottery and these hunts will take place within the applicable State hunting seasons. A limited number of permits will be issued so that the refuge can facilitate hunting activities in a safe, enjoyable manner for hunters and other refuge users, while also managing impacts to the natural resources.

Applications and hunter orientation information will be available on the refuge website and at the Wertheim NWR headquarters. The current application fee is \$15 per permit application and must be included with the completed application to be eligible for the hunter lottery drawing. Upon the lottery drawing, all selected and non-selected hunters will be notified by mail. Youth hunters under the age of 16 selected during the lottery must be accompanied by a non-hunting adult with a valid New York State hunting license.

Refuge-specific regulations that pertain to hunting on Wertheim NWR can be found at 50 CFR § 32.51. Additional procedures for hunting on the refuge are listed below:

- Hunters may enter the refuge no earlier than 1 hour before the beginning of legal shooting hours and must exit the refuge no later than 1 hour after the end of legal shooting hours.
- All deer and turkey harvested on the refuge must be checked in at the NYSDEC Ridge Hunter Check Station, or comply with NYSDEC harvest reporting online or by phone for deer and turkey.
- Muzzleloaders are not permitted on the refuge.
- Each hunter may only use one portable deer tree stand or ground blind. Tree stands must be removed at the end of each hunt day.
- Hunters in Unit 5 must hunt from a portable tree stand. Only archery deer hunting is allowed in Unit 3A and Unit 5.
- Unit 4 has special access for Disabled Hunters Only at the White Oak Nature Trail. Hunters must carry a refuge hunt permit before entering this area. Only hunters possessing a State-issued "Permit for Physically Challenged Hunters" are eligible to receive special access to this area.
- Hunters may not have loaded weapons (including nocked arrows) in the no hunt buffer zone.

**(e) Why is this use being proposed?**

Hunting is one of the priority public uses defined by Executive Order 12996 (March 25, 1996) and the Refuge System Administration Act of 1966, as amended by the Refuge System Improvement Act of 1997 (Public Law 105-57). Department of the Interior Secretarial Order 3356 (September 15, 2017) emphasized identifying opportunities to increase outdoor recreation opportunities for all Americans, including opportunities for hunting. This legitimate and appropriate use of a national wildlife refuge is generally considered compatible, as long as it does not materially interfere with or detract from the fulfillment of the Refuge System mission or the purposes of the refuge.

In New York, the NYSDEC establishes hunting seasons and bag limits to meet population objectives and to offer people the opportunity to experience a traditional outdoor recreational activity. Game species population objectives are a function of factors including habitat limitations and landowner tolerances. Each year the seasons and bag limits are designed to remove the harvestable surplus without long-term negative impacts to the population as a whole. The ability to effectively manage game species populations depends in large part on the ability of hunters to access land with quality habitat. Providing hunting opportunities on the refuge will

aid the State in meeting its management objectives and preserve a wildlife-dependent priority public use long associated with this land.

Wertheim NWR's 2006 Comprehensive Conservation Plan (CCP) identified the importance of expanding hunting opportunities in New York and using hunting as a population management tool. However, the existing refuge hunt program has not been expanded since the CCP was published. This use will bring the refuge into better compliance with management objectives detailed in the CCP, and Secretarial Order 3356 that directs the Service to enhance and expand public access to lands and waters on national wildlife refuges for hunting, fishing, recreational shooting, and other forms of outdoor recreation. The use will also promote stewardship of our natural resources and increase public appreciation and support for the refuge by providing greater opportunities for visitors to hunt.

#### **AVAILABILITY OF RESOURCES:**

Annual hunt administrative costs for Wertheim NWR are approximately \$12,000 and include: administration (printing and processing applications, issuing permits), law enforcement, signage, equipment, infrastructure (parking areas, roads, gates), and other miscellaneous administrative costs. Wertheim NWR funds are used to conduct hunts, since there is not funding specifically allocated for hunts. Funds collected through hunter application fees are also available to offset costs to the refuge. It is anticipated that funding will be sufficient to continue the hunting program at Wertheim NWR in the future.

Administrative	\$ 3,000
Law Enforcement	\$ 5,000
Signage, Maps, Brochures, Equipment	\$ 3,000
<u>Infrastructure</u>	<u>\$ 1,000</u>
<b>Total Annual Costs</b>	<b>\$12,000</b>

#### **ANTICIPATED IMPACTS OF THE USE:**

Hunting can result in positive or negative impacts to wildlife resources. Increasing access to the refuge has the positive effect of providing additional wildlife-dependent recreational opportunities and increasing appreciation for the wildlife and habitats associated with Long Island ecosystems. This can translate into more widespread and stronger support for the refuges of the Complex, the Refuge System, and the Service.

#### **Vegetation**

The current number of hunters comprises a small fraction of the refuge's total visitation. Hunters can negatively impact vegetation by trampling or creating foot paths. With the opening of new hunt areas that trampling of vegetation may increase slightly, but the physical effects on refuge vegetation from hunting is expected to be minimal based on anticipated levels of use. Hunting could create a positive, indirect effect on vegetation by controlling the white-tailed deer population.

Negative cumulative impacts of recreational hunting include the temporary trampling of vegetation and light soil erosion. Most hunting activities occur during the fall, but impacts will be minimal. Some hunt seasons extend into winter when plants are dormant and the ground is frozen and/or covered in snow. Hunters would have minimal impacts on plants during this period. For these reasons, hunting is expected to have minimal adverse short-term, long-term, or cumulative impacts on vegetation.

### **Soils**

It is anticipated that hunting on the refuge will have minor impacts to soils. The hunt program has the potential to cause some compaction and/or erosion because off-trail foot travel does occur. However, with a limited number of hunters dispersed across the refuge during the hunting season, impacts would be minimal. At the anticipated levels of use, hunting is expected to have minimal adverse short-term, long-term, or cumulative impacts on soils.

### **White-tailed Deer**

Recreational deer hunting conducted in accordance with State regulations would not compromise the deer population on or around refuge lands. Regulated hunting ensures that deer populations will be maintained within the habitat's carrying capacity. High deer densities have been shown to negatively affect plant and animal communities. Therefore, a hunting program would help to facilitate ecological diversity by mitigating the effects of high deer densities. Deer densities, if maintained through regulated hunting, will sustain the native vegetation and forest regeneration associated with the natural communities in those regions. Regulated deer hunting will also maintain a deer herd in good physical condition that staves off malnutrition and disease.

### **Wild Turkey**

The addition of turkey hunting on refuge lands may result in a small influx of new users, but regulated hunting is not anticipated to have any long-term adverse impacts on local or regional turkey populations.

### **Other Wildlife**

Hunting can have direct and indirect impacts on both target and non-target species. These impacts include: direct mortality of individuals, changes in wildlife behavior, changes in wildlife population structure, dynamics, and distribution patterns, and disturbance from noise and hunters walking on- and off-trail (Cole and Knight 1990, Cole 1990, Bell and Austin 1985). However, under the anticipated levels of use these impacts are expected to be minimal. Hunters tend not to disperse very far from parking areas and roads, which leaves large areas of refuge land undisturbed.

The deer hunting season in New York usually begins around October 1. The Federal-threatened northern long-eared bats may still be present on the refuge as they migrate to winter hibernaculum, and there could be potential for hunter tree stands to disturb bat roost sites. The general time frame for bat hibernation is November 1 to March 31. Therefore, the refuge will allow deer hunting from November 1 to January 31 to reduce impacts to northern long-eared bat.

### **Other Visitors and Users**

Under the proposed action, the refuge would be open to priority public uses including wildlife observation, interpretation, photography, and hunting. With the addition of new hunt areas, a slight increase in the number of conflicts among user groups can be expected. Public outreach, zoning, and restrictions in some locations have been proposed to reduce conflicts among the different user groups. If conflicts arise among user groups, mitigation efforts can be implemented to ensure that the proposed action will not have significant impacts to other user groups.

**PUBLIC REVIEW AND COMMENT:**

This Compatibility Determination (CD) is part of Wertheim NWR Hunting Plan and the accompanying Environmental Assessment (EA). The plan was coordinated with all interested and/or affected parties, including NYSDEC staff. The public was notified of the availability of the draft documents on March 23, 2020, with a 45-day review and comment period. We informed the public through local venues, the refuge website, and social media. A total of five people submitted comments during the public review period for the two refuges of the Long Island NWR Complex (Seatuck NWR and Wertheim NWR) that published hunt plans. All of the commenters were supportive of the new or expanded hunting opportunities. No substantive changes were made to the plan based on the comments.

**DETERMINATION (CHECK ONE BELOW):**

Use is Not Compatible

Use is Compatible with the Following Stipulations

**STIPULATIONS NECESSARY TO ENSURE COMPATIBILITY:**

The refuge will manage the hunt program in accordance with Federal and State regulations and review it annually to ensure wildlife and habitat goals are achieved and that the program is providing a safe, high quality hunting experience for participants. To ensure compatibility with refuge purposes and the mission of the Refuge System, hunting will occur on the refuge under the refuge-specific regulations highlighted in this document and following stipulations:

- This use must be conducted in accordance with State and Federal regulations, and special refuge regulations published in the Refuge Hunting Regulations and Public Use Regulations brochures.
- This use is subject to modification if on-site monitoring by refuge personnel or other authorized personnel finds unanticipated negative impacts to natural communities, wildlife species, or their habitats.
- Hunters may enter the refuge no earlier than 1 hour before the beginning of legal shooting hours and must exit the refuge no later than 1 hour after the end of legal shooting hours.

- All deer and turkey harvested on the refuge must be checked in at the NYSDEC Ridge Hunter Check Station, or comply with NYSDEC harvest reporting online or by phone for deer and turkey.
- Each hunter may only use one portable deer tree stand or ground blind. Tree stands must be removed at the end of each hunt session.

**JUSTIFICATION:**

Hunting is a priority wildlife-dependent public use in the Refuge System through which the public can develop an appreciation for fish and wildlife (Executive Order 12996, March 25, 1996) and the Refuge System Administration Act of 1966, as amended by the Refuge System Improvement Act of 1997 (Public Law 105-57) and reinforced as a priority use by Department of the Interior Secretarial Order 3356 (September 15, 2017). The Service's policy is to provide expanded opportunities for wildlife-dependent public uses when compatible and consistent with sound fish and wildlife management and ensure that they receive enhanced attention during planning and management.

Hunting seasons and bag limits are established by the State and generally adopted by the refuges. These regulations ensure the continued well-being of populations of game animals. Hunting does result in the taking of many individuals within the population, but restrictions are designed to safeguard an adequate breeding population from year to year. Specific refuge regulations address equity and quality of opportunity for hunters, and help safeguard refuge habitat. Disturbance to other fish and wildlife does occur, but this disturbance is generally short-term and adequate habitat occurs in adjacent areas. Impacts to vegetation from foot traffic is minor, or temporary, since hunting occurs mainly after the growing season.

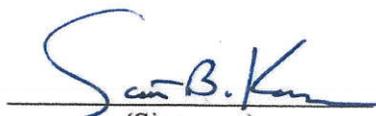
Stipulations above will ensure control and provide management flexibility should detrimental impacts develop. Allowing this use also furthers the mission of the Refuge System by providing a wildlife dependent recreational use for the benefit of the American public while conserving fish, wildlife, and plant resources on the refuge. This activity will not materially interfere with or detract from the mission of the Refuge System or the purpose for which the refuge was established.

**SIGNATURE:**  
Refuge Manager

  
(Signature)

7-8-2020  
(Date)

**CONCURRENCE:**  
Regional Chief

  
(Signature)

7/29/2020  
(Date)

**MANDATORY 15-YEAR RE-EVALUATION DATE:**

7/29/2035

(Date)

**LITERATURE CITED:**

- Bell, D.V. and Austin, L.W. 1985. The game-fishing season and its effects on overwintering wildfowl. *Biological Conservation*, 33, 65-80.
- Cole, D.N. 1990. Ecological impacts of wilderness recreation and their management. In J.C. Hendee, G.H. Stankey, and R.C. Lucas (Eds.), *Wilderness Management* (pp. 425-466). Golden, CO: North American Press.
- Cole, D.N. and Knight, R.L. 1990. Impacts of recreation on biodiversity in wilderness. *Natural Resources and Environmental Issues*, 0, 33-40.

# **Environmental Assessment for the Hunting Plan at Wertheim National Wildlife Refuge**

This Environmental Assessment (EA) is being prepared to evaluate the effects associated with this proposed action and complies with the National Environmental Policy Act (NEPA) in accordance with Council on Environmental Quality regulations (40 CFR 1500-1509) and Department of the Interior (43 CFR 46; 516 DM 8) and U.S. Fish and Wildlife Service (550 FW 3) regulations and policies. NEPA requires examination of the effects of proposed actions on the natural and human environment.

## **Proposed Action**

The U.S. Fish and Wildlife Service (Service) is proposing to expand hunting opportunities for white-tailed deer (*Odocoileus virginianus*) and turkey (*Meleagris gallopavo*) on Wertheim National Wildlife Refuge (NWR, refuge) in accordance with the refuge's Comprehensive Conservation Plan (CCP), which was finalized in 2006. The expanded Hunting Plan will include opportunities for firearm and archery hunting of white-tailed deer, and for a youth spring turkey hunt.

## **Background**

National wildlife refuges are guided by the mission and goals of the National Wildlife Refuge System (Refuge System), the purposes of an individual refuge, Service policy, and laws and international treaties. Relevant guidance includes the National Wildlife Refuge System Administration Act of 1966, 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.

Wertheim NWR was established in 1947 pursuant to the authority of the Migratory Bird Conservation Act of 1929 "for use as an inviolate sanctuary, or for other management purposes for migratory birds" 16 U.S.C. §715d. The refuge's purposes also note that it is "suitable for - (1) incidental fish and wildlife-oriented recreational development, (2) the protection of natural resources, (3) the conservation of endangered species or threatened species..." 16 U.S.C. §460k-1 (Refuge Recreation Act (16 U.S.C. § 460k - 460k-4), as amended).

The mission of the Refuge System, as outlined by the National Wildlife Refuge System Administration Act (NWRSA), 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 the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans."*

The NWRSAA mandates the Secretary of the Interior in administering the Refuge 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.

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

#### **Purpose and Need for the Proposed Action**

Hunting is a healthy, traditional recreational use of renewable natural resources deeply rooted in America's heritage, and it can be an important wildlife management tool. The NWRSAA of 1966, the Refuge System Improvement Act of 1997, other laws, and the Service's policies permit hunting on a national wildlife refuge when it is compatible with the purposes for which the refuge was established and acquired.

Wertheim NWR's CCP (2006) identified the importance of expanding hunting opportunities in New York and using hunting as a population management tool. However, the existing refuge hunt program has not been expanded since the CCP was published.

To address the needs stated above, the purpose of the proposed action will bring the refuge into compliance with management objectives detailed in the CCP. Furthermore, Department of the

Interior Secretarial Order 3356 directs the Service to enhance and expand public access to lands and waters on national wildlife refuges for hunting, fishing, recreational shooting, and other forms of outdoor recreation. The proposed action will also promote one of the priority public uses of the Refuge System, and will promote stewardship of our natural resources and increase public appreciation and support for the refuge by providing opportunities for visitors to hunt.

This EA serves as the NEPA document, which analyzes the impacts on environmental, cultural, and historical resources of expanding hunting opportunities on the refuge.

**Alternatives Considered**

**No Action Alternative (Current Management)**

The No Action Alternative would continue to provide white-tailed deer hunting for 11 days of the States’ hunting season. No other hunts would be available for the public. Under this alternative, the refuge would not fully meet its objectives for white-tailed deer management.

**Proposed Action Alternative (Expanded White-tailed Deer Hunting with Addition of Turkey Hunting)**

The Proposed Action Alternative is an expansion of the No Action Alternative, originally developed in collaboration between refuge staff and the New York State Department of Environmental Conservation (NYSDEC) during the refuge’s 2006 CCP process. This alternative builds on an existing hunt program, including the addition of turkey hunting. There are no unresolved conflicts about the proposed action with respect to alternative uses of available resources. Table 1B describes the differences between the two evaluated alternatives in acreage and hunting days.

**Table 1B. Primary differences between refuge hunt alternatives**

	<b>No Action</b>	<b>Proposed Action</b>
Deer Hunting Area	1,390 acres	1,390 acres
Turkey Hunting Area	0 acres	773 acres
Number of deer hunting days*	11 days	90 days
Number of turkey hunting days*	0 days	1 to 14 days

\* Subject to change based on annual NYSDEC season setting

The refuge has prepared a Hunting Plan, which is presented in this document as the Proposed Action Alternative. Under this alternative, the refuge would expand its white-tailed deer season from 11 to 90 total days. The refuge would also create opportunities for turkey hunting on the refuge, including the possibility for a Youth Spring Turkey hunt.

### **Mitigation Measures to Avoid Conflicts**

The refuge-specific regulations detailed in the Wertheim NWR Hunting Plan (and in 50 CFR § 32.51) are measures under the Proposed Action Alternative that will reduce or avoid impacts. Refuge and State law enforcement officers will enforce hunting regulations. Providing hunting information through various forums will ensure the public is aware of applicable laws and policies. To minimize conflicts and maximize safety, refuge-specific hunt regulations, maps, and brochures will be available to hunters and to all public users on the refuge website and at the refuge headquarters and visitor center.

The refuge nature trails and visitor center will remain open during the archery season. Archery hunting will occur concurrently with other refuge uses such as hiking, photography, etc. However, the refuge will be closed to other public uses during the January shotgun season for the safety of the non-hunting public and to maintain a quality experience for all visitors. Although restricted at Wertheim NWR during shotgun hunt days, the general public also has the opportunity to visit the nature trails provided at Morton and Target Rock NWRs.

To avoid potential impacts to northern long-eared bats on the refuge, we would likely start deer hunting on November 1, when they have migrated to their winter hibernacula.

### **Affected Environment**

Wertheim NWR consists of 2,688 acres on the south shore of Long Island in the town of Brookhaven. Approximately 1,390 acres are available to white-tailed deer hunting on the refuge. These areas include forests, shrublands, old fields/grasslands (herbaceous), marsh, and open water. Approximately 773 acres of upland habitat are available for turkey hunting on the refuge. These habitats include forested uplands, shrublands, and old fields/grasslands (herbaceous).

The refuge is divided into five hunt units whose boundaries are defined by the network of refuge roads and watercourses. Two hunt units (3A and 5) that were closed to shotgun hunting due to their close proximity to dwellings and public highways may be opened for concurrent archery hunting. Unit 3, which contains the Black Tupelo Trail and Indian Landing Loop, as well as Unit 4, which includes the White Oak Nature Trail, may be open simultaneously or closed periodically during the hunting season to allow access for other refuge users. Specific closures and regulations will be listed in the annual refuge hunting regulations.

### **Environmental Consequences of the Action**

This section analyzes the environmental consequences of the action on each affected resource, including direct and indirect impacts. This EA focuses primarily on analyses of the environmental consequences on a resource when the impacts on that resource could be more than negligible and therefore considered an "affected resource." Resources that will not be more than negligibly impacted by the action have been dismissed from further analyses. The refuge's Compatibility Determination for public hunting also has a summary of potential impacts associated with hunting, and is available in Appendix A of the Hunting Plan.

Impact Types

**Direct impacts** are those which are caused by the action and occur at the same time and place.

**Indirect impacts** are those which are caused by the action and are later in time or farther removed in distance but are still reasonably foreseeable. Indirect impacts include ecological (such as the impacts on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or cumulative. Indirect impacts may also include those resulting from actions with both beneficial and detrimental impacts; even if on balance, the agency believes that the impact will be beneficial.

**Table 2B. Anticipated Impacts**

AFFECTED RESOURCE	ANTICIPATED DIRECT AND INDIRECT IMPACTS
<p><b>White-tailed Deer</b> White-tailed deer populations began increasing during the mid-1980s due to suburbanization of the area surrounding the refuge. Based on deer survey abundance estimates from 2000 to 2012 and 2015, the deer population has continued increasing in recent years. Results from the 2015 survey estimated there were 150 deer on the refuge, or a population density of 60 deer/mi<sup>2</sup>.</p> <p>High-density herds (i.e., greater than 30 deer/mi<sup>2</sup>) have been associated with damage to habitats (e.g., lack of forest regeneration and loss of woody understories), economic impacts (e.g., timber resources, ornamental plantings, agricultural damage, and vehicle collisions), and tick-borne disease transmission (Woolf and Harder 1979, Cypher and Cypher 1988). Since the deer hunt was initiated in 2005, a total of 485 deer have been harvested on the refuge and</p>	<p><b>No Action</b> Failure to reduce the deer herd to levels within the carrying capacity of Wertheim NWR may have greater impacts on the deer herd and their habitat. If the deer population goes unmanaged, forage becomes less available. If this occurs, more deer are expected to exhibit a poorer physical condition, with a greater proportion of deer anticipated to die from starvation. In such a situation (i.e., high density and poor physical condition), deer are more susceptible to diseases like epizootic hemorrhagic disease and various parasites.</p> <p><b>Proposed Action</b> Achieving parity between deer densities and the habitat's carrying capacity is expected to improve the overall health of the deer population; deer are expected to attain greater body weights, show fewer signs of disease, and succumb less often to starvation. With a staggering of hunt days and mix of firearms and bow hunting, implementation of a hunting program is not expected to encourage deer to leave the refuge in greater number; hunting tends not to cause deer to leave their normal home ranges, but instead shifts the deer into areas with more adequate cover (Kufeld et al. 1988).</p> <p>Direct impacts to the deer population would include the annual harvest of an estimated 60 to 100 deer over the next several years, after which, the deer population will be maintained at a lower density through an annual harvest, if necessary, of approximately 40 deer.</p>

<p>an average of 35 deer per hunting season. Wertheim NWR is located in NYSDEC Wildlife Management Unit 1C. Hunters in WMU 1C harvested a total of 3,407 deer during the 2018-2019 season. In 2018, an estimated 227,787 were harvested in the State of New York. (NYSDEC 2018).</p>	<p>Attainment of this harvest rate will result in reducing the deer population from an estimated 100 deer/mi<sup>2</sup> to a level more consistent with the carrying capacity of the habitat (i.e., less than 25 deer/mi<sup>2</sup>) (Woolf and Harder 1979, Cypher and Cypher 1988). Consequently, the deer population will exhibit a more balanced sex ratio, will be more resistant to disease, and individual animals will maintain a high level of physical condition.</p>
<p><b>Turkey</b> Turkeys are a resident wildlife species, whose population is managed throughout the State by NYSDEC. A turkey population low was observed in 2011. Based on spring harvest data and other surveys, turkey populations seemed to have increased slightly and to have stabilized over the past few years. In 2018, an estimated 54 turkeys were harvested in the spring and 120 turkeys were harvested in the fall in Suffolk County, New York (NYSDEC 2018).</p>	<p><b>No Action</b> No negative impacts to habitat or other wildlife are known to occur from current turkey densities. Remaining closed to turkey hunting is not expected to have biological consequences.</p> <p><b>Proposed Action</b> The addition of turkey hunting at Wertheim NWR will provide the opportunity for the refuge to collaborate with NYSDEC on their annual spring Youth Turkey Hunt. While the addition of turkey hunting will result in an estimated take of five turkeys each year, this is anticipated have a minimal impact on their overall population.</p>
<p><b>Other Wildlife and Aquatic Species</b> Wertheim NWR supports a large diversity of wildlife species, including both game and nongame species. Some taxa that are found on the refuge include approximately 300 bird species, 30 mammal species, and 30 amphibian and reptile species.</p>	<p><b>No Action</b> If left unmanaged, deer herds would increase at the expense of other wildlife species, a condition contrary to the refuge's mandate to manage for migratory birds, of which forest-dependent birds are a major component. By allowing the herd to continue to overpopulate, a more pronounced browse line would develop. This would further reduce food and cover for nearly all species that depend on the layer of vegetation within roughly 6 feet of the ground. Ground and shrub nesting birds, and small mammals which utilize surface vegetation for food and cover would be adversely affected.</p> <p><b>Proposed Action</b> Increased vegetative density and diversity resulting from decreased white-tailed deer populations will provide the structure necessary to benefit ground-nesting birds, as well as reptiles, amphibians, and small mammals.</p>

	<p>Disturbance to non-migratory wildlife would also increase on the refuge due to the presence of sportsmen. However, this would be mitigated by permitting hunting between November and January, a time of year when wildlife occurrence and activity is lowest. An additional mitigating factor is that at least 586 acres or 23 percent of the refuge's land area will be closed to hunting with implementation of a 500-foot, "no-hunt" zone established around the refuge's perimeter and additional safety zones.</p>
<p><b>Threatened and Endangered Species and Other Special Status Species</b>  Roseate tern (<i>Sterna dougallii</i>) is listed as endangered under the Endangered Species Act of 1973. Red knot (<i>Calidris canutus</i>) and northern long-eared bat (<i>Myotis septentrionalis</i>) are listed as threatened. Roseate tern and red knot may use the refuge in the spring/summer, but they are not consistently present and not observed in large numbers. Northern long-eared bat have been documented on the refuge since 2012 through acoustic bat surveys and mistnetting.</p> <p>New York State designated threatened and endangered species, which occur at Wertheim NWR include the bald eagle, northern harrier, short-eared owl, common tern, least bittern, least tern, black rail, peregrine falcon, pied-bill grebe.</p> <p>While the bald eagle is no longer a federally listed species, the refuge uses National Bald Eagle Management Guidelines for bald eagle management to implement time-of-year restrictions for a nesting pair of eagles at Wertheim NWR. The guidelines</p>	<p><b>No Action</b>  Current refuge hunting regulations have few, if any, direct negative implications largely to the seasonality and short duration of current approved hunting opportunities. However, the biological impacts of retaining a high density deer herd include the continual negative impacts from deer on the refuge's vegetation (i.e., lack of forest regeneration and loss of woody understories), and the associated reduction in habitat quality of the refuge for a variety of wildlife species, including species of special management concern.</p> <p><b>Proposed Action</b>  The State deer hunting season usually begins around October 1. Northern long-eared bat may still be present on the refuge as they migrate to winter hibernaculum. There is the potential for hunter tree stands to disturb bat roost sites. The general time frame for bat hibernation is November 1 to March 31. Therefore, the refuge will permit deer hunting from November 1 to January 31 to reduce impacts to northern long-eared bat. Red knot and roseate tern will not be effected since these species primarily use the refuge in the spring and summer, and are typically found in beach and saltmarsh habitats. An Endangered Species Act Section 7 evaluation is being conducted for red knot, roseate tern and northern long-eared bat (see Appendix in Hunting Plan).</p> <p>Disturbance to species of special management concern may come from the presence of hunters on the refuge. However, this will be mitigated by the timeframe for hunting between November and January, when wildlife occurrence and activity is lowest.</p>

<p>do not permit any activity within 330 feet of an active nest. Besides hunting, other recreational activities are not permitted near the active nest based on the recommended guidelines (USFWS 2007).</p>	
<p><b>Vegetation (including vegetation of special management concern)</b>  Vegetation varies throughout the refuge. The acres of terrestrial and aquatic habitats at Wertheim NWR are closely equal. (USFWS 2006). The terrestrial habitats include pine barrens forest, forested wetlands, shrublands, grasslands and forest openings. Aquatic habitats consists of the Carmans River and its tidal tributaries, salt, brackish and freshwater marshes, swamps, streams, freshwater impoundments and ponds.</p> <p>The vegetation types of Long Island have been categorized into a variety of classification schemes. Vegetation at Wertheim NWR is classified by Bailey (1995) as Eastern Broadleaf Forest (Oceanic) Province. Barbour and Billings (1988) place Long Island in their ecological coastal grouping which includes the northern most portion of the southeastern coastal plain. The authors specifically refer to the vegetation of Long Island as the northern Pine Barrens. On a more local scale, Olsvig et al. (1979) and Villani (1997) have provided a classification scheme of Long Island's terrestrial</p>	<p><b>No Action</b>  The current overpopulation of deer is degrading forested habitats as a result of overbrowsing. The biological impacts of retaining a high-density deer herd include the continual negative impacts from deer on the refuge's vegetation (i.e., lack of forest regeneration and loss of woody understories), and the associated reduction in habitat quality of the refuge for a variety of wildlife species. Although affected grassland vegetation may regenerate more, species composition may be permanently altered (Porter 1991).</p> <p><b>Proposed Action</b>  The reduction of deer densities would allow forest vegetation to recover from the effects of overbrowsing. A decline in deer browsing will allow development of an herbaceous layer and woody understory representative of a diverse and balanced ecosystem.</p>

<p>vegetation types focusing on pine barren types.</p>	
<p><b>Visitor Use and Experience</b> Public visitation of Wertheim NWR ranges between 65,000 and 75,000 visits per year. Activities at the refuge include wildlife observation and photography, environmental education and interpretation, hiking, deer hunting, fishing, and boating.</p> <p>There are three main access points to the refuge. The first is from Montauk Highway, south 0.5 miles on Smith Road to gain access to the headquarters, visitor center, and White Oak and Black Tupelo Nature Trails. A 30-vehicle parking area is available to refuge visitors. The second access point is the fishing access site located at the northern end of the refuge via Montauk Highway. Parking is provided and a trail leads to the Carmans River. The public uses the trail to gain access to the river to fish or to launch a canoe/kayak. From a canoe/kayak, the public can gain access to the 1.0-mile Indian Landing Nature Trail. The third access is at the eastern end of Beaver Dam Road and Squassux Landing, owned respectively by the town of Brookhaven and Brookhaven Village Association. Brookhaven residents launch watercraft or dock their watercraft at the Squassux Landing facility to use on the river or Great South Bay. The east end of Beaver Dam Road is used also by the public for recreational fishing, crabbing,</p>	<p><b>No Action</b> In the absence of increased deer management strategies, negative interactions between humans and deer will continue as a greater number of deer roam freely in residential neighborhoods, foraging for food no longer available on the refuge. The increased presence of deer in neighborhoods will likely increase damage to private landscaping and gardens. The increased movement of deer off-refuge will also potentially increase the incidence of deer-vehicle collisions, as well as the possibility of vehicle occupants sustaining bodily injuries.</p> <p>This alternative will continue to provide such existing public recreational opportunities as wildlife observation, environmental education, interpretation, and photography. This alternative will continue to provide hunting opportunities as well. However, it will not provide the additional expanded opportunities provided by the Proposed Action.</p> <p><b>Proposed Action</b> This alternative would permit additional public recreational opportunities, consistent with the primary public uses identified in the Refuge Improvement Act of 1997. Hunting is named specifically as a priority public use of refuges, along with fishing, photography, wildlife observation, environmental education, and environmental interpretation. There is an abundant population of white-tailed deer in Suffolk County. NYSDEC manages several public hunting areas on Long Island. Expanding deer hunting at the refuge would increase opportunities for hunters.</p> <p>Archery hunting will occur concurrently with other refuge uses such as hiking, photography, etc. However, the refuge will be closed to other public uses during the January shotgun season. Although restricted at Wertheim NWR during shotgun hunt days, the general public also has the opportunity to visit the nature trails provided at Morton and Target Rock NWRs.</p> <p>The sound of firearms discharges are expected to be only minimally noticeable to surrounding homeowners given</p>

<p>and to launch canoes/kayaks in the Carmans River.</p>	<p>the distance between homes and hunt areas (i.e., more than 500 feet) and the noise attenuation provided by forest vegetation. The sound effects will also be minimized as shotgun hunting will occur only during daylight hours when most residents are at work and away from home.</p> <p>Over a several year period, a reduction in the refuge's deer density is anticipated to have localized effects within the adjacent community. The presence of fewer deer is expected to limit their overall occurrence on residential properties, resulting in less damage to landscaping and fewer deer will be available to transport Lyme disease-bearing ticks. Although deer will undoubtedly continue to move off-refuge, especially during the breeding season, a smaller deer population could likewise reduce the number of vehicle collisions.</p>
<p><b>Cultural Resources</b> Wertheim NWR possesses several small cemeteries which are protected from disturbance. No structures at Wertheim NWR have been proposed, identified or listed on the National Register of Historic Structures. There are no known Indian Trust Resources on Wertheim NWR or the nearby area.</p>	<p><b>Environmental Consequences Common to All Alternatives</b> No impacts expected.</p>
<p><b>Refuge Management and Operations</b> Operation of a hunting program requires the time and efforts of Service personnel to establish regulations, determine boundaries and limitations, communicate with hunters and anglers, maintain a law enforcement presence, and maintain infrastructure necessary to provide access to such opportunities.</p> <p>Infrastructure associated with the hunt program is minimal. Parking lots and the associated</p>	<p><b>No Action</b> The refuge currently dedicates 66.75 staff days annually to prepare hunting areas, manage the lottery hunt, process hunt applications and permits, staff the deer check station, update annual regulations and communicate those regulations via kiosks, the visitor center, and the refuge website.</p> <p><b>Proposed Action</b> Under the proposed action, moving away from staffing a deer check station would greatly reduce the workload required to manage the annual hunt to approximately 17.25 staff days (more than 70 percent reduction compared to the No Action Alternative). This would create a moderate, long-term benefit for the refuge by reducing personnel time to devote to other refuge operations and management. While new areas of the refuge would be open to hunting,</p>

<p>Service roads to hunt areas through the refuge are the only hunting-specific infrastructure on the refuge. All other infrastructure, including trails, bathrooms, and buildings are used by all visitors to the refuge.</p>	<p>there is no additional infrastructure associated with them. The increase in hunters using the refuge due to the additional hunting opportunities will be small and have negligible impacts.</p>
<p><b>Socioeconomics</b> Wertheim NWR, the second largest of the Long Island Complex's refuge units, is located in the town of Brookhaven in western Suffolk County, on the easternmost portion of the Great South Bay. The population of Suffolk county was 1,493,147 as of 2010 ("Suffolk County, New York QuickFacts," 2019).</p>	<p><b>No Action</b> The current program has negligible impacts to the local economy. Most hunters travel to the refuge from within 50 miles, with many coming from neighboring communities.</p> <p><b>Proposed Action</b> The proposed action is expected to have minor impacts to the local economy. Refuge visitation may increase due to hunting opportunities, but only minor beneficial economic impacts are expected to result from the Proposed Action.</p>
<p><b>Environmental Justice</b> Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, requires all Federal agencies to incorporate environmental justice into their missions by identifying and addressing disproportionately high or adverse human health or environmental effects of their programs and policies on minorities and low-income populations and communities.</p>	<p>The Service has not identified any potential high and adverse environmental or human health impacts from this proposed action. The Service has identified no minority or low-income communities within the impact area. Minority or low income communities will not be disproportionately affected by any impacts from this proposed action or any of the alternatives.</p>

**Cumulative Impact Analysis**

Cumulative impacts are defined as “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions” (40 CFR 1508.7).

For more information on the national cumulative impacts of the Service’s hunting and fishing program on the National Wildlife Refuge System, see “*U.S. Fish and Wildlife Service, Cumulative Impacts Report 2020-2021 National Wildlife Refuge and National Fish Hatchery Proposed Hunting and Sport Fishing Openings (2020)*”.

**Table 3B. Cumulative Impacts**

<b>Other Past, Present, and Reasonably Foreseeable Activity Impacting Affected Environment</b>	<b>Descriptions of Anticipated Cumulative Impacts</b>
<p><b>Hunting</b> There is a long history of hunting on Long Island. Hunting occurs on public and private lands within NYSDEC Wildlife Management Unit 1C, in which Wertheim NWR is located. In a separate action, we are also proposing to open white-tailed deer hunting on nearby Seatuck NWR to archery hunting.</p>	<p>Wertheim NWR coordinates with NYSDEC. The refuge hunting program will be conducted within the framework of State and Federal regulations. NYSDEC sets hunting frameworks based on species populations and monitored harvests. The proposed hunting program rules will be the same as, or more restrictive than, hunting regulations in the State. By maintaining hunting regulations that are the same as or more restrictive than the State, we can ensure that we are maintaining seasons that are supportive of management on a more regional basis. Such an approach also provides consistency with large-scale population status and objectives.</p> <p>Wertheim NWR is located in NYSDEC Wildlife Management Unit (WMU) 1C. Hunters in WMU 1C harvested a total of 3,407 deer during the 2018-2019 season. An estimated 227,787 deer were harvested in the State of New York in 2018 (NYSDEC 2018). Therefore, the estimated take of 60 to 100 deer on the refuge will have very minor cumulative impacts to deer populations in the local and regional area.</p> <p>In 2018, an estimated 54 turkeys were harvested in the spring and 120 turkeys were harvested in the fall in Suffolk County, New York (NYSDEC 2018). An estimated 2,270 turkeys were harvested in New York in 2018 (NYSDEC 2018). Therefore, the estimated take of 5 turkeys on the refuge will have very minor cumulative impacts to turkey populations in the local and regional area.</p>

<p><b>Other wildlife-dependent recreation (i.e. road and trail development and use)</b></p>	<p>The refuge has managed a mix of wildlife-dependent recreation for decades and does not anticipate any major conflicts between uses due to the proposed changes.</p> <p>Refuge nature trails will be open to other wildlife-dependent recreational uses concurrently during the archery season. However, the refuge will be closed to the non-hunting public during shotgun hunt days for public safety and in order to maintain a quality experience for all visitors.</p>
<p><b>Use of Lead Ammunition/Tackle</b> Lead ammunition is permitted in New York for hunting all species, except waterfowl. The State does not list regulations for lead shot and/or tackle in their 2019-2020 regulations other than for waterfowl. However, they include a feature in the 2019-2020 hunt guide titled “Go non-lead: better for you - better for wildlife” recommending hunters switch to non-lead ammunition for big game. Lead is a known metabolic poison that can negatively influence biological processes in both wildlife and humans.</p>	<p>Deer and turkey hunt participants will be encouraged to use non-toxic ammunition voluntarily. Scavenging of unrecovered deer and deer gut piles resulting from the permit deer hunt could cause detrimental impacts from lead exposure. These proposed actions, along with additional outreach to educate hunters, anglers, and the public to the adverse impacts of lead, will assist in reducing potential future lead contamination from occurring on the refuge.</p>
<p><b>Climate Change</b> Ecological stressors are expected to affect a variety of natural processes and associated resources into the future. The most substantial concern at the refuge is sea level rise and the impact on marsh elevation. This is already causing marsh migration, marsh inundation, and increased mortality in forests adjacent to salt marshes. These habitat changes may dramatically reduce the amount and quality of both forest for resident wildlife and salt marsh for migratory birds that are hunted. As a result, wildlife would be forced into reduced amounts of available habitat.</p>	<p>While the effects of climate change on ecological systems is not fully understood, deer and turkey abundances are predicted to increase because of greater survival and reproductive rates associated with warmer winters. However, there is also evidence that some infectious viral diseases and parasite (e.g., ticks) infestations could also increase in frequency and severity. Consequently, the full effects of climate change on deer and turkeys is not fully understood (Hushaw et al. 2016). Under the proposed alternative, the refuge would use an adaptive management approach for its hunt program, reviewing the hunt program annually and revising annually (if necessary), the Service’s hunt program can be adjusted to ensure that it does not contribute further to the cumulative impacts of climate change on resident wildlife (both hunted and non-hunted species) and migratory birds.</p>

## **Summary of Analysis**

This EA provides evidence and analysis for determining whether to prepare an environmental impact statement (EIS) or a Finding of No Significant Impact (FONSI). The term “significantly,” as used in NEPA, requires consideration of both the context of the action and the intensity of effects.

### **No Action Alternative**

There would be no additional cost to the refuge for maintaining the current hunt program in its current form. There would be no change to current public use and wildlife management programs on the refuge under this alternative. The refuge would not provide new hunting and access opportunities. This alternative has the least direct impacts on physical and biological resources; however, long-term impacts on habitat quality would be adverse if the deer population continues to increase. In addition, it would not fulfill the Service’s mandate under the NWRSA and Secretarial Order 3356.

### **Proposed Action Alternative**

This alternative is the Service’s proposed action because it expands public hunting opportunities and minimally affects physical and biological resources, while meeting the Service’s mandates. The addition of turkey hunting and the expansion of deer hunting is predicted to have no detrimental effects to local and regional wildlife populations. To assess the impacts of this program, populations will continue to be monitored in collaboration with State biologists. This monitoring will allow the refuge to adaptively manage through the hunting program, altering the refuge’s permit numbers and season structure as needed. This alternative is preferred because it increases high quality public hunting opportunities, with minimal impacts on physical and biological resources, and meets Service mandates under the NWRSA. The Service believes that expanding the hunting program on Wertheim NWR is not expected to have any significant impact to wildlife, other uses, or refuge administration.

## **List of Sources, Agencies and Persons Consulted**

### **State Coordination**

National wildlife refuges, including Wertheim NWR, conduct hunting programs within the framework of State, Federal, and refuge regulations. The Service’s North Atlantic-Appalachian Regional Office shared information with the State on the proposed changes for Wertheim NWR. This EA associated with the draft Hunting Plan has not yet been reviewed by the NYSDEC.

Refuge staff invited NYSDEC to our annual deer hunt planning meeting on June 17, 2019. One NYSDEC conservation officer attended the meeting. The refuge manager and wildlife biologist also met with four NYSDEC biologists on August 27, 2019, to discuss current and potential deer management including the development of this Hunting Plan. During the August meeting and site visits at Seatuck NWR and Wertheim NWR, we discussed ways to align refuge hunting regulations and deer population management goals, where possible, with State management goals. NYSDEC also offered to check in deer harvested from the refuge at their Ridge Hunter Check Station.

**Public Outreach**

Public notifications of the Hunting Plan, Compatibility Determination, and Environmental Assessment will be made available to the public through local venues, the refuge website, and social media notices, as well as notification in the *Federal Register* (as part of other expansions and openings on national wildlife refuges). There will be a 30-day public comment period.

**List of Preparers**

- Michelle Potter – Project Leader
- Monica Williams – Wildlife Biologist
- Ann Marie Chapman – Visitor Services Manager
- Cindy Beemiller – Wildlife Refuge Specialist
- Tom Bonetti – Regional Office, Hunting and Fishing Coordinator
- Caleb Robitaille – Regional Office Visitor Services Assistant
- Laura Howard – Regional Office Visitor Services Assistant

**Determination**

*This section will be filled out upon completion of any public comment period and at the time of finalization of the Environmental Assessment.*

- The Service’s action will not result in a significant impact on the quality of the human environment. See the attached “**Finding of No Significant Impact**”.
  
- The Service’s action **may significantly affect** the quality of the human environment and the Service will prepare an Environmental Impact Statement.

Preparer Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name/Title/Organization: \_\_\_\_\_

\_\_\_\_\_

Reviewer Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name/Title: \_\_\_\_\_

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- Hushaw, J., S. Balch, and E. Walberg. 2016. Climate Change and Wildlife: Part II, Species Highlights. Manomet Climate Smart Land Network Bulletin. Online at: [https://www.manomet.org/wp-content/uploads/old-files/Wildlife\\_Bulletin\\_PartII%5b1%5d.pdf](https://www.manomet.org/wp-content/uploads/old-files/Wildlife_Bulletin_PartII%5b1%5d.pdf)
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- "Suffolk County, New York QuickFacts". U.S. Census Bureau. Retrieved December 6, 2019.
- U.S. Fish and Wildlife Service. National Bald Eagle Management Guidelines. 2007. 49pp.
- Villani, R. 1997. Long Island: A Natural History. Harry Abrams Publishing, New York. 192pp.
- Wolf, A., and J.D. Harder. 1979. Population dynamics of a captive white-tailed deer herd with emphasis on reproduction and mortality. *Wildlife Monographs* 67:53 pp.

## **Other Applicable Statutes, Executive Orders and Regulations**

### ***Cultural Resources***

- American Indian Religious Freedom Act, as amended, 42 U.S.C. 1996-1996a; 43 CFR Part 7. Antiquities Act of 1906, 16 U.S.C. 431-433; 43 CFR Part 3.
- Archaeological Resources Protection Act of 1979, 16 U.S.C. 470aa-470mm; 18 CFR Part 1312; 32 CFR Part 229; 36 CFR Part 296; 43 CFR Part 7.
- National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470-470x-6; 36 CFR Parts 60, 63, 78, 79, 800, 801, and 810.
- Paleontological Resources Protection Act, 16 U.S.C. 470aaa-470aaa-11.
- Native American Graves Protection and Repatriation Act, 25 U.S.C. 3001-3013; 43 CFR Part 10.
- Executive Order 11593 – Protection and Enhancement of the Cultural Environment, 36 Fed. Reg. 8921 (1971).
- Executive Order 13007 – Indian Sacred Sites, 61 Fed. Reg. 26771 (1996).

### ***Fish and Wildlife***

- Bald and Golden Eagle Protection Act, as amended, 16 U.S.C. 668-668c, 50 CFR 22.
- Endangered Species Act of 1973, as amended, 16 U.S.C. 1531-1544; 36 CFR Part 13; 50 CFR Parts 10, 17, 23, 81, 217, 222, 225, 402, and 450.
- Fish and Wildlife Act of 1956, 16 U.S.C. 742 a-m.
- Lacey Act, as amended, 16 U.S.C. 3371 et seq.; 15 CFR Parts 10, 11, 12, 14, 300, and 904.
- Bird Treaty Act, as amended, 16 U.S.C. 703-712; 50 CFR Parts 10, 12, 20, and 21.
- Executive Order 13186 – Responsibilities of Federal Agencies to Protect Migratory Birds, 66 Fed. Reg. 3853 (2001).

### ***Natural Resources***

- Clean Air Act, as amended, 42 U.S.C. 7401-7671q; 40 CFR Parts 23, 50, 51, 52, 58, 60, 61, 82, 93; 48 CFR Part 23.
- Wilderness Act, 16 U.S.C. 1131 et seq.
- Wild and Scenic Rivers Act, 16 U.S.C. 1271 et seq.
- Executive Order 13112 – Invasive Species, 64 Fed. Reg. 6183 (1999).

### ***Water Resources***

- Coastal Zone Management Act of 1972, 16 U.S.C. 1451 et seq.; 15 CFR Parts 923, 930, 933.
- Federal Water Pollution Control Act of 1972 (commonly referred to as Clean Water Act), 33 U.S.C. 1251 et seq.; 33 CFR Parts 320-330; 40 CFR Parts 110, 112, 116, 117, 230-232, 323.

## INTRA-SERVICE SECTION 7 BIOLOGICAL EVALUATION FORM

**Originating Person:** Monica Williams

**Telephone Number:** 631-286-0485, ext. 2154

**Date:** December 18, 2019

**I. Region:** North Atlantic–Appalachian Interior Region 1

**II. Service Activity (Program):** NWRS, Long Island NWR Complex

### III. Pertinent Species and Habitat

#### A. Listed species potentially present within the action area:

- 1) Roseate tern (*Sterna dougallii*)
- 2) Sandplain gerardia (*Agalinis acuta*)
- 3) Piping plover (*Charadrius melodus*)
- 4) Red knot (*Calidris canutus*)
- 5) Northern long-eared bat (*Myotis septentrionalis*)

#### B. Proposed species and/or proposed critical habitat within the action area:

None

#### C. Candidate species within the action area:

None

### IV. Geographical area or station name and action:

Seatuck NWR and Wertheim NWR recreational hunting plans.

### V. Location:

A. **Ecoregion Number and Name:** The North Atlantic Coastal Ecoregion

B. **County and State:** Seatuck NWR is located in Islip NY, Suffolk County. Wertheim NWR is located in Shirley NY, Suffolk County.

C. **Section township and range (or latitude and longitude):** Seatuck NWR is located at 40.717573, -73.207033. Wertheim NWR is located at 40.717573, -73.207033.

- D. **The Refuge headquarters is located at:** The Long Island NWR Complex headquarters are located at Wertheim NWR.
- E. **Distance (miles) and direction to nearest town:** Seatuck NWR is located within the Town of Islip. Wertheim NWR is located within the Town of Brookhaven.
- F. **Species/habitat occurrence:**
- 1) Roseate tern (*Sterna dougallii*)
  - 2) Sandplain gerardia (*Agalinis acuta*)
  - 3) Piping plover (*Charadrius melodus*)
  - 4) Red knot (*Calidris canutus*)
  - 5) Northern long-eared bat (*Myotis septentrionalis*)

#### **VI. Description of Proposed Action:**

The proposed action is to implement hunting plans for Seatuck NWR and Wertheim NWR in Suffolk County, New York during the 2020/2021 New York State hunting seasons. Seatuck NWR proposes to open for the first time to public deer hunting. The refuge is 209 acres, which includes approximately 100 acres of upland habitat (warm-season grasslands, old fields, shrublands, and forest) available for deer hunting. The refuge will be open for hunting during the New York State Department of Environmental Conservation (NYSDEC) archery season, October through January. To avoid potential impacts to northern long-eared bats on the refuge, we plan to start deer hunting on November 1. Hunting will be allowed on the refuge intermittently for up to 90 days. The use of portable tree stands and ground blinds will be permitted for hunting at Seatuck NWR.

Wertheim NWR proposes to expand the existing deer hunt program. The refuge is 2,688 acres, which includes 1,390 acres of white-tailed deer habitat (forest, shrublands, herbaceous old fields/grasslands, marsh, and open water). We propose to expand the current archery hunt from 7 days up to 90 days during the NYSDEC archery season, October through January. Hunting on the refuge will occur intermittently during 1-week sessions throughout the season. The use of portable tree stands and ground blinds will be permitted for hunting on the refuge.

Wertheim also proposes to open for turkey hunting. The fall turkey season is the last 2 weeks of November and spring turkey hunting is one 2-day weekend hunt in April, with a focus on youth hunters. Approximately 773 acres of upland habitat (forest, shrublands, and herbaceous old fields/grasslands) is available for turkey hunting on the refuge. These new hunting activities will go into effect during the 2020/2021 season.

## **VII. Determination of effects:**

### **A. Explanation of effects on species in item III:**

The hunting areas consist of habitats that is also used by northern long-eared bat. Bats may still be present on the refuges when the deer hunt archery season starts in October, but the remaining majority of the hunting season occurs after bats have left the refuge for their winter hibernaculum. Bats may also start to arrive on Long Island prior to the spring turkey season in April. Hunter tree stands may disturb bat roost sites.

Seatuck NWR: Roseate tern, red knot, and piping plover may use refuge beach and salt marsh habitats, but are uncommon. They are not consistently present and not observed in large numbers. Seatuck NWR was a potential transplant site for sandplain gerardia, because of its soil type and associated grassland plants. However, the transplant in 2001 was not successful in establishing a sandplain gerardia population at Seatuck NWR.

Wertheim NWR: Roseate tern and red knot may be present, but are uncommon and rarely observed on the refuge.

Northern long-eared bat (*Myotis septentrionalis*; MYSE) have been documented at both refuges using acoustic detectors. Acoustic monitoring was conducted from 2012 to 2017 at Seatuck NWR (Figure 1) and Wertheim NWR (Figure 2). Auto-analysis of acoustic data conducted indicate MYSE presence at Seatuck NWR and Wertheim NWR. MYSE presence was also confirmed at Wertheim NWR through mist netting in 2012, 2015, and 2016. In 2016, radio telemetry was used to locate a maternity roost at Wertheim.

### **B. Explanation of actions to be implemented to reduce adverse effects:**

The general timeline for bat hibernation is November 1 to March 31. Therefore, the refuge can permit deer hunting November 1 to January 31 to reduce impacts to MYSE. In addition, due to the short duration of the 2-day spring turkey hunt at Wertheim NWR in April, disturbance to MYSE is likely to occur on a rare basis.

As previously mentioned, roseate tern, piping plover, and red knot are not consistently present on the refuges and are not observed in large numbers. In addition, we do not expect any impacts to these species when hunting occurs since they generally migrate to the southeast coast, Gulf Coast, Central and South America. Hunting also primarily occurs in upland habitats where these species are not present.

Sandplain gerardia has not been found at Seatuck NWR since the unsuccessful transplant in 2001.

VI. Effect determination and response requested:

A. Listed species/ critical habitats:  
Determination Response requested

No Effect  
*Piping Plover, Red Knot, Roseate Tern, Sandplain Gerardia* **Concurrence X**

Is Not Likely to Adversely Effect:  
*Northern long-eared bat* **Concurrence X**

Is Likely to Adversely Effect:

Species: \_\_\_\_\_ Concurrence \_\_\_\_\_

B. Proposed species/ critical habitats:  
Determination Response requested

No Effect

Species: \_\_\_\_\_ Concurrence \_\_\_\_\_

Is Not Likely to Adversely Effect:

Species: WLB Concurrence ✓

Is Likely to Adversely [jeopardize/modify habitat] Effect:

Species: \_\_\_\_\_ Concurrence \_\_\_\_\_

VII. Reviewing ESO Evaluation:

A. Concurrence ✓ Nonconcurrence \_\_\_\_\_

B. Formal Consultation Required \_\_\_\_\_

C. Conference Required \_\_\_\_\_

D. Remarks [Attach additional pages as needed]:

Atul / vfo  
Signature [Title/Office of ESO Field Supervisor]

1/17/2020  
Date

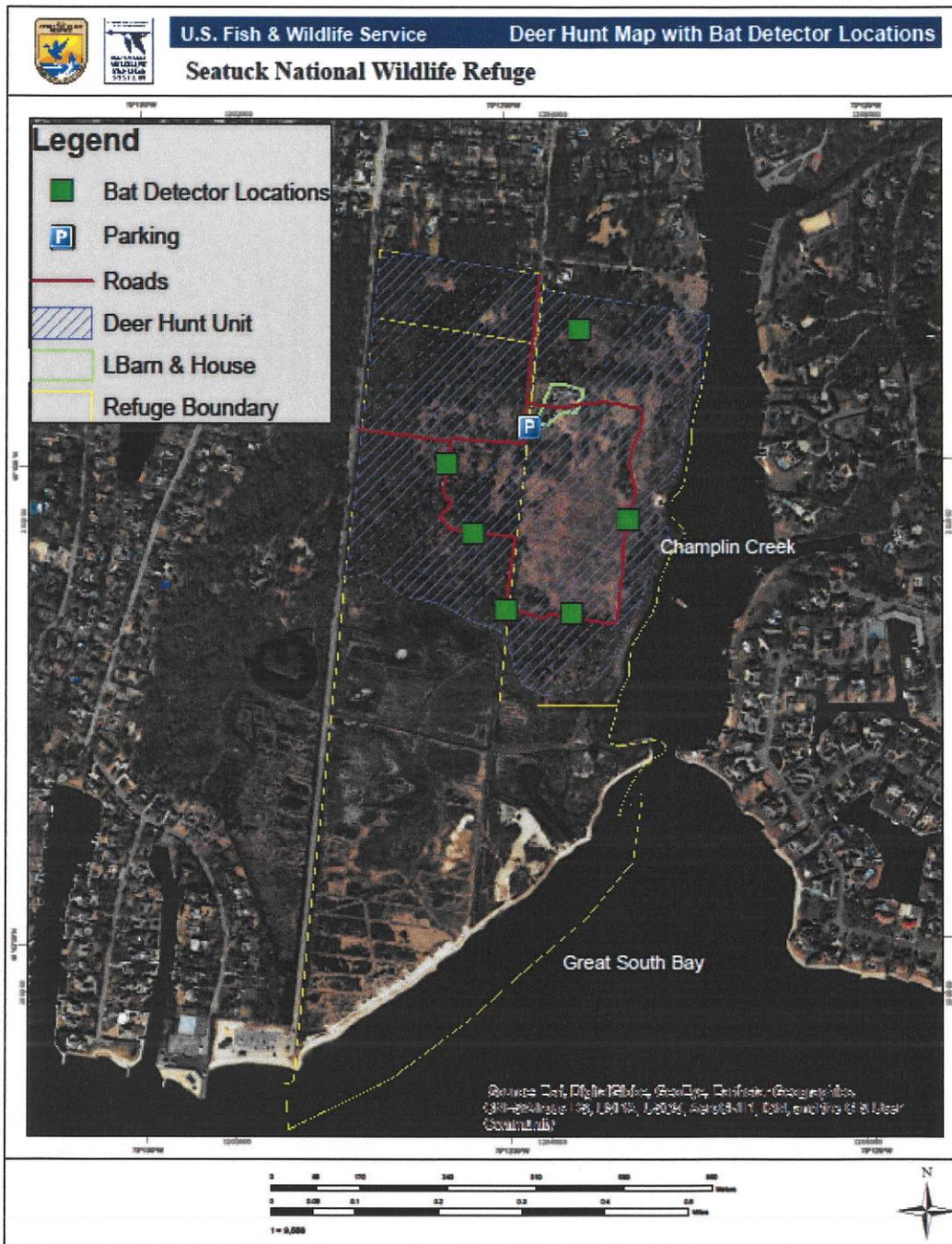


Figure 1C. Bat Study Locations at Seattuck NWR



**FINDING OF NO SIGNIFICANT IMPACT**  
**ENVIRONMENTAL ASSESSMENT**  
**for HUNTING**  
**WERTHEIM NATIONAL WILDLIFE REFUGE**  
**SUFFOLK COUNTY, NEW YORK**

The U.S. Fish and Wildlife Service (Service) proposes to expand hunting at Wertheim National Wildlife Refuge (NWR, refuge) in accordance with the refuge's Hunting Plan. This plan seeks to expand hunting opportunities for white-tailed deer (*Odocoileus virginianus*) and turkey (*Meleagris gallopavo*) in accordance with the refuge's Comprehensive Conservation Plan (CCP), which was finalized in 2006. The Hunting Plan includes providing opportunities for firearm and archery hunting of white-tailed deer, and a spring turkey hunt for youth.

**Selected Action**

**Proposed Action Alternative**

Under this alternative, the 2,688-acre Wertheim NWR is divided into five hunt units whose boundaries are defined by refuge roads and watercourses, as seen in Figure 1 of the Hunting Plan. Hunting would be conducted in designated areas of the refuge in accordance with Federal and State regulations. Hunting would take place within the open hunting seasons established by the New York State Department of Environmental Conservation (NYSDEC). The Wertheim NWR archery hunt will expand from the current 7 days up to 90 days, which encompasses the archery season, October through January. To avoid potential impacts to northern long-eared bats on the refuge, we would likely start deer hunting on November 1. Hunting during the firearms season in January may increase from 4 days up to 14 days.

All hunts will comply with applicable Federal regulations as published annually in the Code of Federal Regulations (CFR), as well as State regulations published annually by the NYSDEC, unless otherwise noted. Hunters will be required to have a NYSDEC hunting license, as well as a refuge-specific permit. Hunters will be selected by lottery and these hunts will take place within the applicable State hunting seasons. A limited number of permits will be issued so that the refuge can facilitate hunting activities in a safe, enjoyable manner for hunters and other refuge users, while also managing impacts to the natural resources.

Applications and hunter orientation information will be available on the refuge website and at the Wertheim NWR headquarters. The current application fee is \$15 per permit application and must be included with the completed application to be eligible for the hunter lottery drawing. Upon the lottery drawing, all selected and non-selected hunters will be notified by mail. Youth hunters under the age of 16 selected during the lottery must be accompanied by a non-hunting adult with a valid New York State hunting license.

There are no unresolved conflicts about the proposed action with respect to the alternative uses of available resources, because the minor changes proposed by this action are not expected to have negative impacts to the ecological, aesthetic, historic, cultural, economic, social, or health aspects of the refuge and surrounding communities. Therefore, the Service does not need to

consider additional alternatives (43 CFR 46.310(b)).

This alternative was selected over other alternatives because it increases high quality public hunting opportunities, with minimal impacts on physical and biological resources, and meets Service mandates under the National Wildlife Refuge System Administration Act (NWRSA) of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997. The addition of turkey hunting and the expansion of deer hunting is predicted to have no detrimental effects to local and regional wildlife populations. To assess the impacts of this program, populations will continue to be monitored in collaboration with State biologists. This monitoring will allow the refuge to adaptively manage through the hunting program, altering the refuge's permit numbers and season structure as needed. The Service believes that expanding the hunting program on Wertheim NWR will not have any significant impact to wildlife, other uses, or refuge administration. This alternative will best meet the purpose and need, refuge objectives, and Service mandates.

The Department of the Interior Secretarial Order 3347 – “Conservation Stewardship and Outdoor Recreation,” signed March 2, 2017, and Secretarial Order 3356 – “Hunting, Fishing, Recreational Shooting, and Wildlife Conservation Opportunities and Coordination with States, Tribes, and Territories,” signed September 15, 2017, includes direction to Department of the Interior agencies to “increase outdoor recreation opportunities for all Americans, including opportunities to hunt and fish; and improve the management of game species and their habitats for this generation and beyond.” The selected alternative will also promote one of the priority public uses of the National Wildlife Refuge System (Refuge System), and providing opportunities for visitors to hunt will promote stewardship of our natural resources and increase public appreciation and support for the refuge.

### **Other Alternatives Considered and Analyzed**

#### **No Action Alternative**

There would be no change to current public use and wildlife management programs on the refuge under this alternative. The refuge would not provide new hunting and access opportunities. This alternative would have the least direct impacts on physical and biological resources; however, long-term impacts on habitat quality would be adverse if the deer population continues to increase. In addition, it would not fulfill the Service's mandate under the NWRSA and Secretarial Order 3356.

### **Summary of Effects of the Selected Action**

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

*Appendix D – Finding of No Significant Impact*

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

Affected Environment	Selected Action
White-tailed Deer and Turkey	Minor, short-term adverse impacts to species. Long-term, the deer population will exhibit a more balanced sex ratio, will be more resistant to disease, and individual animals will maintain a higher level of physical condition. Turkey hunting will result in an estimated take of five turkeys each year, and this is anticipated to have a minimal impact on their overall population.
Other Wildlife Species	Minor, short-term adverse impacts to non-other species. Disturbance to non-migratory wildlife would increase on the refuge due to the presence of sportsmen. Long-term, increased vegetative density and diversity resulting from decreased white-tailed deer populations will provide the structure necessary to benefit ground-nesting birds, as well as reptiles, amphibians, and small mammals.
Threatened and Endangered Species	Not likely to adversely affect threatened and endangered species. Disturbance to species of special management concern may come from the presence of hunters on the refuge. However, this will be mitigated by the timeframe for hunting between November and January, when wildlife occurrence and activity is lowest.
Vegetation	Minor, short-term impacts to vegetation. Minor long-term benefits to vegetation, as reduction of deer densities would allow forest vegetation to recover from the effects of overbrowsing.
Visitor Use and Experience	Minor, short-term adverse impacts to other public uses.
Cultural Resources	No impacts.
Refuge Management & Operations	Minor, short-term and minor, long-term impacts to refuge management and operations. Moving away from staffing a deer check station would reduce the workload required to manage the annual hunt to approximately 17.25 staff days (more than 70 percent reduction compared to the No Action Alternative). This would create a moderate, long-term benefit for the refuge by reducing personnel time to devote to other refuge operations and management.
Socioeconomics	Minor, short-term and minor, long-term benefits.
Environmental Justice	No impacts.

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

*Appendix D – Finding of No Significant Impact*

1. The Refuge System uses an adaptive management approach to all wildlife management on refuges. This approach involves monitoring and re-evaluating the hunting opportunities on the refuge on a regular basis to ensure that the hunting programs continue to contribute to the biodiversity and ecosystem health of the refuge and these opportunities do not contribute to any cumulative impacts to habitat or wildlife.
2. The refuge-specific regulations detailed in 50 CFR are measures under action that will reduce or avoid impacts. Hunting regulations will be enforced by refuge and State law enforcement officers. Providing hunting information through various forums will ensure the public is aware of applicable laws and policies.
3. The action is not in an ecologically sensitive area.
4. The action is not likely to adversely affect any threatened or endangered species; and will have no effect to federally designated critical habitat.

Additionally, stipulations are necessary to ensure compatibility:

- This use must be conducted in accordance with State and Federal regulations, and special refuge regulations published in the Refuge Hunting Regulations and Public Use Regulations brochures.
- This use is subject to modification if on-site monitoring by refuge personnel or other authorized personnel finds unanticipated negative impacts to natural communities, wildlife species, or their habitats.
- Hunters may enter the refuge no earlier than 1 hour before the beginning of legal shooting hours and must exit the refuge no later than 1 hour after the end of legal shooting hours.
- All deer and turkey harvested on the refuge must be checked in at the NYSDEC Ridge Hunter Check Station, or comply with NYSDEC harvest reporting online or by phone for deer and turkey.
- Each hunter may only use one portable deer tree stand or ground blind. Tree stands must be removed at the end of each hunt session.

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

**Public Review**

The proposal has been thoroughly coordinated with all interested and/or affected parties. Parties contacted included NYSDEC. We notified the public through local venues, the refuge website,

and refuge social media. 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.

A total of five people submitted comments during the public review period for the two refuges of the Long Island NWR Complex (Seatuck NWR and Wertheim NWR) that published hunt plans. All of the commenters were supportive of the new or expanded hunting opportunities. Most of the comments applied to the hunts at both refuges.

**Comment:** “The opportunity to expand more hunting days at Wertheim would be an excellent way to balance the herd size with the surrounding habitat. Also a great safe outlet for the Long Island Hunter...”

**Comment:** “...having review the 2020 Deer Hunt Plan I am in full support of increased days of hunting and additional property locations for hunting. As a Suffolk county and Brookhaven town resident who believes in sound deer management... Thank you for a good plan.”

**Comment:** “I had the chance to participate in the Wertheim NWR hunt in 2019. This was my first out-of-state hunt in my life. The staff were incredibly supportive of the hunt and the DEC representatives I met were friendly and helpful.”

RESPONSE: We appreciate the support, and remain interested in providing a variety of hunting opportunities for the public, which is supported by the Refuge System priority public uses policy. Sections 5(c) and (d) of the Refuge System 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 NYS DEC to manage the deer herd based on data they collect throughout the year, and we consult with them on 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.

**Comment:** Historically, hunting-related purchases have been funding our wildlife conservation model. From various studies, a top reason for people quitting hunting or not starting hunting is access. Either access to game or access to lands. We have these wonderful public lands in the United States and if the State and Federal agencies agree that there is a huntable game population within a safely huntable property that land should be open to hunting. The reality on the ground on Long Island is that there are a lot of people and the population is not overly hunting friendly. I would love to see funds from the Pitman-Robertson Modernization Act to be used to educated local people on the importance of hunting in the North American wildlife conservation model.

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RESPONSE: In our nation's early years, there were few laws protecting fish and wildlife and our wildlife resources took a heavy toll. Market hunters took fish and wildlife at will while habitat disappeared under plow and roads, resulting in devastating reductions in wildlife populations. Hunters, along with anglers, also were the driving force behind the North American Model of Wildlife Conservation, a set of wildlife management principles established more than a century ago that declare that wildlife belongs to everyone, not just the rich and privileged. Through the Federal Aid in Wildlife Restoration Act, more commonly known as the Pittman-Robertson Act, hunters fund a range of conservation programs. The act sends revenue from an excise tax on firearms, ammunition and other related equipment to state wildlife agencies to be used for wildlife conservation projects, hunter education and outdoor recreation access. Through Pittman-Robertson, sportsmen and women have contributed more than \$14 billion to conservation since 1937. These annual payments to state fish and wildlife agencies have resulted in the recovery of deer, turkeys and many non-game species - with benefits to hunters and non-hunters alike. We will continue to reach out to hunters, anglers, and the public with information that will promote stewardship of our natural resources and increase public appreciation and support for the refuge.

**Comment:** Opening access for hunting is a great idea. Hunters should be allowed to access hunting areas by canoe as well not only by foot to be more successful.

RESPONSE: Accessing hunting units by canoe is permitted where landing is allowed. Landing is allowed only at Indian Landing and at the overlook on the east side of the Carmans River by the new headquarters building. There are no launching sites on the refuge currently. Potential launching sites off-refuge could include Carmans River Canoe Company or Squassux Landing; however, those locations are not owned or managed by the refuge.

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

**Determination**

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

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

*Appendix D – Finding of No Significant Impact*

**SHARON MARINO** Digitally signed by SHARON  
MARINO  
Date: 2020.07.06 17:27:37 -04'00'

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Acting Regional Chief  
National Wildlife Refuge System

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Date