

Appendix C



Whale watching tour
USFWS photo

Compatibility Determinations

- Wildlife observation, nature photography, environmental education, interpretation
- Camping
- Sheep grazing on seabird nesting islands
- Monitoring resources
- Research - Neotropical migrants
- Seabird restoration
- Commercial tour boat service to Machias Seal Island
- Public hunting
- Pre-acquisition — public hunting
- Recreational blueberry picking

Compatibility Determination – Maine Coastal Islands National Wildlife Refuge

Wildlife Observation, Nature Photography, Environmental Education, Interpretation

Establishing and Acquisition Authorities:

Authorized through an Act Authorizing the Transfer of Certain Real Property for Wildlife, or other purposes. The establishing and acquisition authorities are:

1. 16 U.S.C. 667b, Public Law 80-537, An Act Authorizing the Transfer of Certain Real Property for Wildlife, or other Purposes; and,
2. 16 U.S.C 715-715r, The Migratory Bird Conservation Act, as amended and Established under the authority of the Migratory Bird Conservation Act, as amended.

Refuge Purpose(es):

1. "...for use as an inviolate sanctuary, or for any other management purpose, for migratory birds." 16 U.S.C. 715d (Migratory Bird Conservation Act).
2. "... 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).
3. "...particular value in carrying out the national migratory bird management program." 16 U.S.C. 667b (An Act Authorizing the Transfer of Certain Real Property for Wildlife, or other purposes).
4. "... 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 ..." 16 U.S.C. 3901(b), 100 Stat. 3583 (Emergency Wetlands Resources Act of 1986).

National Wildlife Refuge System Mission:

The mission of the National Wildlife 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 resources and their habitats in the United States for the benefit of present and future generations of Americans.

Description of Use:

Conduct and allow access for priority public uses (Wildlife Observation, Photography, Environmental Education, Interpretation) as provided for under the NWRS Improvement Act of 1997. These uses will occur on the three mainland divisions (Petit Manan Point, Gouldsboro Bay, and Sawyers Marsh) and all Refuge islands with specific conditions as noted in this determination.

On Petit Manan Point, these priority public uses will normally occur along the Refuge access road and on the Birch Point and Hollingsworth trails. Seven interpretive panels are installed along the latter trail. Parking areas are available at both trail heads. In addition, the entire shoreline of Petit Manan

Point can be accessed for these uses. Access to Gouldsboro Point and Sawyers Marsh Divisions are limited at this time but are expected to improve as trails and parking lots are developed. An abandoned logging road currently provides foot access on the Gouldsboro Bay Division through upland wooded areas to a saltmarsh. Access to the Sawyers marsh Division is via an unimproved logging road. No parking areas are currently available at these two Divisions. Public access to mainland areas is year round, daylight hours only. Public access to Cross, Scotch, Halifax, and Bois Bubert Islands is year round day use only except for Bois Bubert and Halifax, where limited camping currently occurs. Access to all other Refuge islands is seasonal (September 1 through March 31) to accommodate nesting seabirds.

Environmental education activities seek to increase public knowledge and understanding of wildlife and contribute to the conservation of such wildlife. Activities include traditional environmental education activities (teacher-led or staff-led on-site field trips, teacher and student workshops), off-site programs in classrooms, nature study, and interpretation of the wildlife resources and support facilities such as visitor centers, interpretive trails and visitor contact stations. Environmental education activities on the Refuge include teacher workshops, classroom visits, on-site talks, and use of the Refuge as an outdoor classroom/lab for Humboldt Field Research Institute instructors and students. Approximately 15 teacher/student groups use Refuge lands annually. Teachers and student groups use Refuge roadways, two interpretive trails on Petit Manan Point Division, and certain shoreline areas. Students of Humboldt Field Research Institute use these same areas, as well as conduct two to three trips per year to a raised heath bog, woodlands, marsh, and edge areas. The Research Institute operates under a special use permit and has recently been using both Petit Manan Point Division and Bois Bubert Island. Ten to twelve groups visit the Refuge annually with an average of 150 student visits.

On Cross and Halifax islands, Hurricane Island Outward Bound School (HIOBS) operates under an annual refuge special use permit. During July through August, HIOBS may use a maximum of 24 solo, low impact, camping sites, designated annually by the Refuge Manager. A maximum of 864 person-use-days (to include Service project days) as outlined in the 1986 Cross Island Evaluation and Management Plan is authorized on the unimproved trail system.

HIOBS provides the U.S. Fish and Wildlife Service (Service) with an annual volunteer project of not less than two/hours per student; projects are selected by and coordinated through the Refuge Manager.

The Chewonki Foundation (an educational foundation) provides environmental education opportunities on Bois Bubert and Halifax islands under a refuge special use permit. This organization averages one group visit per year with 12-22 overnight visits per year.

Wildlife observation, photography and interpretation activities seek to increase awareness, enjoyment and understanding of the Refuge's wildlife and plant resources. Interpretive signing is located at several locations on Refuge trails. Visitors view displays and observe and photograph wildlife at their own pace. Access to the islands is by private or commercial tour boat.

Availability of Resources:

Existing staff and budget have provided sufficient resources to manage current uses. We anticipate that Refuge public uses will increase as the additional trails open, coastal recreation increases, community outreach increases, and media attention and web-site information on the Refuge expands.

Costs associated with current program implementation include:

Preparation of Special Use Permits	\$500.00
Boat operating costs	\$200.00
Trail Maintenance	\$1,080.00
Materials	\$1,000.00
Staff costs associated with Refuge programs	\$1,200.00
Total Cost of Program	\$3,980.00

*FY 2004 Refuge Budget Allocation included:

Salaries	\$428,609.00
Fixed Costs	\$64,613.00
Annual Maintenance	\$34,100.00
Total Available Funds	\$527,322.00

Anticipated Impacts of the Use:

The Refuge priority uses being evaluated (Wildlife Observation, Photography, Environmental Education, Interpretation) may impose minor negative impacts on specific station physical resources such as trails and roads, and on natural resources such as vegetation and wildlife. Impacts may include erosion, deterioration, trampling, and temporary disturbance. Almost all public uses described herein occur in specific footprints on the Refuge, particularly, Refuge trails on Petit Manan and Gouldsboro Point Divisions. Limited use occurs on the Cross Island trail, and shorelines on Petit Manan Point and around Refuge islands.

The fact that use is generally confined to these areas, overall impacts are not broad nor do they impact the greater part of the Refuge. Currently, most usage occurs during late spring and throughout the summer and fall months. Very little use occurs during the winter. Furthermore, estimated current use (less than 20,000 visitors/year) on Refuge trails does not show intolerable impacts. Erosion does occur in some areas, especially during excessive rainfall events. Boardwalks have been installed in erosion prone areas to lessen these impacts and additional areas are being identified for future boardwalk treatment.

On Cross Island, HIOBS use has caused trail erosion and plant damage in localized areas. These impacts are short-term and can be remediated through re-routing small portions of the trail. Long term impacts are not anticipated as limits are set on allowed use days.

Both short and long term impacts on other Refuge islands is anticipated to be minimal due to the fact that Refuge seabird and eagle nesting islands are closed to access during the summer nesting season which coincides with the highest public use season. Also, coastal islands, by their very nature, are difficult to access. That said, interest in recreational visits to coastal islands is trending upward . Recreational use on islands has increased in recent years (Maine Island Trail Association 2002). The Maine Island Trail System provides opportunities for recreational uses on coastal islands and continues to work cooperatively with private island owners and State and Federal agencies to provide low impact recreational sites for recreational use. MITA has developed Island Use Guidelines, has raised public awareness of the need for ethical use of islands and promotes the *Leave No Trace* philosophy. This type of forward thinking and commitment, should in the long term, help minimize adverse impacts, both short and long term, to islands in the Maine Island Trail System. This ethical philosophy and awareness will, hopefully, extend to Refuge island users.

Public Review and Comment:

This determination is being prepared concurrently with the Comprehensive Conservation Plan (CCP). The listed use has been discussed at CCP public scoping meetings and has been identified in the CCP Planning Update. Further public comment opportunities were afforded when the Draft CCP/EIS was released for 60-day review. No significant changes were made between the draft and final plans.

Determination (Check one below):

- Use is Not Compatible
 Use is Compatible With the Following Stipulations

Stipulations Necessary to Ensure Compatibility:

The priority public uses (Wildlife Observation, Photography, Environmental Education, Interpretation) are encouraged on Maine Coastal Islands NWR and have been incorporated into the Refuge Management Program. These uses are allowed to continue based on stipulations, mechanisms and regulations that will help to ensure compatibility with Refuge purposes and include:

1. Day use only to decrease the disturbance to wildlife
2. Accommodating/focusing use to specific areas of refuge, such as trails to limit overall disturbance to Refuge habitats and wildlife.
3. Seasonal island closures to protect nesting seabirds and eagles.
4. Special Use Permits with appropriate conditions.
5. Refuge signing and information in brochures.
6. Posting Refuge Regulations.
7. Monitoring by Refuge staff, volunteers, and partners.
8. Promoting the *Leave No Trace* philosophy

Justification:

Specific areas (trails) of the Refuge have been designated for these uses on Petit Manan Point and Cross Island . These areas are monitored periodically for impacts that would degrade the natural environment and excessive visitation that would lessen the quality experiences that we strive to make available in support of the mandates of the National Wildlife Refuge System Improvement Act of 1997. Clearly, wildlife oriented uses on Refuges contribute significantly to public education and support of national wildlife refuges.

The Refuge uses partnerships and environmental education to motivate citizens of all ages to action and understanding in protecting a healthy ecosystem. Partnerships and environmental education are tools used to build a land ethic, develop political support, lessen vandalism, littering and poaching. Visitors come to the Refuge to see, enjoy, and learn about wildlife and their habitats. Wildlife observation, photography, and educational opportunities along Refuge shorelines are wildlife oriented activities (USFWS 1985) which are compatible with Refuge purposes. The minor impacts to vegetation and wildlife which may occur are a worthwhile trade off for informing visitors about island wildlife and

providing an opportunity for active land stewardship. These activities are used throughout the country to inform and educate visitors to public lands of all types (Grater 1976).

With the stipulations noted in Special Use Permit conditions, access trails, and posted regulations, activities will be compatible with Refuge purposes, while providing opportunities for visitors to use and learn about Refuge and marine resources. The priority public uses in this determination, will not materially interfere with or detract from the fulfillment of the National Wildlife Refuge System mission or the purposes of this Refuge.

Signature: Refuge Manager: Charles W. Blair 3-23-2005
(Signature and Date)

Concurrence: Regional Chief: Anthony D. Lege March 24, 2005
(Signature and Date)

Mandatory 15-Year Re-Evaluation Date: 3-1-2020

Literature

Grater, Russell K. 1976. The Interpreters Handbook. Globe, AZ: Southwest Parks and Monuments Association.

Maine Island Trail Association 2002. Maine Island Trail Association - 2002 Stewardship Handbook and Guidebook, 15th ed. 376 pp.

U.S. Fish and Wildlife Service. 1985. Refuge Manual. Washington, D.C.: U.S. Government Printing Office.

U.S. Fish and Wildlife Service. 1997. National Wildlife Refuge System Improvement Act of 1997, Public Law 105-57-Oct. 9, 1997.

Compatibility Determination – Maine Coastal Islands National Wildlife Refuge

Camping

Establishing and Acquisition Authorities:

Authorized through an Act Authorizing the Transfer of Certain Real Property for Wildlife, or other purposes. The establishing and acquisition authorities are:

1. 16 U.S.C. 667b, Public Law 80-537, An Act Authorizing the Transfer of Certain Real Property for Wildlife, or other Purposes; and,
2. 16 U.S.C 715-715r, The Migratory Bird Conservation Act, as amended and Established under the authority of the Migratory Bird Conservation Act, as amended.

Refuge Purpose(s):

1. "...for use as an inviolate sanctuary, or for any other management purpose, for migratory birds." 16 U.S.C. 715d (Migratory Bird Conservation Act).
2. "... 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).
3. "...particular value in carrying out the national migratory bird management program." 16 U.S.C. 667b (An Act Authorizing the Transfer of Certain Real Property for Wildlife, or other purposes).
4. "... 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 ..." 16 U.S.C. 3901(b), 100 Stat. 3583 (Emergency Wetlands Resources Act of 1986).

National Wildlife Refuge System Mission:

The mission of the National Wildlife 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 resources and their habitats in the United States for the benefit of present and future generations of Americans.

Description of Use:

The use analyzed is overnight camping on two Refuge Islands (Bois Bubert and Halifax). This use officially started in 1990 under a Cooperative Agreement with the Maine Island Trail Association (MITA). Specific sites on each island are designated for this use. On Bois Bubert Island, the designated campsite is located about half way down the side of the island on the SE side of Seal Cove. The area is on a raised gravel beach bordered by typical spruce forest habitat. Bubert is a 1200 acre island. The designated camp site on Halifax Island is on a gravel over wash bar on the NW side of the island. The area comprises about one acre of this 75 acre island. Fragile areas of the island containing unique botanical features are closed to entry. Neither island attracts nesting seabirds. A bald eagle nest on Bois Bubert is not in the vicinity of the campsite and no disturbance by this use would occur.

Typically, most use occurs in July and August. The use is controlled and monitored via a Special Use Permit MITA and individual SUP’s for non-MITA members. Users are required to make reservations in advance. Uses are monitored through the Refuge Office.

Camping on off shore islands is a popular and traditional recreation activity in coastal Maine. With an increasing interest in kyaking and an abundance of islands stringing Maine's coastline, kyaking is a natural for access to coastal islands that facilitates both day use and over night camping. The Maine Island Trail Association (MITA) manages the Maine Island Trail, a 325 mile waterway extending from Casco Bay east to Machias Bay. In 2001 there were 104 islands on the Trail open to day use and overnight camping. Both Bois Bubert and Halifax Islands provide critical links in the trail for kyakers navigating along islands in this downeast section of the trail.

MITA (Maine Island Trail Association) is allowed to use one unimproved site on Bois Bubert Island for overnight camping and an area on the western portion of Halifax Island. Low impact camping is encouraged, no fires or pets are permitted and groups must call the Refuge prior to staying on the islands. The maximum number of people allowed per day is not to exceed 10. MITA on an average accounts for about 10 group visits per year which equals about 30 overnight visits per year.

CHEWONKI (an educational foundation) is allowed to use one unimproved site on Bois Bubert Island for overnight camping and one site on the western portion of Halifax Island in conjunction with their environmental education programs. Low impact camping is utilized. Overnight stays do not exceed two nights unless foul weather/sea conditions prevent safe sailing. The maximum number of people allowed per day is not to exceed 10. CHEWONKI at the maximum averages one group visit per year with 12-22 overnight visits/year.

General Public is allowed to use both Bois Bubert and Halifax islands for camping under a special use permit. Use/visitation is dictated by weather and sea conditions. Most use occurs during July and August. In 2001, 5 groups (about 30 campers) used Halifax and Bois Bubert islands.

Availability of Resources:

Current staffing and budget is sufficient to monitor use periodically during the summer camping season. MITA assigns island stewards to assist island owners with annual monitoring and clean up. Without this assistance, it would be difficult to adequately manage this use. There are no direct Refuge costs for special equipment or maintenance. Both camp sites are primitive and have no facilities or structures. Annual periodic cleanup and monitoring is accomplished totally by MITA volunteers.

Costs associated with Administration of the program include:

Preparation of special use permits	\$ 500.00
Annual check of Refuge signs	\$185.00
Boat Operating Costs \$50/hr @ 3 hrs	\$200.00
Managing reservations	\$250.00
Total Cost of Program.....	\$1,135.00

FY 2004 Refuge Budget Allocation included:

Salaries.....	\$428,609.00
Fixed Costs	\$ 64,613.00
Annual Maintenance	\$34,100.00
Total Available Funds	\$527,322.00

Based on a review of the budget allocated for recreational use management, I certify that funding is adequate to ensure compatibility and to administer and manage the recreational use listed.

Anticipated Impacts of the Use:

Impacts associated with this use would generally be confined to a relatively small area of each island in the immediate vicinity of the use; i.e., the campsite. As each camp site is situated on a gravel type beach, there would be little direct impacts to the immediate environment. Camping may impose some impacts along the edges of the shoreline which may include trampling of vegetation and temporary disturbance to wildlife. These impacts would be short term and would not impose long term degradation at the current use. Seasonal storms, waves, and high tides actually impact island shorelines with forces that far exceed limited human foot traffic. Long term impacts in the form of vegetation trampling, local wildlife disturbance, and littering would occur if this use increased greatly or were unrestricted. On some coastal islands that have a much higher use, littering, erosion, and vegetation trampling were found to be excessive. Islands that have established trails can and do develop areas where erosion is excessive and results in loss of ground cover and sloughing away of the actual trail. These impacts have not occurred on these two islands.

The listed use would not detract from other Refuge programs because volunteers provide all monitoring and policing through MITA's Island Steward Program. Also, Refuge goals and objectives focus mainly on coastal seabird nesting islands. Neither island where this use occurs has nesting seabirds. One pair of eagles nest on Bois Bubert at this time (not in the vicinity of Seal Cove) and no osprey nest in close proximity to the camp site. No eagles or osprey nest on Halifax Island. On Halifax Island- the eastern side of the Island is closed to protect fragile botanical features. Endangered or threatened species do not occur in the immediate area of the campsites and no wetlands would be impacted.

Again, there seem to be very minor problems associated with littering, in fact both of these groups are required to clean up the area and notify the Refuge of any problems. MITA does an annual litter pick-up at the campsite and along the shoreline; most trash collected is fishing gear that has washed on shore.

Public Review and Comment:

This determination is being prepared concurrently with the Comprehensive Conservation Plan (CCP). The listed use has been discussed at CCP public scoping meetings and has been identified in the CCP Planning Update. Further public comment opportunities were afforded when the Draft CCP/EIS was released for a 60-day review. No significant changes occurred between the draft and final plans.

Determination (Check one below):

- Use is Not Compatible
 Use is Compatible With the Following Stipulations

Stipulations Necessary to Ensure Compatibility:

MITA

1. MITA members will not enter closed areas (see current MITA Handbook for reference map) for any purpose at any time without written authorization from the Refuge Manager. Closed areas are subject to change as wildlife activity dictates. Permittee will be informed of these changes both verbally and by posted signs in the field.
2. This permit is issued upon the express condition that the United States of America, its agents and employees shall be free from all liabilities and claims for damages and/or suits for or by reason of any injury to any person or property of any kind whatsoever, whether to the property of the United States, the Permittee or third parties, from any cause whatsoever arising from any acts or omissions of the Permittee, its agents or employees pursuant to the terms of this Permit or in any way connected thereto, and the Permittee hereby covenants and agrees to indemnify, defend, save and hold harmless the United States of America, its agents, and employees from all such liabilities, expenses, obligations, damages, and costs on account of or by reason of any injuries, deaths, liabilities, claims, suits or losses however occurring or damages arising out of the same.
3. The Permittee shall purchase and maintain during the term of this permit comprehensive general liability insurance against claims occasioned by actions or omissions of the Permittee, its agents, and employees, in carrying out the activities and operations authorized hereunder. Such insurance shall be commensurate with the degree of risk and the scope and size of such activities authorized herein, but in any event not less than \$500,000 for bodily injury per person, and \$1,000,000 per incident, and property damage of at least \$25,000 per occurrence. A certificate of insurance will be secured from the insurance carrier and provided to the Refuge prior to beginning any activities authorized under this permit. All liability policies are to name the United States of America as an additional insured and shall specify that the insurance company shall have no right of subrogation against the United States and shall have no recourse against the Government for payment of any premium or assessment.
4. Group size maximum is 10 persons per MITA site.
5. Permittee will provide the Refuge Manager with an annual report of the number of overnight groups (including the number of individuals per group) known to have used the islands per month, as well as the number of hours MITA volunteers spent maintaining each site. This report is due no later than October 12, of each year.
6. Each site on the refuge shall be monitored throughout the season by a MITA-designated volunteer. A log of problems encountered and/or time spent checking and maintaining the site will be submitted along with statistics from item #5.
7. All human waste and trash generated during the visit must be carried off-refuge with the group or individual at departure.
8. Permittee will use only designated camp areas. No vegetation at the sites will be disturbed or cut without authorization from the Refuge Manager.
9. Fires (cooking or camp) and pets are not permitted on Refuge islands.

The CHEWONKI Foundation

1. Tour leader and/or group will not enter closed areas for any purpose at any time without written authorization from the Refuge Manager. Closed areas are subject to change as wildlife activity dictates. Permittee will be informed of these changes both verbally and by posted signs in the field.
2. This permit is issued upon the express condition that the United States of America, its agents and employees shall be free from all liabilities and claims for damages and/or suits for or by reason of any injury to any person or property of any kind whatsoever, whether to the property of the United States, the Permittee or third parties, from any cause whatsoever arising from any acts or omissions of the Permittee, its agents or employees pursuant to the terms of this Permit or in any way connected thereto, and the Permittee hereby covenants and agrees to indemnify, defend, save and hold harmless the United States of America, its agents, and employees from all such liabilities, expenses, obligations, damages, and costs on account of or by reason of any injuries, deaths, liabilities, claims, suits or losses however occurring or damages arising out of the same.
3. The Permittee shall purchase and maintain during the term of this permit comprehensive general liability insurance against claims occasioned by actions or omissions of the Permittee, its agents, and employees, in carrying out the activities and operations authorized hereunder. Such insurance shall be commensurate with the degree of risk and the scope and size of such activities authorized herein, but in any event not less than \$500,000 for bodily injury per person, and \$1,000,000 per incident, and property damage of at least \$25,000 per occurrence. A certificate of insurance will be secured from the insurance carrier and provided to the Refuge prior to beginning any activities authorized under this permit. All liability policies are to name the United States of America as an additional insured and shall specify that the insurance company shall have no right of subrogation against the United States and shall have no recourse against the Government for payment of any premium or assessment.
4. Groups will not exceed 10, including tour leaders.
5. In accordance with the 1992 United States General Accounting Office audit, the U.S. Fish and Wildlife Service is required to conduct compliance checks to ensure Permittees are operating within all aspects of their permit and U.S. Coast Guard regulations. These checks may be conducted unannounced.
6. A schedule of island visits planned for the season will be provided to the Refuge Manager prior to beginning and activities authorized under this permit so that overlap with other tour groups may be avoided.
7. Permittee will provide the Refuge Manager with an annual report of the number of overnight tours (including the number of individuals per tour) conducted on the refuge per month. This report is due no later than October 12, 2001.
8. Fires (cooking or camp) and pets are not permitted on Refuge islands.
9. All human waste and trash generated during the visit must be carried off-refuge with the group or individual at departure.
10. Permittee will use only designated camp areas, designated on a map by Refuge Manager. No vegetation at the sites will be disturbed or cut without authorization from the Refuge Manager.

General Public

1. On Bois Bubert Island-only camp in the area located at Seal Cove and on Halifax Island-only camp on the area which is near the north-facing cobble beach. No more than 2 consecutive nights is allowed for camping,
2. On Halifax Island- the eastern side of the Island is closed to protect fragile botanical features.
3. Fires of any kind are not allowed.
4. Group size limited to 10 persons
5. Permittee will notify the Refuge of any problems on or around the island.
6. All human waste and trash generated during the visit must be carried off island.
7. Pets are not allowed on Refuge islands.
8. All visitors must practice the *Leave No Trace* principles.

Justification:

Although not necessary to enjoy wildlife-oriented refuge activities, overnight stays could expand on this by providing recreational opportunities to offshore islands where an overnight stay would facilitate the increased safety in having a safe haven in the coastal ocean environment. Cooperating with MITA also allows for the dissemination of literature and information promoting island ethics. In addition, MITA members serve as our monitoring eyes on islands that we only visit periodically.

MITA is a non-profit conservation organization committed to preserving Maine's undeveloped islands in their natural state while providing a recreational asset for responsible visitors. These goals are achieved by encouraging a sense of stewardship and promoting a philosophy of low-impact use. Members use the islands in a manner that has little or no impact on the natural environment with special consideration given to wildlife. Members also assist island owners in monitoring wildlife, recreational use, keeping shores clean, and carrying out projects. Sea kayaking has become an incredibly popular sport and pressures on islands are increasing. MITA is the only organization that is educating these users to responsible stewardship. Their annual publication includes information on marine/island wildlife, safety, property rights, commercial traffic, low impact camping, weather, etc. In addition, each year prior to their annual mailing the USFWS is given an opportunity to send additional information (e.g., Island Ethics brochure).

They perform a needed service - cleaning up litter, primarily from commercial fishing activities, noting wildlife use in daily logs, and activities that may be of potential concern, and serve as stewards of the site, which is very attractive and consequently draws use. MITA use is allowed under an annual refuge special use permit.

The CHEWONKI Foundation is a non-profit educational institution dedicated to outdoor experiential education. Founded in 1915 programs encourage participants to develop their personal potential, gain a sense of community, and heighten their interest in and understanding of the natural world, in particular the marine environment. CHEWONKI has provided long-term monitoring of wildlife populations on many islands within the Gulf of Maine. CHEWONKI use of the islands has been minimal, one or two visits per year. Instructors are well versed in seamanship, respect for the land and wildlife, and natural history, and they leave the site spotless.

The Refuge uses partnerships and environmental education to motivate citizens of all ages to action and understanding in protecting a healthy ecosystem. Partnerships and environmental education are tools used to build a land ethic, develop political support, lessen vandalism, littering and poaching. Visitors come to the Refuge to see, enjoy, and learn about wildlife and their habitats. Wildlife observation, photography, and educational opportunities along Refuge shorelines are wildlife oriented activities (USFWS 1985) which are compatible with Refuge purposes. The minor impacts to vegetation and wildlife which may occur are a worthwhile trade off for informing visitors about island wildlife and providing an opportunity for active land stewardship. These activities are used throughout the country to inform and educate visitors to public lands of all types (Grater 1976).

With the stipulations noted in the Special Use Permit conditions, activities will be compatible with Refuge purposes, while providing opportunities for visitors to use and learn about Refuge and marine resources.

General Public use on these islands for camping is justified because to exclude one segment of users and allow the same use to others would not be in keeping with an equal opportunity philosophy. Not to allow the general public the same opportunity as MITA or Chewonki might be construed as discriminatory.

Based on the limited detrimental impacts of this use, the above stipulations, and a 12 year history of use, overnight camping at current levels will not materially interfere with or distract from the mission of the National Wildlife Refuge System or the purposes for which the refuge was established.

Signature: Refuge Manager: Charles W. Blair 3-23-2005
(Signature and Date)

Concurrence: Regional Chief: Anthony D. Lejeune March 28, 2005
(Signature and Date)

Mandatory 10-Year Re-Evaluation Date: 3-1-2015

Literature Cited

Grater, Russell K. 1976. The Interpreters Handbook. Globe, AZ: Southwest Parks and Monuments Association.

U.S. Fish and Wildlife Service. 1985. Refuge Manual. Washington, D.C. : U.S. Government Printing Office.

Compatibility Determination – Maine Coastal Islands National Wildlife Refuge

Sheep Grazing on Seabird Nesting Islands

Establishing and Acquisition Authorities:

Authorized through an Act Authorizing the Transfer of Certain Real Property for Wildlife, or other purposes. The establishing and acquisition authorities are:

1. 16 U.S.C. 667b, Public Law 80-537, An Act Authorizing the Transfer of Certain Real Property for Wildlife, or other Purposes; and,
2. 16 U.S.C 715-715r, The Migratory Bird Conservation Act, as amended and Established under the authority of the Migratory Bird Conservation Act, as amended.

Refuge Purpose(s):

1. "...for use as an inviolate sanctuary, or for any other management purpose, for migratory birds." 16 U.S.C. 715d (Migratory Bird Conservation Act).
2. "... 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).
3. "...particular value in carrying out the national migratory bird management program." 16 U.S.C. 667b (An Act Authorizing the Transfer of Certain Real Property for Wildlife, or other purposes).
4. "... 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 ..." 16 U.S.C. 3901(b), 100 Stat. 3583 (Emergency Wetlands Resources Act of 1986).

National Wildlife Refuge System Mission:

The mission of the National Wildlife 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 resources and their habitats in the United States for the benefit of present and future generations of Americans.

Description of Use:

What is the Use? Is the use a priority use?

The use is sheep grazing on Nash Island and Metinic Island. Sheep grazing is not a priority public use of the National Wildlife Refuge System.

Where would the use be conducted?

Sheep are currently allowed to graze freely on both Nash and Metinic islands.

The Service does not own Metinic Island entirely in fee title and sheep move onto Refuge land from the south end of the island which is under private ownership. Sheep move to Nash Island at low tide from Big Nash, a privately owned island. Permanent fencing to limit or exclude sheep on either island would be difficult, costly, and inefficient as the animals could easily travel around the fences during low tides.

When would the use be conducted?

Sheep remain on both islands year around and are gathered each year in early summer for shearing. Approximately 120 sheep graze Metinic Island Refuge property and 30-35 graze on Nash Island. Due to the sheep movement between private and public land, this number does not represent a daily use.

How would the use be conducted?

Sheep are currently allowed to graze freely on both Nash Island and Metinic islands. On Metinic Island, sheep are fenced out of the tern colony with electric fence during April through August.

Why is the use being proposed?

Both Nash and Metinic Islands are predominately vegetated by grass and forbs. The islands host nesting terns, eiders, and gulls. Metinic Island supports one of the Refuge’s six seabird restoration projects. Controlled grazing may be the best tool available at this time to maintain island nesting habitat for terns and the other nesting island species. Other habitat management options including burning, mowing, or herbicide treatment are not practical or not cost effective.

The Service is engaged in a study to determine the impacts of sheep grazing and the effectiveness of grazing as a management tool for maintaining viable island nesting bird habitat. The results of the study will be evaluated within 5 years of this approved compatibility determination. This compatibility determination will be reevaluated at that time and the new determination will reflect the findings of the study.

Availability of Resources:

The costs incurred by Refuge programs for managing this use are funded through the on-going seabird restoration project which is funded under RONS projects. Funding supports seasonal research interns and sheep enclosure electrical fencing, solar panels and batteries on Metinic Island. No funding is directed to Nash Island as this island does not support a seabird restoration program at this time. MMS dollars are also available if necessary. Currently, the cost of maintaining sheep free areas to protect nesting seabirds is available in existing program budgets.

Costs associated with administration of this program include:

Boat Operating Costs \$50/hr @ 15hrs	\$750.00
Equipment maintenance/replacement (includes, fence posts, electric fence, hardware, solar panel, batteries)	\$2,500.00
Staff time to set up and monitor	\$1,050.00
Intern Time (monitoring)	\$210.00
Total Cost of Program	\$4,300.00

This is the cost to implement the program and is not an annual cost. The cost will fluctuate depending upon how often equipment needs replacing.

FY 2004 Refuge Budget Allocation included:

Salaries	\$428,609.00
Fixed Costs	\$64,613.00
Annual Maintenance	\$34,100.00
RONs Project (Metinic Island)	\$10,800.00
Total Available Funds	\$538,122.00

Based on a review of the budget allocated for grazing management, I certify that funding is adequate to ensure compatibility and to administer and manage this use.

Anticipated Impacts of the Use:

Where uncontrolled, grazing can have detrimental impacts to habitat and wildlife. For example, high density cattle stocking and grazing that is not seasonally managed has been shown to have a negative impact on nesting densities of several species of ducks and upland sandpipers in the northern Great Plains (Kruse and Bowen 1996, Bowen and Kruse 1993).

Grazing can negatively impact other species, such as terns and eiders directly through physical disturbance which could subject the birds to predation by gulls or more indirectly through habitat alteration from intensive grazing. In addition, grazing under some conditions could displace nesting birds, eiders in particular, to peripheral and less productive habitat. The positive effects of grazing as a management tool must also be considered. Managing habitat with cattle grazing can be successful where grazing pressure is managed and a rest rotation regime is used (Mundinger 1976). Sheep grazing has also been used to manipulate rangeland vegetation in Utah (Jensen and Urness 1982) and to control cattail in California (Ermacoff 1968).

Nash Island is a former tern nesting island that now supports nesting eiders and gulls in addition to a small number of terns nesting on the periphery of the island. Little information is available on the interactions between sheep and seabirds on this island. It is currently unclear what effects nesting black-backed gulls are having on terns and eiders, or if the combination of grazing and gull predation is synergistic.

Metinic Island currently supports a seabird restoration program where research interns monitor nesting terns and sheep. Sheep on this island are excluded from the tern restoration site during the may-August nesting season using electric fencing. Also, vegetation is being studied to look at the effects grazing has on habitat. Grazing is being monitored to ascertain how it can be applied as a tool to manage vegetation for improving nesting habitat for terns on offshore seabird nesting islands. Where vegetation is left unchecked for long periods of time, encroaching rank grasses, forbs, and shrubs can choke out quality tern nesting habitat. It appears that grazing during the fall and winter does control vegetation and with seasonal exclusions, can become an effective tool in tern habitat management. It can also be argued that for eiders, grazing would reduce the vegetative density and thereby reduce good eider nesting habitat.

Managing grazing through timing and exclusion will have a positive impact on nesting terns over the long term via vegetation control and nesting habitat maintenance. Using grazing as a tool will help meet Refuge objectives to restore tern populations on Refuge lands.

Public Review and Comment:

This determination is being prepared concurrently with the Comprehensive Conservation Plan (CCP). The listed use has been discussed at CCP public scoping meetings and has been identified in the CCP Planning Update. Several comments have been received to date. Further public comment opportunities were afforded when the Draft CCP/EIS was released for a 60-day review. Appendix I in the final EIS summarizes the comments and our responses to them. No significant changes occurred between draft and final plans, except for the decision to re-evaluate the use within 5 years of this approval.

Determination Check one below):

- Use is Not Compatible
- Use is Compatible With the Following Stipulations

Stipulations Necessary to Ensure Compatibility:

Where grazing can be controlled, stocking density will be below the maximum necessary to achieve objectives. Where appropriate, sheep will be seasonally excluded from specific habitats or nesting colonies through physical barriers. Because the Service does not have complete ownership of Nash and Metinic islands, it is difficult to control grazing on the Refuge portion of each island. Seasonal fencing (exclosures) may be the most effective technique at this point, as permanent fencing across each island would not be feasible or effective given that sheep are extremely mobile and can negotiate around fences during low tides. On Metinic Island, the tern colony will be enclosed by electric fencing. This technique works well as long as the area can be consistently monitored throughout the nesting season. Two interns are hired annually to monitor nesting seabirds on this island. In addition, the island protocol includes specific tasks to monitor sheep and study vegetation in the enclosure and adjacent grazed areas. The impacts of grazing and the effectiveness of using grazing as a management tool will be evaluated within 5 years of the approved compatibility determination.

Justification:

Grazing can be used in the form of a system which can be locally adapted to produce desirable objectives. Rest and or deferred rotational periods can be incorporated into a system to produce a variety of habitat for wildlife. With proper timing, kind of livestock, stocking rate and frequency, grazing can be used to achieve wildlife objectives (Refuge Manual, 6RM 5.5B 1982). Using grazing as a habitat management tool on Refuge islands is currently under study. With the use of exclosures to keep sheep out of the seabird colony, Refuge objectives to restore colonial nesting seabirds to off shore islands are being accomplished. The limited amount of grazing currently on Refuge islands will not deter from nor detract from the mission of the National Wildlife Refuge System. Under current circumstances, accommodating grazing, at least at current levels, will help the Refuge gain biological information for the seabird restoration program.

Signature: Refuge Manager: Clayton W. Blair 3-23-2005
(Signature and Date)

Concurrence: Regional Chief: Anthony D. Lejeune March 28, 2005
(Signature and Date)

Mandatory 5-Year Re-Evaluation Date: 3-1-2010

Literature Cited:

- Bowen B.S. and A.D. Kruse. 1993. Effects of grazing on nesting by upland sandpipers in south-central North Dakota. *J. Wildl. Manage.* 57: 291-301.
- Ermacoff, N. 1968. Marsh and habitat management practices at the Mendota Wildlife Area. California Dept. of Fish and Game. Game Management leaflet 12. 12 pp.
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- Kruse, A.D. and B.S. Bowen. 1996. Effects of grazing and burning on densities and habitats of breeding ducks in North Dakota. *J. Wildl. Manage.* 60(2): 233-246.
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Compatibility Determination – Maine Coastal Islands National Wildlife Refuge

Monitoring Resources

Establishing and Acquisition Authorities:

Authorized through an Act Authorizing the Transfer of Certain Real Property for Wildlife, or other purposes. The establishing and acquisition authorities are:

1. 16 U.S.C. 667b, Public Law 80-537, An Act Authorizing the Transfer of Certain Real Property for Wildlife, or other Purposes; and,
2. 16 U.S.C 715-715r, The Migratory Bird Conservation Act, as amended and Established under the authority of the Migratory Bird Conservation Act, as amended.

Refuge Purpose(s):

1. "...for use as an inviolate sanctuary, or for any other management purpose, for migratory birds." 16 U.S.C. 715d (Migratory Bird Conservation Act).
2. "... 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).
3. "...particular value in carrying out the national migratory bird management program." 16 U.S.C. 667b (An Act Authorizing the Transfer of Certain Real Property for Wildlife, or other purposes).
4. "... 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 ..." 16 U.S.C. 3901(b), 100 Stat. 3583 (Emergency Wetlands Resources Act of 1986).

National Wildlife Refuge System Mission:

The mission of the National Wildlife 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 resources and their habitats in the United States for the benefit of present and future generations of Americans.

Description of Use:

Activities: On Refuge lands, monitoring through collection of zoological specimens, including herpetiles, lepidopterans, Odonates, Arachnids and other Family groups occurs as opportunities with resource professionals arises. On Refuge lands, we monitor for occurrence of Lyme disease carrying ticks, and band or census birds in support of MAPS project, Migratory Bird Management Office needs, Regional migratory bird inventory needs, and special projects where banding and censusing are appropriate techniques for gathering biological information. We collect soil samples as needed to support Refuge research and monitoring projects and NRCS soil survey needs and collect vegetative samples for pre-approved herbarium use.

A Refuge Special Use Permit is completed annually between the Service and Humboldt Field Research Institute.

Humboldt Field Research Institute is a educational institution specializes in training wildlife, biological, botany, etc. professionals in coastal ecology. They have completed surveys of bryophytes, wetland plants, geological patterns, etc. on Petit Manan Point and some islands. Professionals from all over the nation attend classes, in addition to gaining more baseline data on Refuge resources. Communications with other professionals is also a benefit. Data, where appropriate, is entered into a GIS.

Availability of Resources:

Resources are available through current RONS funding. Refuge staff, volunteers and cooperators also provide resources to implement projects.

Anticipated Impacts of the Use:

Impacts have been positive and useful, increasing information for the Refuge and coastal ecosystem. This activity supports the purposes for which the Refuge was established. Some trampling of vegetation may occur, but monitoring is being conducted by trained professionals, who wish to continue their studies and respect the resource. Some wildlife may temporarily be disturbed.

Public Review and Comment:

This determination is being prepared concurrently with the Comprehensive Conservation Plan (CCP). The listed use has been discussed at CCP public scoping meetings and has been identified in the CCP Planning Update. Further public comment opportunities were afforded when the Draft CCP/EIS was released for a 60-day review. No significant changes were made between draft and final plans.

Determination (Check one below):

- Use is Not Compatible
- Use is Compatible With the Following Stipulations

Stipulations Necessary to Ensure Compatibility:

Research activities will be implemented through a special use permit and monitored through annual review of standard operating procedures, impacts on the resource, pre-season consultations, and an annual end of season field report. New proposals must be submitted for review and approval prior to initiation of work. Prior to field trips, any areas of use will be agreed to and identified on a map.

Justification:

Data collection, monitoring of existing wildlife species, monitoring dispersal of insects, continuing plant inventories, etc. add to the Refuge baseline data information which enables land managers and wildlife professionals to better manage Federal lands. These activities support the purposes of the Refuge. Monitoring Resources will not detract from the mission of the National Wildlife Refuge System or the objectives of the Refuge.

Signature: Refuge Manager: Clayton W. Blair 3-23-2005
(Signature and Date)

Concurrence: Regional Chief: Anthony D. Lejeune March 28, 2005
(Signature and Date)

Mandatory 10-Year Re-Evaluation Date: 3-1-2015

Compatibility Determination – Maine Coastal Islands National Wildlife Refuge

Research – Neotropical Migrants

Establishing and Acquisition Authorities:

Authorized through an Act Authorizing the Transfer of Certain Real Property for Wildlife, or other purposes. The establishing and acquisition authorities are:

1. 16 U.S.C. 667b, Public Law 80-537, An Act Authorizing the Transfer of Certain Real Property for Wildlife, or other Purposes; and,
2. 16 U.S.C 715-715r, The Migratory Bird Conservation Act, as amended and Established under the authority of the Migratory Bird Conservation Act, as amended.

Refuge Purpose(s):

1. "...for use as an inviolate sanctuary, or for any other management purpose, for migratory birds." 16 U.S.C. 715d (Migratory Bird Conservation Act).
2. "... 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).
3. "...particular value in carrying out the national migratory bird management program." 16 U.S.C. 667b (An Act Authorizing the Transfer of Certain Real Property for Wildlife, or other purposes).
4. "... 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 ..." 16 U.S.C. 3901(b), 100 Stat. 3583 (Emergency Wetlands Resources Act of 1986).

National Wildlife Refuge System Mission:

The mission of the National Wildlife 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 resources and their habitats in the United States for the benefit of present and future generations of Americans.

Description of Use:

This effort is part of a *Neotropical Migrant Landbird Monitoring Program for Maine and New Brunswick: Assessing Coastal Importance and Management Strategies*. This project, initiated in 1993, is a long-term international, multi-agency/privately funded monitoring program for Neotropical migrant landbirds nesting and migrating through structurally stable boreal forests, bogs, and fens that are relatively free from future habitat fragmentation, large changes in habitat structure, human disturbances, and insect infestations. The USFWS provides Challenge Grant and Migratory Bird-Nongame Funds for monitoring on selected Refuge islands.

Monitoring of Neotropical migrants occurs on selected Refuge islands in the spring, summer, and fall. On Cross Island, the primitive trail system is used and overnight stays are permitted in the Refuge cabin. Boat support is often provided by USFWS. Vegetative monitoring is done in August through September. Neotropical migrant and vegetation studies conducted via contract researchers and Refuge staff initiated by a RONS FY98 project, as appropriate will be expanded to include future Refuge lands (islands and mainland) and those lands that will be managed cooperatively through conservation easements or management agreements.

Availability of Resources:

Current staff and funding through RONS projects or flexible funds are available to support these kinds of projects. Periodic support through specific Regional accounts, e.g., Partners-In-Flight, also may be available.

Anticipated Impacts of the Use:

Impacts to vegetation and wildlife are expected to be minimal. Most studies will be conducted on Refuge habitats that include mixed forests, grasslands, shrublands and both forested and non-forested islands. Research activities will be similar on all Refuge lands. Only experienced technicians will be employed, using, where possible, those that have had previous field experience in the area.

Positive impacts include:

Developing and implementing an international, long-term monitoring program for Neotropical migrant landbirds in Maine and New Brunswick;

Monitoring species, mostly Neotropical migrants, under-sampled by the BBS within the Region (19 species) and state (13 species) or species with a low level of sampling and showing significant population declines (2 species);

Evaluating long-term monitoring trends for the migration season for Neotropical migrant landbirds using point counts;

Compliment and enhance the results and interpretation of BBS data for the spruce-fir forest biome,

Monitor nesting populations of merlin (only area in New England with established breeding population), Bicknell's thrush, and blackpoll warbler (only lowland populations in the U.S. and Canadian Maritimes); and

Establish baseline floral and faunal information on Refuge lands.

Public Review and Comment:

This determination is being prepared concurrently with the Comprehensive Conservation Plan (CCP). The listed use has been discussed at CCP public scoping meetings and has been identified in the CCP Planning Update. Several comments have been received to date. Further public comment opportunities were afforded when the Draft CCP/EIS was released for a 60-day review. No significant changes were made between draft and final plans.

Determination (Check one below):

- Use is Not Compatible
 Use is Compatible With the Following Stipulations

Stipulations Necessary to Ensure Compatibility:

Nesting bald eagles, osprey and seabirds will be taken into consideration to minimize disturbance to these birds. Project proposals, cooperative agreements, Special Use Permits, and standard operating procedures will be reviewed prior to each field season; survey routes and plot points will be approved by Refuge staff who will occasionally accompany consultants on field trips; and end of season reports will be compiled. Regulations to ensure the safety for all participants will be reviewed prior to each season.

Justification:

Cooperative agreements and contracts are entered into under the authority of the Migratory Bird Conservation Act, as amended (16 USC 715b). Agreements and contracts facilitate cooperation and support management and monitoring on Refuge lands.

This cooperative effort between private land trusts, USFWS, USNPS, US Navy, Maine Department of Inland Fisheries and Wildlife and private landowners, and a Provincial Park has brought together a diverse assemblage of land managers to address the plight of Neotropical migrant landbirds whose habitat requirements have no political/ownership boundaries. Management decisions affecting land use require accurate, reliable long-term data on bird populations and vegetation changes which these studies evaluate. Existing BBS population trend data collected under less rigorous protocol, without concurrent vegetation and land use analysis, need to be critically evaluated. This study will provide the means to accomplish these tasks.

Neotropical Migrant Research will not materially interfere with or detract from the fulfillment of the National Wildlife Refuge System mission or the purposes of this Refuge.

Signature: Refuge Manager: Charles W. Blair 3-23-2005
 (Signature and Date)

Concurrence: Regional Chief: Anthony D. Legier March 28, 2005
 (Signature and Date)

Mandatory 10-Year Re-Evaluation Date: 3-1-2015

Compatibility Determination – Maine Coastal Islands National Wildlife Refuge

Seabird Restoration Activities by Non-Service Personnel

Establishing and Acquisition Authorities:

Authorized through an Act Authorizing the Transfer of Certain Real Property for Wildlife, or other purposes. The establishing and acquisition authorities are:

1. 16 U.S.C. 667b, Public Law 80-537, An Act Authorizing the Transfer of Certain Real Property for Wildlife, or other Purposes; and,
2. 16 U.S.C 715-715r, The Migratory Bird Conservation Act, as amended and Established under the authority of the Migratory Bird Conservation Act, as amended.

Refuge Purpose(es):

1. "...for use as an inviolate sanctuary, or for any other management purpose, for migratory birds." 16 U.S.C. 715d (Migratory Bird Conservation Act).
2. "... 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).
3. "...particular value in carrying out the national migratory bird management program." 16 U.S.C. 667b (An Act Authorizing the Transfer of Certain Real Property for Wildlife, or other purposes).
4. "... 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 ..." 16 U.S.C. 3901(b), 100 Stat. 3583 (Emergency Wetlands Resources Act of 1986).

National Wildlife Refuge System Mission:

The mission of the National Wildlife 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 resources and their habitats in the United States for the benefit of present and future generations of Americans.

Description of Use:

Restoration, research, monitoring, and management of seabird colonies on certain islands of the Refuge have been on-going since about 1984. Currently (2002), this activity occurs on Petit Manan, Seal, Matinicus Rock, Pond, Ship, and Metinic Islands. As more islands are acquired or are placed under cooperative management status (easements/management agreements, etc.), seabird restoration opportunities may increase. Decisions on future sites will be determined through the Gulf of Maine Seabird Working Group. This compatibility determination specifically covers seabird restoration activities conducted by non-Service personnel. Refuge management activities conducted by the Service do not require a compatibility determination.

Refuge activities that support seabird restoration include feeding studies, banding, predator control, monitoring, nest searching, productivity studies, food studies, vegetation and nest site mapping for GIS analysis, and census. Vegetation management through use of pesticides, burning, mowing or grazing may also occur. Restoration work normally begins in mid-May and continues through the first week in August. Species that will be studied under this determination include common tern, Arctic tern, roseate tern, Atlantic puffin, black guillemot, laughing gull, herring gull, great black-back gull, razorbill, Leach's storm-petrel, and common eider.

Nine objectives and 88 strategies have been developed to carry out seabird restoration in the Comprehensive Conservation Plan.

Availability of Resources:

Funding for seabird work on Refuge islands is mainly through RONS projects and NWRS challenge cost-share grants. Staff salaries and Station operations funds are adequate to support this project.

Cost breakout for seabird restoration

Intern salaries (Petit Manan, Ship, Metinic Islands)	\$26,000.00
Food for interns	\$ 7,800.00
Equipment/materials	\$ 5,500.00
Logistical (boat) Support (120 hrs @ \$50/hr.).....	\$ 6,250.00
Logistical (staff) Support	\$10,000.00
Planning	\$ 3,025.00
Total	\$58,575.00

Audubon Support (Seal, Pond, Matinicus Rock Islands)

(Funded through Challenge Grant)	\$20,000.00
Project Total	\$78,575.00

FY 2004 Refuge Budget Allocation included:

Salaries	\$428,609.00
Fixed Costs	\$ 64,613.00
Annual Maintenance	\$34,100.00
Total Available Funds	\$527,322.00

Based on a review of the budget allocated for Refuge biological programs, I certify that funding is adequate to ensure compatibility and to administer and manage seabird restoration.

Anticipated Impacts of the Use:

Seabird restoration at Maine Coastal Islands NWR has been on-going since the mid-1980's and is in support of the purposes for which the Refuge was established. In addition, protecting and restoring nesting seabird populations on the Refuge's coastal islands contributes to regional and international seabird conservation goals and supports the *Gulf of Maine Tern Management Plan* (Gulf of Maine Tern Working Group 1989), the *Roseate Tern Recovery Plan* (USFWS 1998) and the focus of the Gulf of Maine Seabird Working Group (GOMSWG). Seabird restoration is also listed as Refuge Goal 5 in the Comprehensive Conservation Plan. It is expected that positive impacts will continue to accrue to

colonies of common and Arctic terns and Federally endangered roseate terns which are showing promise of expanding. Within the time period 1984 and 2001, the Maine population of common terns increased 168% (2,543 to 6,806 pairs); Arctic terns increased 61% (1,720 to 2,771 pairs); and roseate tern populations increased 278% (76 to 289 pairs). Members of GOMSWG have identified the need to maintain numerous seabird colonies along the Maine coast. Increasing the geographic distribution and the number of managed colonies would minimize the potential for a single catastrophic event (i.e., oil spill or disease) from devastating a significant percentage of the population (Welch 2001).

Seabird restoration funding is adequate at present levels provided that funding continues through RONS and challenge cost-share grants. Long term, funding shortfalls could come about if the seabird program expands and RONS funding remains stable, and/or challenge grant funding ceases. In such a case, it is anticipated that this priority program could divert funding from other Refuge programs.

Public Review and Comment:

This determination is being prepared concurrently with the Comprehensive Conservation Plan (CCP). The listed use has been discussed at CCP public scoping meetings and has been identified in the CCP Planning Update. Further public comment opportunities were afforded when the Draft CCP/EIS was released for a 60-day review. No significant changes were made between draft and final plans.

Determination (Check one below):

- Use is Not Compatible
 Use is Compatible With the Following Stipulations

Stipulations Necessary to Ensure Compatibility:

Restoration and research activities need be monitored through annual review of standard operating procedures, research proposals, annual work plans, pre-season and post-season consultations with cooperators and/ or contract researchers, field inspections, and annual end of season field reports. Reviewing each season's results will allow staff biologists to evaluate the program to ensure that it is meeting the Refuge's goals and objectives. New proposals will be submitted for review and approval prior to initiation of work and cooperative agreements and will be reviewed on an annual basis. All non-Service publications will acknowledge the Service and identify any resources and assistance provided.

Justification:

Nesting seabirds (terns, puffins, eiders) had been extirpated from most of Maine's islands by the turn of the 20th century. Only through the cooperative effort of Federal, State, and private partnerships, have we been able to reverse this trend and start to see recoveries in populations of nesting seabirds along the Maine coast.

Migratory birds are a trust resource that the Fish and Wildlife Service is mandated to protect. To support the Service in managing and protecting this resource, the Refuge has made this a priority biological program and every effort is made to assure that staffing and funding continues to support

this program. Restoration projects and research data collection activities require a long-term commitment and investment of time, funds, and expertise. To continue funding this program will help insure that Refuge goals and objectives are met. In reviewing the Station annual budget and staffing required to support this program, I have determined that carrying out a seabird restoration program on Maine Coastal Islands NWR will not interfere with nor detract from other Refuge programs or the fulfillment of the National Wildlife Refuge System mission or the purposes of the Refuge.

Signature: Refuge Manager: Clayton W. Blaw 3-23-2005
(Signature and Date)

Concurrence: Regional Chief: Anthony D. Leger March 28, 2005
(Signature and Date)

Mandatory 10-Year Re-Evaluation Date: 3-1-2015

Literature

Gulf of Maine Tern Working Group 1989. Gulf of Maine tern management plan. 44 pp.
U.S. Fish and Wildlife Service. 1998. Roseate Tern - Northeast population recovery plan. 75 pp.
Welch, L.(compiler) 2001. Seabird restoration in the Gulf of Maine -2001 season. Refuge files, Petit Manan NWR.

Compatibility Determination – Maine Coastal Islands National Wildlife Refuge

Commercial Tour Boat Service to Machias Seal Island

Establishing and Acquisition Authorities:

Authorized through an Act Authorizing the Transfer of Certain Real Property for Wildlife, or other purposes. The establishing and acquisition authorities are:

1. 16 U.S.C. 667b, Public Law 80-537, An Act Authorizing the Transfer of Certain Real Property for Wildlife, or other Purposes; and,
2. 16 U.S.C 715-715r, The Migratory Bird Conservation Act, as amended and Established under the authority of the Migratory Bird Conservation Act, as amended.

Refuge Purpose(s):

1. “...for use as an inviolate sanctuary, or for any other management purpose, for migratory birds.” 16 U.S.C. 715d (Migratory Bird Conservation Act).
2. “... 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).
3. “...particular value in carrying out the national migratory bird management program.” 16 U.S.C. 667b (An Act Authorizing the Transfer of Certain Real Property for Wildlife, or other purposes).
4. “... 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 ...” 16 U.S.C. 3901(b), 100 Stat. 3583 (Emergency Wetlands Resources Act of 1986).

National Wildlife Refuge System Mission:

The mission of the National Wildlife 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 resources and their habitats in the United States for the benefit of present and future generations of Americans.

Description of Use:

1. *What is the use? (Is the use a priority use?)*

This use includes ferry service to Machias Seal Island for the purpose of observing wildlife, including the largest Alcid colony on the coast of Maine. This recreational use also includes guided access on and over the island to observation blinds and interpretation of the nesting seabird colony. Wildlife observation is a priority use of the National Wildlife Refuge System.

2. *Where would the use be conducted?*

Seabird tours occur on Machias Seal Island, approximately 9 miles off the coast of Cutler, Maine. The island is owned by the State of Maine, Dept. of Inland Fisheries and Wildlife and is managed by Maine Coastal Islands NWR under a Memorandum of Understanding.

3. *When would the use be conducted?*

The period of use normally runs from late May to mid-August of each year depending on weather conditions and numbers of birds on the island.

4. *How would the use be conducted?*

Four boats servicing the island originate in Jonesport and Cutler, Maine, and Grand Manan, New Brunswick, Canada. The two United States tour boat operators operate under a refuge special use permit. The Canadian operator operates under a Canadian permit. A Schedule allotting landings to each captain is developed cooperatively by the U.S. Fish and Wildlife Service and the Canadian Wildlife Service (CWS). Landings under the special use permit covers the period from June 1 to July 31 which is the time when most birds are present on the island. Landings are limited to 30 people per day (total) which is shared among the three tour boat captains. The average stay on the island is under 3 hours, normally 2 to 2-1/2 hours.

5. *Why is the use being proposed?*

This use is on going and is supported because seabird viewing opportunities where people can actually land on an island and view birds up close from observation blinds are very limited. The current operation on Machias Seal Island provides the only opportunity of this kind in coastal Maine. This is also a good opportunity to provide both outreach and education and to promote support of nesting seabirds and island habitats.

Background

Sovereignty Issue: The Refuge Manager at Maine Coastal Islands NWR has, for the past several years, coordinated tour boat activities with the U.S. State Department's Office of Ocean Affairs, Interior Department Solicitors, CWS, and the Regional Office in Hadley, Massachusetts. Sovereignty is still an issue, even though the U.S. State Department says the island belongs to the United States. Canada also claims the island and has a physical presence there via a staffed Canadian lightstation.

The CWS has designated this island as a migratory bird sanctuary, and has limited the access by tourists during the breeding season since 1986. American and Canadian tour boat captains take tourists to the island to view seabirds. Until the 2001 season (June-July), captains were issued permits by the CWS based on a landing schedule coordinated with the U.S. Fish and Wildlife Service (FWS), Region 5 Regional Office. In 2001, permits were issued by the U.S. (Petit Manan National Wildlife Refuge [NWR]). U.S. captains were requested not to sign Canadian landing permits. The Canadian captain still operates under a Canadian permit. The State Department supports that the island is a U.S. possession and belongs to the State of Maine. The State of Maine delegated ownership to their Department of Inland Fisheries and Wildlife (IFW). A Memorandum of Understanding between the FWS and IFW outlines FWS's responsibility for management on the island. CWS has cooperated with the Maine Coastal Islands NWR in protecting seabirds and providing biological and public use information. This island is listed as 1 of 43 islands protected by Maine Coastal Islands NWR.

Availability of Resources:

Existing staff and budget have provided sufficient resources to manage the current use.

Costs associated with current program implementation include:

Preparation of Special Use Permits	\$ 500.00
Boat operating costs	\$ 500.00
Meetings	\$1,000.00*
Materials/Maintenance	\$ 500.00
Staff costs associated with Refuge program	\$2,900.00
* Includes periodic meetings at U.S. State Department	
Total Cost of Program	\$5,400.00

FY 2004 Refuge Budget Allocation included:

Salaries	\$428,609.00
Fixed Costs	\$64,613.00
Annual Maintenance	\$34,100.00
Total Available Funds	\$527,322.00

Anticipated Impacts of the Use:

Approaching and landing on Machias Seal Island by commercial tour boats and passengers causes short term disturbance to seabirds that are nesting near the approach or loafing nearby. In many cases, birds become accustomed to people and boat movements and disturbance may actually decrease over the season. Canadian light keepers who live on the island year round and seasonal researchers from the University of New Brunswick (UNB) interact with the birds on an almost daily basis during the nesting season. Landings by tour boats which are limited to 30 people per day during the June and July permit period does not seem to be an additive disturbance during this time period. Long term impacts are not known, however, this use has been on-going for many years and still, this colony is thriving and is one of the most productive seabird colonies on the Maine coast.

Currently, commercial tour boats servicing this island are limited to three operators. Current use (est.3,200 landings/year) appears not to be detrimental to nesting seabirds. Because of the issues surrounding sovereignty and the increasing interest in ecotourism opportunities of this kind, and pressures to increase these opportunities, additional tour boat operators may surface in the future. In coastal Maine, wildlife viewing is becoming a popular pursuit for an increasing number of the vacationing public and their desire to view wildlife has resulted in commercial enterprises focusing on bringing people to wildlife. Approximately 25,000 people annually take a commercial seabird tour boat excursion from Bar Harbor past Petit Manan Island. Between 1983-1985 at least 19 companies in coastal Maine chartered cruises to view wildlife resulting in an economic gain of approximately \$1,000,000 per year (Colgan, 1996). It is thus possible, and probable, that increased landings on this island may occur causing more disturbance than the birds could tolerate. In that event, long term detrimental impacts would be evident. Furthermore, current political issues surrounding this island may make it difficult for FWS and CWS to control landing numbers in the future.

Public Review and Comment:

This determination is being prepared concurrently with the Comprehensive Conservation Plan (CCP). The listed use has been discussed at CCP public scoping meetings and has been identified in the CCP Planning Update. Several comments have been received to date. Further public comment opportunities were afforded when the Draft CCP/EIS was released for a 60-day review. No significant changes were made between draft and final plans.

Determination (Check one below):

- Use is Not Compatible
- Use is Compatible With the Following Stipulations

Stipulations Necessary to Ensure Compatibility:

Refuge staff meet annually with CWS and tour boat captains to discuss issues and concerns surrounding ecotourism landings on the island. Landings are limited to 30 per day (15/captain) and normally last less than three hours. CWS hires a tern warden to monitor landings and with UNB assesses the level of disturbance from landings and accessing the observation blinds. Tours are monitored by the CWS tern warden and each boat captain and each tour group is escorted to a central staging area before being directed to the blinds. This keeps people from wandering and unnecessarily disturbing nesting birds. Tour boat captains operate under a special use permit that stipulates a landing schedule and a maximum number of landings per day.

Justification:

Tour boat landings on Machias Seal Island provide a unique opportunity to bring people to a tremendous wildlife viewing opportunity. This opportunity supports the refuge priority uses of wildlife observation and photography as outlined in the National Wildlife Refuge System Improvement Act of 1997 and will increase outreach of the Refuge and National Wildlife Refuge System. Commercial tour boat service to Machias Seal Island contributes to the achievement of the national wildlife refuge purposes and the National Wildlife Refuge System, and will not interfere with nor detract from the fulfillment of the National Wildlife Refuge System mission or the purposes of the Refuge.

Signature: Refuge Manager: Charles W. Blain 3-23-2005
(Signature and Date)

Concurrence: Regional Chief: Anthony D. Lejeune March 26, 2005
(Signature and Date)

Mandatory 10-Year Re-Evaluation Date: 3-1-2015

Literature Cited

Colgan, C.S. 2002. Economic analysis Report, Petit Manan National Wildlife Refuge Planning Project, Draft Environmental Impact Statement. U.S. Fish and Wildlife Service, Hadley, Massachusetts.

Compatibility Determination – Maine Coastal Islands National Wildlife Refuge

Public Hunting

Establishing/Acquisition Authority:

Authorized through an Act Authorizing the Transfer of Certain Real Property for Wildlife, or other purposes. The establishing and acquisition authorities are:

1. 16 U.S.C. 667b, Public Law 80-537, An Act Authorizing the Transfer of Certain Real Property for Wildlife, or other Purposes; and,
2. 16 U.S.C 715-715r, The Migratory Bird Conservation Act, as amended and Established under the authority of the Migratory Bird Conservation Act, as amended.

Refuge Purpose:

1. "...for use as an inviolate sanctuary, or for any other management purpose, for migratory birds." 16 U.S.C. 715d (Migratory Bird Conservation Act).
2. "... 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).
3. "...particular value in carrying out the national migratory bird management program." 16 U.S.C. 667b (An Act Authorizing the Transfer of Certain Real Property for Wildlife, or other purposes).
4. "... 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 ..." 16 U.S.C. 3901(b), 100 Stat. 3583 (Emergency Wetlands Resources Act of 1986).

National Wildlife Refuge System Mission:

The mission of the National Wildlife 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 resources and their habitats in the United States for the benefit of present and future generations of Americans.

Description of Use:

1. *What is the use?*
This determination covers opening several sections of the Refuge to the hunting of migratory game birds and waterfowl, small and big game.
2. *Where would the use be conducted?*
Areas of the Refuge that are open to hunting and are identified in the Refuge Hunt Plan (USDI-Petit Manan NWR 2001a) and Refuge Specific Regulations (USDI-Petit Manan NWR 2001b) include; Sawyers Marsh Division and Bois Bubert Island in Milbridge, Gouldsboro Bay Division in Gouldsboro, and 22 islands which are open to hunting of migratory birds. In addition, the Refuge proposes to allow deer hunting on a portion of the 2,200 acre Petit Manan Point Division

located in Steuben, Maine. The new hunt would occur north of the access road in the Birch Point trail area.

3. *When would the use be conducted?*

Hunting takes place in Maine normally from September through January.

4. *How would the use be conducted?*

All hunting will be conducted under State and Federal regulations and Refuge Specific Regulations. Refuge Specific Regulations are available to the public in brochure format.

The Refuge ownership on coastal lands in Maine extends to the mean low tidal mark, thus, they normally encompass intertidal lands that lie between the high and low tidal ranges. These intertidal lands are considered Public Trust Lands of the people of Maine, and as such, certain rights (fishing, fowling, and navigation) are held in common by the people of Maine. The Legislature of Maine states that these rights held in public trust are generally derived from English Common Law and from the Massachusetts Colonial Ordinance of 1641-1647 (State of Maine Bureau of Public Lands). These recreational uses held in trust are among the most important to the people of Maine. The Service recognizes these rights and, unless there is evidence that such uses detract from the Service's mission to protect these lands, will allow such uses. Hunting occurs outside the seabird nesting season (April 1 to August 31) and eagle nesting season (February 15 to August 31).

5. *Why is this use being proposed?*

Hunting is one of the priority uses outlined by Congress in the Refuge Improvement Act of 1997. The Service supports and encourages priority uses on National Wildlife Refuge lands where appropriate and compatible. Hunting is used in some instances to manage wildlife populations and can provide pertinent biological information to State wildlife agencies. Hunting is also a traditional form of wildlife oriented recreation that can be accommodated on many NWRS lands. In coastal Maine, many private lands and State areas offer similar hunting opportunities.

Availability of Resources:

Additional fiscal resources to conduct this activity would be minimal as hunting would occur under State regulations and not as a Refuge regulated hunting program. Staff time and resources necessary to monitor this use are provided below. Staff from the Rockport and Milbridge offices will provide limited monitoring. The Refuge would also coordinate with State wardens of the Department of Inland Fisheries and Wildlife and Department of Marine Resources Marine Patrol personnel.

Costs associated with administration of this use include:

Preparation of Annual Hunt Plan (16 staff hrs @ \$29.98/hr)	\$480.00
Preparation of Refuge Hunting Information/maps (16 staff hrs @ \$22.43/hr)....	\$413.00
Law Enforcement (40 staff hrs @ \$28.61/hr)	\$1,144.40
Boat Operation (\$50/hr @ 10 hrs)	\$500.00
News Releases (8 staff hrs @ \$24.60/hr).....	\$240.00
Hunter Orientation Session	\$320.00
Program Cost	\$3,097.00

*FY 2004 Refuge Budget Allocation included:

Salaries	\$428,609.00
Fixed Costs	\$64,613.00
Annual Maintenance	\$34,100.00
Total Available Funds	\$527,322.00

Based on a review of the budget allocated for recreational use management, I certify that funding is adequate to ensure compatibility and to administer and manage the recreational use listed.

Anticipated Impacts of Use:

Hunting is consistent with the purposes of the Refuge when carried out within established regulations and is a priority uses identified in the Refuge Improvement Act. Island visitation is expected to be minimal and anticipated uses and impacts should also be minimal provided that access is limited to outside the seabird nesting season. The Refuge does not anticipate significant hunting pressure to occur on Refuge lands as a result of opening these areas (islands and mainland units) to hunting due to the availability of private lands open to hunting outside the Refuge (USDI-Petit Manan NWR 2001).

Adverse effects on wildlife (waterfowl) populations are not expected to occur because of the hunting regulations and bag limits that have been set in place by the Federal (USFWS-Migratory Bird Office) and State (Dept. Of Inland Fisheries and Wildlife) agencies that manage the harvest of waterfowl populations. Significant conservation measures and extensive pre and post season population monitoring and the institution of Adaptive Harvest Management are safeguards inherent in waterfowl management. Adverse effects on other game species are not expected to occur because hunting will occur under State regulations. The State Dept. Of Inland Fisheries and Wildlife sets harvest limits that takes into account game species population data collected by State biologists and wildlife species assessments.

Public Review and Comment:

A draft EA for public hunting on Petit Manan NWR was prepared and distributed to meet NEPA compliance in 2001. A news release was published in the Downeast Coastal Press and Ellsworth American providing information on availability of the EA. Copies were made available at the Refuge office and at other locations in all towns affected by the proposed action. Copies were also sent to State agencies and to Refuge neighbors. The EA document was available for a 30 day comment period.

This determination was prepared concurrently with the Comprehensive Conservation Plan (CCP). The listed use has been discussed at CCP public scoping meetings and identified in CCP Planning Updates. Further public comment opportunities were afforded when the Draft CCP/EIS was released for a 60-day review. Appendix I of the EIS summarizes the public comments and our responses to them. We modified our hunt proposal for Petit Manan Point in response to the comments we received. Instead of opening the Point to all deer seasons, we have limited it as described above.

Determination (Check one below): Use is Not Compatible Use is Compatible With the Following Stipulations**Stipulations Necessary to Ensure Compatibility:**

Access for hunting will occur during the State hunting season (October-January) which is outside the window of the seabird and eagle nesting season. State hunting regulations, including bag limits will be in place. In addition, Refuge specific regulations will be in place to minimize conflicts with other public uses allowed on the Refuge. Federal regulations under 50CFR will also be in place. This activity will occur on Refuge mainland units and off-shore islands that have been historically hunted for many years with no adverse effects to wildlife populations or the landscape. Islands that are normally hunted are rock ledges or the intertidal rocky ledge portion of islands. Access to hunt within the intertidal area has already been established through Colonial Ordinance of 1641-1647 as clarified by Title 12 M.R.S.A. 571 et. seq. Hunting will occur under conditions outlined above unless safety or overriding resource concerns would make hunting incompatible.

Justification:

Hunting is a wildlife dependent priority public use with minimal impact on refuge resources. Hunting would be conducted under State and Refuge regulations, thereby reducing the amount of staff time and effort needed to oversee this activity. Staff time and resources that would be needed will be identified during annual work planning to minimize impacts on other refuge programs. In addition, hunting is consistent with the purposes for which the Refuge was established; the Service policy on hunting; the National Wildlife Refuge System Improvement Act of 1997; and the broad management objectives of the National Wildlife Refuge System. Hunting is compatible with and will not detract from the mission of the National Wildlife Refuge System or the objectives of the Refuge. Furthermore, hunting on public lands in Maine is a popular and traditional recreation activity that is strongly supported by the State Department of Inland Fisheries and Wildlife. This agency strongly supports hunting on National Wildlife Refuges in Maine.

Signature: Refuge Manager

Charles W. Blain 3-23-2008
(Signature/Date)

Concurrence: Regional Chief:

Anthony D. Lejeune March 24, 2005
(Signature/Date)

Mandatory 15-Year Re-Evaluation Date:

3-1-2020

Literature Cited

State of Maine Bureau of Public Lands (no date). State Statutes, Title 12 (revised). Bureau of Public Lands, Augusta.

USDI-Petit Manan NWR 2001). Final Environmental Assessment for Public Hunting on Petit Manan National Wildlife Refuge. Refuge files. 14 pp.

USDI-Petit Manan NWR 2001). Hunt Management Plan - Petit Manan National Wildlife Refuge. Refuge files. 11 pp.

Pre-acquisition Compatibility Determination – Proposed Additions to Maine Coastal Islands National Wildlife Refuge

Public Hunting - Pre-acquisition

Establishing/Acquisition Authority:

Authorized through an Act Authorizing the Transfer of Certain Real Property for Wildlife, or other purposes. The establishing and acquisition authorities are:

1. 16 U.S.C. 667b, Public Law 80-537, An Act Authorizing the Transfer of Certain Real Property for Wildlife, or other Purposes; and,
2. 16 U.S.C. 715-715r, The Migratory Bird Conservation Act, as amended and Established under the authority of the Migratory Bird Conservation Act, as amended.

Refuge Purposes:

1. “...for use as an inviolate sanctuary, or for any other management purpose, for migratory birds.” 16 U.S.C. 715d (Migratory Bird Conservation Act).
2. “... 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).
3. “...particular value in carrying out the national migratory bird management program.” 16 U.S.C. 667b (An Act Authorizing the Transfer of Certain Real Property for Wildlife, or other purposes).
4. “... 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 ...” 16 U.S.C. 3901(b), 100 Stat. 3583 (Emergency Wetlands Resources Act of 1986).

National Wildlife Refuge System Mission:

The mission of the National Wildlife 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 resources and their habitats in the United States for the benefit of present and future generations of Americans.

Description of Use:

Hunting is a popular traditional sport in Maine that occurs on many off-shore islands and ledges. Island hunting focuses on seabirds, such as eiders, scoters, and old squaw. Geese, brant, and other waterfowl such as black ducks are also taken on coastal islands. Hunting on lands acquired by the Refuge would occur during the State waterfowl hunting season and would be conducted under State regulations. In Maine, sea duck hunting takes place from October 1 through January 19. Hunting takes place in the intertidal areas around islands and on ledges associated with many islands and normally

does not occur on the island proper. This type of hunting entails concealment in rocky areas, sometimes using driftwood for blind construction. Decoy sets are placed just off shore. Many hunters use State registered guides for transportation and equipment use. This use is being proposed to accommodate hunting on islands that may be acquired under the Comprehensive Conservation Plan (CCP). During the life of the plan (15 years) 87 islands spanning the coast of Maine may be acquired from willing sellers. The names and locations of prospective acquisitions are identified in the CCP's Land Protection Plan. Many of these islands have been historically hunted and are currently hunted. Also, hunting is one of the priority uses outlined by Congress in the Refuge Improvement Act of 1997.

Most islands that are being considered for acquisition under the proposed action of the CCP are small to medium sized, ranging from only a few to 250 acres in size. Some islands, however, may be larger, exceeding 400 acres in size. Island habitats range from bare rocky outcrops to grassy with mixed shrubs. Most islands exhibit shallow soils overlying granitic bedrock. Forested islands are usually dominated by red spruce and balsam fir. Others may have mixed hardwood associates such as yellow birch, white birch, red maple, and striped maple. All islands identified for acquisition/protection are in the Refuge database (updated annually) and listed as Nationally Significant Nesting Islands.

Service acquisitions of coastal lands in Maine extend to the mean low tidal mark, thus, they normally encompass intertidal lands that lie between the high and low tidal ranges. These intertidal lands are considered Public Trust Lands of the people of Maine, and as such, certain rights (fishing, fowling, and navigation) are held in common by the people of Maine. The Legislature of Maine states that these rights held in public trust are generally derived from English Common Law and from the Colonial Ordinance of 1641-1647 as clarified by Title 12 M.R.S.A. 571 et. seq. (State of Maine Bureau of Public Lands). These recreational uses held in trust are among the most important to the people of Maine today . The Service recognizes these rights and, unless there is evidence that such uses detract from the Service's mission to protect these lands, will allow such uses. Thus, hunting would generally be allowed under Service acquisition on lands in the Land Protection Plan but would occur outside the seabird nesting season (April 1 to August 31) and eagle nesting season (February 15 to August 31).

Availability of Resources:

Staff time and resources necessary to monitor this use are provided below. Staff from the Rockport and Milbridge offices will provide limited monitoring. The Refuge would also coordinate with State wardens of the Department of Inland Fisheries and Wildlife and Department of Marine Resources Marine Patrol personnel.

Costs associated with administration of this use include:

Preparation of Annual Hunt Plan (16 staff hrs @ \$29.98/hr)	\$480.00
Preparation of Refuge Hunting Information/maps (16 staff hrs @ \$22.43/hr)...	\$413.00
Law Enforcement (40 staff hrs @ \$28.61/hr)	\$1,144.40
Boat Operation (\$50/hr @ 10 hrs)	\$500.00
News Releases (8 staff hrs @ \$24.60/hr)	\$240.00
Hunter Orientation Session	\$320.00
Program Cost	\$3,097.00

FY 2004 Refuge Budget Allocation included:

Salaries	\$428,609.00
Fixed Costs	\$64,613.00
Annual Maintenance	\$34,100.00
Total Available Funds	\$527,322.00

Based on a review of the budget allocated for recreational use management, I certify that funding is adequate to ensure compatibility and to administer and manage the recreational use listed.

Anticipated Impacts of Use:

Hunting is consistent with the purposes of the Refuge when carried out within established regulations and is a priority uses identified in the Refuge Improvement Act. Island visitation is expected to be minimal and anticipated uses and impacts should also be minimal provided that access is limited to outside the seabird nesting season. The Refuge does not anticipate significant hunting pressure to occur on Refuge lands as a result of opening these areas to hunting due to the availability of private lands open to hunting outside the Refuge (USDI-Petit Manan NWR 2001).

Adverse effects on wildlife (waterfowl) populations are not expected to occur because of the hunting regulations and bag limits that have been set in place by the Federal (USFWS-Migratory Bird Office) and State (Dept. Of Inland Fisheries and Wildlife) agencies that manage the harvest of waterfowl populations. Significant conservation measures and extensive pre and post season population monitoring and the institution of Adaptive Harvest Management are safeguards inherent in waterfowl management.

Public Review and Comment:

This determination was prepared concurrently with the Comprehensive Conservation Plan (CCP). Four open houses were held as part of the CCP planning process. Information was presented on past and future refuge acquisitions and priority public uses and the status of management planning, including the approved 2001 Refuge EA and Hunt Plan. Further public comment opportunities were afforded when the Draft CCP/EIS was released for a 60-day review. No significant changes occurred in this proposal between the draft and final plans.

Determination (Check one below):

- Use is Not Compatible
- Use is Compatible with the Following Stipulations

Stipulations Necessary to Ensure Compatibility

Access for hunting will occur during the State hunting season (October-January) which is outside the window of the seabird nesting season. State hunting regulations, including bag limits will be in place. This activity will occur on off-shore islands that have been historically hunted for many years with no adverse effects to wildlife populations or the landscape. Islands that are normally hunted are rock ledges or the intertidal rocky ledge portion of islands. Access to hunt within the intertidal area has already been established through Colonial Ordinance. Hunting will occur under conditions outlined above unless safety or overriding resource concerns make hunting incompatible.

Justification:

Hunting is a wildlife dependent priority public use with minimal impact on refuge resources. Hunting would be conducted under State regulations, thereby reducing the amount of staff time and effort needed to oversee this activity. Staff time and resources that would be needed will be identified during annual work planning to minimize impacts on other refuge programs. In addition, hunting is consistent with the purposes for which the Refuge was established; the Service policy on hunting; the National Wildlife Refuge System Improvement Act of 1997; and the broad management objectives of the National Wildlife Refuge System. Hunting is compatible with and will not detract from the mission of the National Wildlife Refuge System or the objectives of the Refuge. Furthermore, hunting on public lands in Maine is a popular and traditional recreation activity that is strongly supported by the State Department of Inland Fisheries and Wildlife. This agency strongly supports hunting on National Wildlife Refuges in Maine.

Signature: Refuge Manager: Charles W. Blain 3-23-2005
(Signature/Date)

Concurrence: Regional Chief: Anthony D. Lejeune March 28, 2005
(Signature/Date)

Mandatory 15-Year Re-Evaluation Date: 3-1-2020

Literature

State of Maine Bureau of Public Lands (no date). State Statutes, Title 12 (revised). Bureau of Public Lands, Augusta.

USDI-Petit Manan NWR 2001). Final Environmental Assessment for Public Hunting on Petit Manan National Wildlife Refuge. Refuge files. 14 pp.

Compatibility Determination – Maine Coastal Islands National Wildlife Refuge

Recreational Blueberry Picking

Refuge Name: Petit Manan NWR

Establishing and Acquisition Authority(ies): Authorized through an Act Authorizing the Transfer of Certain Real Property for Wildlife, or other purposes. 16 U.S.C. 667b-667d and Established under the authority of the Migratory Bird Conservation Act, as amended (16 USC 715-715r).

Refuge Purpose(es):

- A) “...for use as an inviolate sanctuary, or for any other management purpose, for migratory birds.” 16 U.S.C. 715d (Migratory Bird Conservation Act)
- (B) “... 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)
- (C) “...particular value in carrying out the national migratory bird management program.” 16 U.S.C. 667b-667d (An Act Authorizing the Transfer of Certain Real Property for Wildlife, or other purposes).
- (D) “... 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 ...” 16 U.S.C. 3901(b), 100 Stat. 3583 (Emergency Wetlands Resources Act of 1986).

National Wildlife Refuge System Mission: The mission of the National Wildlife 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 resources and their habitats in the United States for the benefit of present and future generations of Americans.

Description of Use:

(a) What is the use? Is the use a priority public use? The use is recreational blueberry picking, which is not a priority public use of the National Wildlife Refuge System.

(b) Where would the use be conducted? Recreational blueberry picking occurs within 31 acres of blueberry fields on the portion of the refuge known as Petit Manan Point. The fields occur along two interpretive foot trails and a Refuge maintained road. The road and trails provide safe and easy access to the fields for those involved in this activity.

(c) When would the use be conducted? The use is limited to a one month period and occurs annually throughout the month of August.

(d) How would the use be conducted? Individuals seeking blueberries are allowed to enter the fields and hand pick the fruit for personal consumption. This activity attracts less than fifty people throughout the entire month of August. Blueberry harvesting is allowed only during daylight hours and use of rakes is prohibited. The quantity of blueberries that are removed, as a result of this use, is less than 1% of the total blueberries produced within the five fields which together total 31 acres.

(e) Why is the use being proposed? Recreational blueberry picking is allowed at Petit Manan Point because it is a traditional use of the area. This use is known to have occurred in the area for hundreds of years.

Availability of Resources: The resources necessary to provide and administer this use are available within current and anticipated Refuge budgets. Staff time associated with the administration of this use is primarily related to answering general questions from the public and monitoring impacts of the use on refuge resources. This activity is administered by the Refuge staff, who assess the interactions among user groups and any related public use impacts. Resource impacts will be monitored by the Wildlife Biologist, under the supervision of the Refuge Manager. The use of the refuge staff to monitor the impacts of public uses on refuge resources, and visitors is required for administering all refuge public uses. Therefore, these responsibilities and related equipment are accounted for in budget and staffing plans.

The annualized costs associated with the administration of recreational berry picking on the Refuge is estimated below:

Resource impacts/monitoring	\$500
Visitor impacts/provide information to public	\$500
Vehicle maintenance and miscellaneous supplies	\$100
\$Total	\$1,100

FY2004 Refuge Budget Allocation

Salaries	\$428,609.00
Fixed Costs	\$64,613.00
Annual Maintenance	\$34,100.00
Total Available Funds	\$527,322.00

Anticipated Impacts of the Use: No impacts are expected on any threatened or endangered species, whether Federally listed or State listed species. Providing the opportunity for berry pickers to harvest blueberries on the refuge provides them with an opportunity to observe wildlife and to view Service wildlife habitat management projects. There have been no indications that harvesting blueberries on Petit Manan causes problems for wildlife other than minimal and temporary disturbance caused by the mere presence of humans.

Public Review and Comment:

This determination is being prepared concurrently with the Comprehensive Conservation Plan (CCP). The listed use has been discussed at CCP public meetings and has been identified in the CCP Planning Update. Further public comment opportunities were afforded when the Draft CCP/EIS was released for a 60-day review. No significant changes occurred between draft and final plans.

Determination Check one below):

Use is Not Compatible

Use is Compatible

Stipulations Necessary to Ensure Compatibility:

Hand raking of blueberries would not be permitted to ensure that berries are left for wildlife.

Refuge staff will continue to monitor berry pickers and ensure they have an insignificant impact on wildlife.

Justification:

Recreational harvesting of blueberries within Petit Manan NWR will not materially interfere with or detract from the mission of the National Wildlife Refuge System or the purposes for which the Refuge was established.

Signature: Refuge Manager: Charles W. Blair 3-23-2005
(Signature and Date)

Concurrence: Regional Chief: Anthony D. Lezer March 28, 2005
(Signature and Date)

Mandatory 10-year Re-evaluation Date: 3-1-2015

