

From: [BrownScott, Jennifer](#)
To: [Stenvall, Charlie](#)
Subject: DNGNWR Boating Compatibility Determination
Date: Thursday, May 20, 2021 12:56:59 PM
Attachments: [DNGNWR Boating CD 2013.pdf](#)

The DNGNWR Boating Compatibility Determination (CD) specifically describes compatible access to the Use Easement tidelands on pages B-39 and B-40. The justification for compatibility use indicates that boating is accommodated as a secondary use activity supporting wildlife dependent uses.

It appears boating access outside of the time periods stipulated in the CD, would not be compatible. This CD also does not provide for boating to support uses other than wildlife dependent activities (e.g., commercial use).

-jennifer

Jennifer Brown-Scott
Project Leader
Washington Maritime National Wildlife Refuge Complex
715 Holgerson Road
Sequim, WA 98382
(360) 457-8451

[~~Dungeness NWR](#)~[Protection Island NWR](#)~[San Juan Islands NWR](#)~[Copalis NWR](#)~[Flattery Rocks NWR](#)~[Quillayute Needles NWR](#)~~

Compatibility Determination

Use: Boating (Motorized and Non-motorized)

Refuge Name: Dungeness National Wildlife Refuge

County and State: Clallam County, Washington

Establishing and Acquisition Authorities:

- Executive Order 2123, Dungeness Spit Reservation for Protection of Native Birds, signed 20 January 1915
- Tidelands of the second class were conveyed to the United State of America, U.S. Fish and Wildlife Service, from the State of Washington through a permanent easement on May 29, 1943, (Deed No. 18251 App. No. 10585), under the authority described in Section 152, Chapter 255, State of Washington Laws of 1927.
- Fish and Wildlife Act of 1956 (16 U.S.C. 742a-742j) as amended
- Refuge Recreation Act of 1962 as amended (16 U.S.C. 460k-460k-4)
- Endangered Species Act of 1973

Refuge Purpose(s):

The purposes for the Dungeness NWR have been identified in historic legal documentation establishing and adding refuge lands. The Refuge was originally established to preserve important habitat for native birds with refuge purposes specified as follows:

“...as a refuge, preserve, and breeding ground for native birds.” (Executive Order 2123 dated 20 January 1915.

“... 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)

“... the Secretary ... may accept and use ... real ... property. Such acceptance may be accomplished under the terms and conditions of restrictive covenants imposed by donors ...” 16 U.S.C. § 460k-2 (Refuge Recreation Act (16 U.S.C. § 460k-460k-4), as amended).

“... to conserve (A) fish or wildlife which are listed as endangered species or threatened species or (B) plants ...” 16 U.S.C. § 1534 (Endangered Species Act of 1973)

“... for the development, advancement, management, conservation, and protection of fish and wildlife resources ...” 16 U.S.C. § 742f(a)(4) “... for the benefit of the United States Fish and Wildlife Service, in performing its activities and services. Such acceptance may be subject to the terms of any restrictive or affirmative covenant, or condition of servitude ...” 16 U.S.C. § 742f(b)(1) (Fish and Wildlife Act of 1956)

In accordance with 601 FW 1, all lands acquired since the original establishment of the Refuge retain these purposes.

National Wildlife Refuge System Mission:

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

Description of Use:

Boating use addressed in this compatibility determination is for motorized and non-motorized boats, including kayaks and canoes in refuge waters associated with the Refuge’s second class tidelands. Although boating is not a wildlife-dependent public use, it does facilitate other wildlife-dependent uses such as fishing, wildlife observation, and photography. Boating at Dungeness NWR primarily supports fishing (shell fish and fin fish), although wildlife observation and photography are also conducted from these platforms. Access to the New Dungeness Light Station via boat is permitted through a reservation system (See Environmental Education, Wildlife Observation, Photography, and Interpretation Compatibility Determination). Currently boating on refuge waters is limited to May 15 through September 30. Personal watercrafts, wind surfing and para-surfing/sailing are not permitted on refuge waters.

Availability of Resources:

The following funding/annual cost will be required to administer and manage boating activities as described above:

Category	One Time Expense	Recurring Expense
Administration (Reservation system for lighthouse landings)		\$1,000
Monitoring		\$4,000
Signage/Outreach	\$3,500	\$500
Totals	\$3,500	\$5,500

The Refuge has sufficient staff and funding to allow the use.

Anticipated Impacts of the Use(s):

Dungeness NWR provides crucial foraging and resting habitat for wintering migratory birds, including waterfowl, shorebirds, seabirds, and other waterbirds. Recreational boating affects their use of refuge and other Dungeness Harbor and Bay waters. Boating activity, both motorized and non-motorized, can alter distribution, reduce use of particular habitats or entire areas by waterfowl and other birds, alter feeding behavior and nutritional status, and cause premature departure from areas (Knight and Cole 1995). More sensitive species may find it difficult to secure adequate food or loafing sites as their preferred habitat becomes fragmented and recreation-related disturbances increase (Skagen et al. 1991, Pfister et al. 1992). During migration and wintering, Pacific brant can be considered obligate feeders on eelgrass. Because of this, the eelgrass beds associated with the Refuge’s second-class tidelands are important brant feeding areas.

Another species that could be impacted is the harbor seal. Harbor seals haulout and bear their pups on Dungeness Harbor and Bay tideflats and beaches. Harbor seals are afforded protection under the Marine Mammal Protection Act of 1972.

Canoes and kayaks can cause significant disturbance effects based on their ability to penetrate into shallower areas (Speight 1973, Knight and Cole 1995). Canoes or slow-moving boats have been observed to disturb great blue herons (Vos et al. 1985). Huffman (1999) found that non-motorized boats within 30 meters (98 feet) of the shoreline in south San Diego Bay caused all wintering waterfowl to flush between the craft and shore. However, compared to motorboats, canoes and kayaks appear to have less disturbance effects on most wildlife species (Huffman 1999, DeLong 2002).

The overall effects to wildlife will not be significant because refuge waters are closed to all use during the migration and winter season and there is a requirement to maintain a closed area 100 yard buffer zone below the mean high tide line during periods when these waters are open to public use.

Impacts from boating are contained effectively and mitigated within the overall design of the 1997 Environmental Assessment “Management of Public Use for Dungeness National Wildlife Refuge” (USFWS 1997) by providing clearly defined zones where and seasons when these activities can take place, and requiring that visitors restrict their use to those seasons and areas. This strategy will continue to be implemented under the CCP. The Complex is aware that some visitors disregard signs requiring visitors to stay within the designated public use areas (Area Closed signs). Such unauthorized use creates the potential for greater disturbance to wildlife

Public Review and Comment:

This compatibility determination was submitted for 90-day public review and comment as an appendix to the Draft Comprehensive Conservation Plan and Environmental Assessment for Dungeness NWR.

Determination:

Use is Not Compatible

Use is Compatible with Following Stipulations

Stipulations Necessary to Ensure Compatibility:

The requirements laid out in the preferred alternative of the Environmental Assessment – “Management of Public Use for Dungeness National Wildlife Refuge” (USFWS 1997) are adopted as stipulations to ensure compatibility and include:

- In Zone 4 – Dungeness Spit from lighthouse to end of spit, the Harbor and Bay sides of Dungeness Spit, and all of Graveyard Spit including a 100-yard buffer zone below the mean high tide line - closed to public access year-round. Where the refuge boundary does not accommodate a 100 yard buffer, the buffer is slightly narrower.
- In Zone 5 – Refuge waters and tidelands on the Harbor and Bay sides of Dungeness Spit outside the 100 yard buffer – motorized and non-motorized boats (kayaks, small sailboats, canoes, rowboats, etc.) allowed access to the areas west and east of Graveyard Spit in Zone 5, from October 1 to May 14.
- From October 1 to May 14 this zone is closed to all public access.
- Zone 5 is a no wake zone for power boats.
- Boats are permitted to land year-round between the hours of 9 AM and 5 PM, by reservation only through the Complex office (as deemed necessary by the Refuge), in the designated 100 yard zone of beach next to the light station compound on the Bay side of Dungeness Spit.

Number of landings is limited to no more than 20 per day. Visitors are allowed to walk through Zone 4 in a designated area to get to and from the landing site to the lighthouse.

The response of wildlife to these modifications in public use activities will be monitored and evaluated to measure the effectiveness of the program in meeting refuge purposes. Based on monitoring data, public use regulations could become more restrictive in the future.

Justification:

Boating itself is not considered wildlife-dependent recreation, but many wildlife-dependent recreational activities (fishing, waterfowl hunting, environmental education, interpretation, and wildlife observation/photography) are associated with boating. Providing opportunities for wildlife-dependent priority public uses will contribute toward fulfilling provisions under the National Wildlife Refuge System Administration Act as amended in 1997. Although boating has a potential to impact wildlife, implementing the prescribed measures listed in the Stipulations section will minimize these impacts. It is anticipated that closing refuge waters to boating during the migration and winter time periods will provide secure feeding and resting places for brant, waterfowl and shorebirds. The 100 yard buffer on the Dungeness Harbor and Bay side of Dungeness and Graveyard spits will minimize the potential for disturbance to nesting black oystercatchers and harbor seals.

Thus, it is anticipated that birds will find sufficient food resources and resting places such that their abundance and use of the Refuge will not be measurably lessened, the physiological condition and production of waterfowl and other waterbirds will not be impaired, their behavior and normal activity patterns will not be altered dramatically, and their overall status will not be impaired. Thus, allowing boating under the stipulations described above will not materially detract from or interfere with the purposes for which the Refuge was established or the Refuge System mission. The Refuge will also implement a monitoring program to help assess disturbance effects on wildlife and habitat. Improved outreach and educational information for refuge visitors involved in activities associated with boating will also help to reduce the impacts associated with boating activities.

Mandatory Re-Evaluation Date:

Mandatory 15-year re-evaluation date (wildlife-dependent public uses)

Mandatory 10-year re-evaluation date (uses other than wildlife-dependent public uses)

NEPA Compliance for Refuge Use Decision: (check one below)

Categorical Exclusion without Environmental Action Statement

Categorical Exclusion and Environmental Action Statement

Environmental Assessment and Finding of No Significant Impact

Environmental Impact Statement and Record of Decision

References:

DeLong, A. 2002. Managing visitor use and disturbance of waterbirds. a literature review of impacts and mitigation measures. Appendix L in: Stillwater National Wildlife Refuge Complex final

environmental impact statement for the comprehensive conservation plan and boundary revision, Volume 2. Department of the Interior, Fish and Wildlife Service, Region 1, Portland, OR. 114 pp.

Huffman, K. 1999. San Diego South Bay survey report-effects of human activity and water craft on wintering birds in South San Diego Bay. USFWS. 45 pp.

Knight, R.L. and D.N. Cole. 1995. Wildlife responses to recreationists. Pages 51-70 in: R.L. Knight and K.J. Gutzwiller, eds. Wildlife and recreationists: coexistence through management and research. Washington, D.C.: Island Press.

Pfister, C., B.A. Harrington, and M. Lavine. 1992. The impact of human disturbance on shorebirds at a migration staging area. *Biological Conservation* 60:115-126.

Skagen, S.K., R.L. Knight, and G.H. Orians. 1991. Human disturbances of an avian scavenging guild. *Ecological Applications* 1:215-225.

Speight, M.C.D. 1973. Outdoor recreation and its ecological effects: a bibliography and review. *Discussion Papers in Conservation* 4. University College. London, United Kingdom. 35 pp.

USFWS. 1997. Management of public use for Dungeness National Wildlife Refuge – final environmental assessment. U.S. Department of Interior, Fish and Wildlife Service. Sequim, WA. 53 pp. On file at the Washington Maritime National Wildlife Refuge Complex Headquarters. Sequim, Washington.

Vos, D.K., R.A. Ryder, and W.D. Graul. 1985. Response of breeding great blue herons to human disturbance in north central Colorado. *Colonial Waterbirds* 8:13-22.

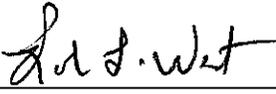
Refuge Determination:

Prepared by:  04/19/2013
(Signature) (Date)

Acting Refuge Manager/
Project Leader Approval:  04/19/2013
(Signature) (Date)

Concurrence:

Refuge Supervisor:  4/23/13
(Signature) (Date)

Regional Chief,
National Wildlife
Refuge System:  4-23-13
(Signature) (Date)