

**From:** [BrownScott, Jennifer](#)  
**To:** [Ralph Riccio](#)  
**Subject:** Re: Work windows and e-copy of questions  
**Date:** Tuesday, April 5, 2016 12:32:54 PM  
**Attachments:** [Washington Maritime National Wildlife Refuge Complex.docx](#)

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Here's some additional information that we brought along.

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*~~Dungeness NWR~Protection Island NWR~San Juan Islands NWR~~  
~~Copolis NWR~Flattery Rocks NWR~Quillayute Needles NWR~~*

On Mon, Apr 4, 2016 at 4:03 PM, Ralph Riccio <[riccio@jamestowntribe.org](mailto:riccio@jamestowntribe.org)> wrote:

Hi Jennifer,

That was a great meeting, thanks for coming prepared with your list of information needed. Also, thank you for passing it along in the electronic version. Was there another sheet or two that was provided in the meeting. Was one of those necessary for the detail you need or just the form you attached here?

Thank you!

Ralph

**From:** BrownScott, Jennifer [mailto:[jennifer\\_brownscott@fws.gov](mailto:jennifer_brownscott@fws.gov)]  
**Sent:** Monday, April 04, 2016 1:13 PM  
**To:** Ralph Riccio  
**Subject:** Work windows and e-copy of questions

Ralph,

What a great meeting! I thought you might want an electronic copy of the additional information that we requested, so it is attached below.

I also wanted to get back with you on your request for work windows. At this point, we can't provide a work window since we do not have a detailed proposal to use in looking at the activities and how they may impact wildlife resources. That said, we will use the

following information on high-use seasons for shorebirds and wintering waterfowl, as well as key periods for eelgrass to evaluate impacts of the proposal and, eventually, help set work windows.

- Migrating shorebirds - mid-April through mid-May (spring migration) and August - October (fall migration).
- Over-wintering waterfowl - November through March.
- Suspended solids in the water column could negatively impact eelgrass during the growing season June - September (our best guess but will confirm with species experts).

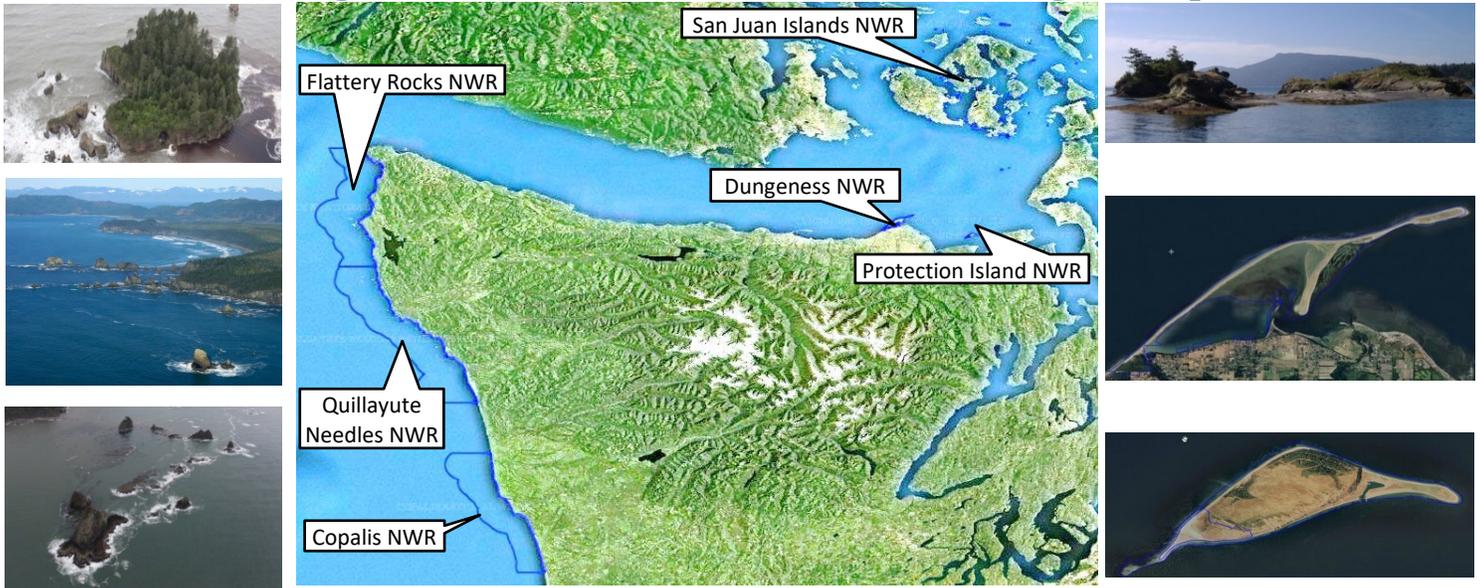
It seems like reduction of bird disturbance was used to reach the work window that is in the current lease (May 15 - July 30) because it lines up pretty closely with the dates mentioned above. Any non-ground disturbing activities taking place in June and July will most likely have the least impacts to wildlife resources and, therefore, be easier to accommodate.

Again, we are not setting a work window prior to evaluating your proposal. We did want to provide you with the dates that correspond to increased use of the area by wildlife so you could complete your proposal using as much information as possible, and plan activities to avoid sensitive times as much as possible.

Hope you find this information helpful.

-jennifer

## Washington Maritime National Wildlife Refuge Complex



Washington Maritime National Wildlife Refuge Complex is comprised of **6 National Wildlife Refuges (NWR)** and **2 Wilderness Areas** managed by **5 staff** from the office located at Dungeness National Wildlife Refuge.

**Staff:** Refuge Manager, Asst. Refuge Manager, Biologist, Visitor Services Manager/Wildlife Officer, & Maintenance Worker

**Copalis NWR, Quillayute Needles NWR, and Flattery Rocks NWR:** These 3 National Wildlife Refuges were established in 1907 as *“a preserve and breeding ground for native birds and animals.”* These Refuges are made up of approximately 700 mostly rocky islands and provide important breeding habitat for seabirds, including common murre and tufted puffin. Management includes nesting seabird, tufted puffin and sea otter surveys, coordination with marine mammal and seabird researchers, and marine debris removal.

**San Juan Islands NWR:** Islands within the San Juans have been added to the Refuge system from 1914 to 1960 and were compiled into San Juan Islands NWR in 1960 with the purpose to *“...facilitate the management of migratory birds for which the United States has a responsibility under international treaties and to further effectuate the purpose of the Migratory Bird Conservation Act.”* San Juan Islands NWR is comprised of 83 islands and is home to an estimated 80 percent of the breeding population of black oystercatchers in Washington’s inland marine waters.

**Dungeness NWR:** Established in 1915 *“as a refuge, preserve and breeding ground for native birds”*, Dungeness Spit is one of the longest natural sand spits in the world. Graveyard Spit has been designated a Research Natural for its “High quality example of 1) low intertidal, high salinity sandy marsh; 2) coastal spit with native vegetation; and 3) high salinity coastal lagoon”. Dungeness and Graveyard Spits and the sheltered bays that they create provide important habitat for shorebirds, wintering waterfowl, and seals. Dungeness Unit receives approximately 90,000 visitors a year.

**Protection Island NWR:** Established in 1982, *“to provide habitat for a broad diversity of bird species, with particular emphasis on protecting the nesting habitat of the bald eagle, tufted puffin, rhinoceros auklet, pigeon guillemot, and pelagic cormorant; to protect the hauling-out area of harbor seals; and to provide for scientific research and wildlife-oriented public education and interpretation.”* Six species of seabirds nest on Protection Island NWR and it is home to one of the largest rhinoceros auklet colonies in North America.

**Washington Islands Wilderness and San Juan Islands Wilderness:** Both were established in 1970 *“...to secure for the American people of present and future generations the benefits of an enduring resource of wilderness.”*

## Compatibility Determination

Under the Compatibility Policy 603 FW 2 (2000), refuge managers are directed to determine if a proposed or existing refuge use is compatible with refuge purposes and the National Wildlife Refuge System mission. Compatibility determinations are required to be in writing and the public should have an opportunity to comment on them. The Service recognizes that compatibility determinations are complex. For this reason, refuge managers are required to consider principles of sound fish and wildlife management and best available science in making these determinations. If an existing use is not compatible, the refuge manager is directed to modify the use to make it compatible or not allow it. The purpose of Dungeness National Wildlife Refuge “as a refuge, preserve and breeding ground for native birds”. “Working with others to conserve, protect, and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people” is the Mission of the National Wildlife Refuge System. A description of the proposed use, the anticipated impacts of that use, stipulations necessary to ensure compatibility, and a justification of the compatibility finding are all part of a written compatibility determination.

The length and complexity of the compatibility determination is based on the complexity and potential impacts of the proposed activity. Attached, find the compatibility format that was used in the Dungeness National Wildlife Refuge Comprehensive Conservation Plan.

## Compatibility Determination

**Use:** [Short Description of Proposed Use]

**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.

"...the acquisition of refuge lands for development, advancement, management, conservation, and protection of fish and wildlife resources;" (16 U.S.C. 742a-742j)

"... 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)

### 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:**

[Detailed description of proposed use.]

**Availability of Resources:**

[Description of annual and start-up costs associated with the proposed use]

| Category      | One-time Expenses | Recurring Expenses |
|---------------|-------------------|--------------------|
|               |                   |                    |
|               |                   |                    |
|               |                   |                    |
|               |                   |                    |
| <b>Totals</b> |                   |                    |

**Anticipated Impacts of the Use(s):**

[Description of all impacts to habitat and wildlife]

**Public Review and Comment:**

[Description of public review as required by NEPA]

**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” (U.S. Fish and Wildlife Service 1997) are adopted as stipulations to ensure compatibility and include:

**Justification:**

[Justification for compatible or non-compatible determination]

**Mandatory Re-Evaluation Date:**

\_\_\_\_\_ Mandatory 15-year reevaluation date (for wildlife-dependent public uses)

\_\_\_\_\_ Mandatory 10-year reevaluation date (for all 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:**