

Big Branch Marsh National Wildlife Refuge Compatibility Determination

Refuge Name: Big Branch Marsh National Wildlife Refuge.

Date Established: September 29, 1994

Establishing and Acquisition Authorities: Emergency Wetlands Resources Act of 1986, 16 U.S.C. §3901 (b); North American Wetlands Conservation Act, 16 U.S.C. §4401 2(b)

Refuge Purpose: The purpose of the refuge as defined by the Emergency Wetlands Resources Act of 1986, 16 U.S.C. §3901 (b) is “For the conservation of the wetlands of the Nation in order to maintain the public benefits they provide and to help fulfill international obligations contained in various migratory bird treaties and conventions.”

The purpose of the refuge as defined by the North American Conservation Act, 16 U.S.C. §4401 2(b) is “To protect, enhance, restore, and manage an appropriate distribution and diversity of wetland ecosystems and other habitats for migratory bird and other fish and wildlife in North America; to maintain current or improved distributions of migratory bird populations; and, to sustain an abundance of waterfowl and other migratory birds consistent with the goals of the North American Waterfowl Management Plan and the international obligations contained in the migratory bird treaties and conventions and other agreements with Canada, Mexico, and other countries.”

The refuge purposes were further defined in the 1994 Final Land Protection Plan and two subsequent Supplemental Environmental Assessments (1996, 1998) for expansion of Big Branch Marsh NWR as the following: to provide habitat for natural diversity of wildlife associated with Big Branch Marsh; to provide wintering habitat for migratory birds; to provide nesting habitat for wood ducks; to provide habitat for non-game migratory birds; and, to provide opportunities for public outdoor recreation such as hunting, fishing, hiking, bird watching, and environmental education and interpretation, whenever they are compatible with the purposes of the refuge.

National Wildlife Refuge System Mission:

The mission of the Refuge System, as defined by the National Wildlife Refuge System Improvement Act of 1997, 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.

Other Applicable Laws, Regulations, and Policies:

Antiquities Act of 1906 (34 Stat. 225)

Migratory Bird Treaty Act of 1918 (15 U.S.C. 703-711; 40 Stat. 755)
Migratory Bird Conservation Act of 1929 (16 U.S.C. 715r; 45 Stat. 1222)
Migratory Bird Hunting Stamp Act of 1934 (16 U.S.C. 718-178h; 48 Stat. 451)
Criminal Code Provisions of 1940 (18 U.S.C. 41)
Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d; 54 Stat. 250)
Refuge Trespass Act of June 25, 1948 (18 U.S.C. 41; 62 Stat. 686)
Fish and Wildlife Act of 1956 (16 U.S.C. 742a-742j; 70 Stat. 1119)
Refuge Recreation Act of 1962 (16 U.S.C. 460k-460k-4; 76 Stat. 653)
Wilderness Act (16 U.S.C. 1131; 78 Stat. 890)
Land and Water Conservation Fund Act of 1965
National Historic Preservation Act of 1966, as amended (16 U.S.C. 470, et seq.; 80 Stat. 915)
National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd, 668ee; 80 Stat. 927)
National Environmental Policy Act of 1969, NEPA (42 U.S.C. 4321, et seq; 83 Stat. 852)
Use of Off-Road Vehicles on Public Lands (Executive Order 11644, as amended by Executive Order 10989)
Endangered Species Act of 1973 (16 U.S.C. 1531 et seq; 87 Stat. 884)
Refuge Revenue Sharing Act of 1935, as amended in 1978 (16 U.S.C. 715s; 92 Stat. 1319)
National Wildlife Refuge Regulations for the Most Recent Fiscal Year (50 CFR Subchapter C; 43 CFR 3101.3-3)
Emergency Wetlands Resources Act of 1986 (S.B. 740)
North American Wetlands Conservation Act of 1990
Food Security Act (Farm Bill) of 1990 as amended (HR 2100)
The Property Clause of The U.S. Constitution Article IV 3, Clause 2
The Commerce Clause of The U.S. Constitution Article 1, Section 8
The National Wildlife Refuge System Improvement Act of 1997 (Public Law 105-57, USC668dd)
Executive Order 12996, Management and General public Use of the National Wildlife Refuge System. March 25, 1996
Title 50, Code of Federal Regulations, Parts 25-33
Archaeological Resources Protection Act of 1979
Native American Graves Protection and Repatriation Act of 1990

Compatibility determinations for each description listed are considered separately. Although, for brevity, the preceding sections from “Uses” through “Other Applicable Laws, Regulations and Policies” are only written once within the plan, they are part of each descriptive use and become part of that compatibility determination if considered outside of the Comprehensive Conservation Plan.

Description of Use: Recreational Hunting

Recreational hunting, a wildlife-dependent activity, has been identified in the National Wildlife Refuge System Improvement Act of 1997 as a priority public use, provided it is compatible with the purpose for which the refuge was established. This use was

emphasized in the 1994 Final Land Protection Plan and two subsequent Supplemental Environmental Assessments (1996, 1998) by being stated as a management objective of Big Branch Marsh National Wildlife Refuge.

Recreational hunting of white-tailed deer with bow and arrow, migratory game birds, small game, and upland game is allowed on the refuge. Hunters are also allowed to take feral hogs with bow and arrow during archery deer season. While hunting is the biggest public use on the refuge, hunting pressure is not heavy at this time. In fact, a lottery waterfowl hunt in force for several years was discontinued because it was no longer needed to regulate the number of hunters.

All hunts fall within the framework of Louisiana's open seasons and follow state regulations. Refuge-specific regulations are reviewed annually and incorporated into the refuge hunting permit. Hunters are required to possess refuge permits while hunting on the refuge. The entire refuge is open to hunting with the exception of areas posted with "No Hunting Zone" signs or so designated in the hunting permit. Currently, Southeast Louisiana Refuges headquarters (Lacombe Centre) and the Lemieux Road environmental education site is closed to hunting.

Waterfowl (ducks and geese) and coots may be hunted during the State season on Wednesday, Thursday, Saturday, and Sunday until noon. Squirrels and rabbits may be hunted during the State season using only shotguns with non-toxic shot and dogs may be used only after the close of the State gun deer season. Woodcock, snipe, and quail may be hunted during the State season using non-toxic shot and recognized breeds of setters or retrievers. Gallinules and rails may be hunted during the State season with non-toxic shot. White-tailed deer harvest is limited to an archery season following the State season and regulations. No commercial hunting activities, including guiding or participating in a guided hunt, are permitted. Harvest information is gathered by a voluntary self-check form contained in the hunting permit.

Availability of Resources: Funding for the hunt program is supported by annual operation and maintenance funds. Costs include permit printing, administration, monitoring the activity, and maintaining access points with safe parking areas.

Anticipated Impacts of the Use: While managed hunting opportunities result in both short and long term impacts to individual animals, effects at the population level are usually negligible. Small game animal populations are capable of sustaining harvest because of their short reproduction cycles. Hunting regulations for both endemic and migratory game species are based on specific state-wide and nation-wide harvest objectives. Migratory bird regulations are established at the federal level each year following a series of meetings involving both state and federal biologists. Harvest guidelines are based on population survey and habitat condition data. Refuge hunting programs are always within these regulations. As currently proposed, the known and anticipated levels of disturbance of allowing hunting are considered minimal and well within the tolerance level of known wildlife species and populations present on the refuge. All hunting activities would be conducted with the constraints of sound

biological principles and refuge-specific regulations established to restrict illegal or questionable activities. Monitoring activities through wildlife inventories and assessments of public use levels and activities would be utilized, and public use programs would be adjusted as needed to limit disturbance. Implementation of an effective law enforcement program and development of site specific refuge regulations that are reviewed annually should minimize most incidental take problems.

Public Review and Comment: This compatibility determination was provided for public review and comment during a 30 day comment period from March 5th to April 5th, 2007. A news release was issued and published in the Sports Brief of the Slidell Picayune newspaper on March 11, 2007 and in the Sports Briefs section of the Times Picayune on March 9th, 2007. Copies of the plan were available for review on the refuge web site between March 3rd and April 5th at: [Http://www.fws.gov/bigbranchmarsh/](http://www.fws.gov/bigbranchmarsh/), and at the following libraries in St. Tammany Parish: Slidell Branch: 555 Robert Boulevard, Lacombe Branch: 28027 Hwy 190, and the Mandeville Branch: 845 Gerard Street. There were no comments made to this compatibility determination.

Determination (check one below):

Use is Not Compatible

Use is Compatible with Following Stipulations

Stipulations Necessary to Ensure Compatibility:

- a. Hunting seasons and bag limits are established annually as agreed upon during the annual hunt coordination meeting with Louisiana Department of Wildlife and Fisheries personnel.
- b. All hunters are required to possess a signed refuge hunting permit while participating in refuge hunts. State hunting regulations apply unless otherwise listed in the permit.
- c. Non-toxic shot must be used.

Justification: The 1997 National Wildlife Refuge Improvement Act identified hunting as one of the priority public uses on national wildlife refuges, where compatible with refuge purposes. This use is legitimate and appropriate, and is dependent upon healthy wildlife populations. Offering recreational hunting is in compliance with refuge goals, is a management objective for Big Branch Marsh National Wildlife Refuge, and furthers the goals and missions of the National Wildlife Refuge System.

NEPA Compliance for Refuge Use Description: *Place an X in appropriate space.*

- Categorical Exclusion without Environmental Action Statement
 Categorical Exclusion and Environmental Action Statement
 Environmental Assessment and Finding of No Significant Impact
 Environmental Impact Statement and Record of Decision

Mandatory 10- or 15-year Re-evaluation Date: _____

Approval of Compatibility Determinations

The signature of approval is for all compatibility determinations considered within the Comprehensive Conservation Plan for Big Branch Marsh National Wildlife Refuge. If one of the descriptive uses is considered for compatibility outside of the Comprehensive Conservation Plan, the approval signature becomes part of that determination.

Refuge Manager: Ken Litzenger 4/4/07
(Signature/Date)

Regional Compatibility Coordinator: Brandon 4/11/07
(Signature/Date)

Refuge Supervisor: Kelly Purkey 4/16/07
(Signature/Date)

Regional Chief, National Wildlife Refuge System, Southeast Region: Bud Oliver 4/16/07
(Signature/Date)