APPENDIX A
COMPATIBILITY DETERMINATION FOR CANAAN VALLEY NWR FISHING

COMPATIBILITY DETERMINATION

USE: Recreational Fishing

REFUGE NAME: Canaan Valley National Wildlife Refuge

ESTABLISHING AND ACQUISITION AUTHORITIES:

The establishment of Canaan Valley National Wildlife Refuge (NWR, refuge) was first approved in an Environmental Impact Statement (EIS) released on May 30, 1979. However, the U.S. Fish and Wildlife Service (Service) decided to await the outcome of litigation surrounding a proposed storage hydroelectric facility before pursuing any further action. The approval of the refuge was affirmed by the Service in a 1994 Final Environmental Assessment and Finding of No Significant Impact (FONSI) on July 11, 1994, which confirmed the adequacy of the previously approved 1979 EIS. The refuge was officially established when the first tract of land was acquired on August 11, 1994. The Service has acquired lands for the Canaan Valley refuge under the following authorities:

1. Fish and Wildlife Act of 1956 [16 U.S.C. 742f(a)(4)]

2. Emergency Wetlands Resources Act of 1986 [16 U.S.C. 3901b]

3. Migratory Bird Conservation Act of 1929 [16 U.S.C. 715d]

PURPOSE(S) FOR WHICH ESTABLISHED:

The refuge was established to ensure the ecological integrity of Canaan Valley and the continued availability of its wetland, botanical, and wildlife resources to the citizens of West Virginia and the United States (USFWS 1979, 1994). Additional refuge purposes derived from the legislative authorities are as follows:

(1) "... for the development, advancement, management, conservation, and protection of fish and wildlife resources..." (Fish and Wildlife Act of 1956; 16 U.S.C. 742f (a)(4));

(2) "... for the conservation of the wetlands of the Nation in order to maintain the public benefits they provide and to help fulfill international obligations contained in various migratory bird treaties and conventions." (Emergency Wetlands Resources Act of 1986; 16 U.S.C. 3901(b)); and,

(3) "... for use as an inviolate sanctuary, or for any other management purpose, for migratory birds." (Migratory Bird Conservation Act of 1929; 16 U.S.C. 715d)

NATIONAL WILDLIFE REFUGE SYSTEM MISSION:

The mission of the National Wildlife Refuge System (Refuge System) is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans (Refuge System Improvement Act of 1997, Public Law 105–57; 111 Stat. 1282).

DESCRIPTION OF USE:

(a) What is the use? Is the use a priority public use?
The use is recreational fishing. Fishing is a priority public use of the Refuge System under the Refuge System Administration Act of 1966 (16 U.S.C. 668dd-668ee), as amended by the Refuge System Improvement Act of 1997 (Public Law 105-57).

(b) Where would the use be conducted?
Fishing on the refuge is proposed for the Blackwater River and its tributaries wherever a managed road or trail crosses a body of water (river, stream, or pond) or comes within approximately 10 yards of body of water (Figures 1-A and 2-A). West Virginia water laws states that the refuge owns to the low water mark of navigable streams (such as the Blackwater River) and to the middle of the stream of non-navigable streams (all other streams and tributaries on the refuge). Anglers may not walk on the bank, whether social fishing trails exist or not. The refuge will attempt to eliminate social fishing trails along the refuge's rivers and streams while educating anglers on the importance of staying off the bank. After reaching a river or stream via a road or trail, anglers may travel along the stream, staying below the ordinary low-water mark. This occurs:

- Where the trail from the Kelly-Elkins tract to Timberline crosses Idleman's Run at bridge;
- Where Freeland Road crosses Freeland Run;
- Where the accessible fishing boardwalk starts at Timberline Road and meets the Blackwater River;
- Where Beall South Trail meets the Blackwater River;
- Where Blackwater View Trail meets the Blackwater River;
- Where River's Edge Trail meets the Blackwater River;
- Where Canaan Mountain Trail meets pedestrian bridge at the Blackwater River Delta 13 (Camp 70) Road;

- Where Middle Valley Trail crosses Glade Run at North Glade Run crossing;
- Where South Glade Run Trail crosses Glade Run;
- Where Middle Valley Trail crosses Sand Run;
- Where Fishing Hook Trail leads to a beaver pond; and
- Where Brown Mountain Overlook Trail leads to a beaver pond.

There are two new canoe/kayak launches, Timberline Bridge (Figure 1-A) and Laurel Landing, located off Brown Mountain Parking lot (Figure 2-A). These launches will allow unlimited access to fishing spots not accessible by land.

Beaver ponds on the refuge last a variable length of time. If a managed road or trail provides access to a pond within approximately 10 yards, then it is open to fishing; otherwise, it fishing is prohibited. Currently, there are two known locations, via Brown Mountain Overlook Trail and Fish Hook Trail. If future beaver ponds develop or new trails intersect them, the refuge will then assess whether to add them to the fishing plan. This is to avoid significant off-trail disturbance in areas with sensitive vegetation.

(c) When will the use be conducted?
The use will be conducted during the seasons specified in the fishing regulations established by the West Virginia Division of Natural Resources (WVDNR). Fishing is permitted 1 hour before legal sunrise and 1 hour after legal sunset on refuge land.

(d) How will the use be conducted?
Recreational fishing will be conducted according to WVDNR regulations, with some additional refuge-specific conditions to protect fish, wildlife, and habitat, and reduce potential conflicts with other public uses. A valid West Virginia fishing license and any required additional stamps will be required to fish on the refuge. No additional refuge permit is required.

Procedures specific to Canaan Valley NWR include:

- No overnight parking, camping or fires are permitted;
- Anglers must properly discard monofilament line and all other fishing waste;
- Anglers accessing the Blackwater River by watercraft enter the refuge from outside refuge boundaries or one of the designated access points on the refuge. The use of gasoline motors is prohibited on the refuge;

- The possession, use or collection of bait fish (including minnows, crayfish, and amphibians) is prohibited anywhere on the refuge;

- Commercial fishing is prohibited on refuge lands;

- We prohibit fishing by any means other than by use of no more than two attended poles with hook and line attached; and

- Bikes and/or horses are not allowed off trails to access fishing spots.

- Freeland Run and Idleman's Run will be catch and release only for brook trout, and single use hook only. Anglers will be encouraged to keep non-native species such as rainbow and brown trout, as they can outcompete brook trout for resources.

We will closely follow State regulations, with the exception that we prohibit the use of lead sinkers in freshwater ponds on the refuge. This reduces the exposure of herons and other wading birds, bald eagles, waterfowl, and other wildlife, to lead and potential poisoning. Lead was once widely used by hunters and anglers but is known to cause neurological impairment and in severe cases death in both humans and wildlife.

(e) Why is this use being proposed?
The use is being proposed by the refuge to promote one of the priority public uses of the Refuge System. Providing recreational fishing opportunities will promote stewardship of our natural resources and increase public appreciation and support for the refuge. In addition, this use is consistent with one of the refuge's purposes for establishment.

As established on page 3-43 of the 2011 Canaan Valley NWR Comprehensive Conservation Plan (CCP), we strive to follow these guiding principles for recreational fishing opportunities on the refuge (605 FW 3):

1) Effectively maintain healthy and diverse fish communities and aquatic ecosystems through the use of scientific management techniques;

2) Promote visitor understanding of, and increase visitor appreciation for, America's natural resources;

3) Provide opportunities for quality recreational and educational experiences consistent with criteria describing quality found in 605 FW 1.6;

4) Encourage participation in this tradition deeply rooted in America's natural heritage and conservation history; and

5) Minimize conflicts with visitors participating in other compatible wildlife dependent recreational activities.

AVAILABILITY OF RESOURCES:

We do not anticipate charging fees for fishing and, therefore, do not anticipate additional income specifically targeting the Recreational Fishing Program. 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 spent maintaining associated road infrastructure, collecting visitor use data where applicable, analyzing use patterns, monitoring potential impacts of the use on refuge resources, and providing information to the public about the use.

Refuge vehicles are needed to effectively administer the use. The engineering equipment operator performs maintenance and repair of refuge roads, parking lots, and associated structures. Heavy equipment includes a motor grader, dump truck, backhoe, 4x4 farm tractor, skid steer, and front-end loader. The total to operate this fishing program is estimated to be $2,360 annually.

ANTICIPATED IMPACTS OF USE:

Vegetation and Soil

Walking to fishing areas during the growing season could increase damage to plants in the wetland communities. Plants that are located in wet or moist soils, and are in the process of growth and producing flowers, are the most sensitive to disturbance from trampling effects (Kuss 1986). Moist and wet soil conditions are common in Canaan Valley, particularly during spring and early summer, and are directly associated with areas around beaver ponds and along riparian corridors where fishing occurs.

It is anticipated that allowing fishing access will cause minor vegetation loss. Foot travel may slightly increase root exposure and trampling, and some rare plant species could be impacted by anglers walking around beaver ponds or along riparian corridors. Sedimentation impacts will also likely be minor from foot travel. Continuing pedestrian access for fishing, at the current level of use, is not anticipated to cause any significant impacts to plants or plant communities.

Hydrology (Water Resources and Wetlands)

Angler foot traffic on existing trails will create only minor hydrologic impacts (e.g., drainage) and is not anticipated to measurably worsen existing hydrologic problems. Maintenance may be required to create adequate and proper drainage so that existing routes do not affect local hydrology. These impacts are not likely to be significant at the existing level of fishing use.

Wildlife

Fish

Impacts to the fishery are expected to be insignificant. Most game species present on the refuge are species not native to the Blackwater watershed. Native brook trout occur in very few smaller drainage locations in the valley. Overfishing these areas could negatively affect native brook trout persistence on the refuge, but we do not expect this will occur. Most drainages where brook trout are found are not fished aggressively due to the small size of the streams and corresponding

small size of the fish at these sites. We consider habitat degradation from grazing and water diversions to be a larger threat to brook trout populations than angling pressure.

The largest pressure on fish populations on the refuge, however, comes from stocked rainbow and brown trout populations. These are non-native species in the Blackwater River watershed and are stocked annually by the State. Permitting fishing access for these species is considered an acceptable form of wildlife-dependent recreation on the refuge that does not significantly affect refuge resources. Since the fishery is artificially stocked, the rainbow and brown trout populations are supplemented to compensate for angling pressures.

Other Wildlife

Anticipated disturbances to wildlife are likely to be short term and infrequent based on the current level of use. Long-term impacts may include certain wildlife species avoiding trail corridors. Based on the current level of fishing use it is not expected that disturbance impacts will be significant.

Federally Listed Species

The threatened Cheat Mountain salamander (*Plethodon nettingi*) is found on the refuge. This species is found associated with high elevation forested habitat, typically with some component of red spruce (*Picea rubens*) and/or Eastern hemlock (*Tsuga canadensis*), and it is likely they are restricted to the cooler mountain slopes and ridges. Primary access for fishing will occur only in the lower elevations and valley floor and will not traverse known or potentially occupied habitat of either species. Therefore, there are no anticipated impacts to these species as a result of allowing fishing access.

Visitors and Other Uses

Conflicts between recreational uses are commonly reported in the literature (Knight and Gutzwiller 1995, Ramthun 1995, Watson et. al 1994, Chavez et al 1993). Conflicts range from concerns over personal safety to certain user groups feeling that they should be given priority over other groups based on past history or other reasons. In the 1997 Refuge Improvement Act, there was no priority order given to the big six uses (hunting, fishing, wildlife observation, wildlife photography, environmental education, and interpretation). Based on interviews with individuals and user groups, conflicts among groups are not significant in Canaan Valley. This is likely due to the relatively low number of visitors in the area as compared with heavy use and conflict sites reported in the literature.

Economic

Fishing use of the refuge would increase as a result of the proposed action due to improvements in refuge facilities, which would have long-term economic benefits to the community. Therefore, additional local and regional economies will have short- and long-term moderate beneficial impacts as a result of the proposed action.

Cumulative Impacts

Cumulative impacts on the environment result from incremental impacts of a proposed action when these are added to other past, present, and reasonably foreseeable future actions. While cumulative impacts may result from individually minor actions, they may, viewed as a whole, become substantial over time. The entirety of the fishing is freshwater, which is regulated and managed by the State of West Virginia and the WVDNR. Regulations at all of the sites are regulated by the State of West Virginia. Therefore, cumulative impacts from the proposal are expected to be minimal.

Fishing is viewed as an effective and justifiable method of access that enables the public to discover, experience, and enjoy the refuge and participate in a priority public use. Potential habitat degradation from angler foot traffic to breeding/nesting birds and wildlife species warrants monitoring. Due to the low level of fishing activity occurring on beaver ponds and rivers on the refuge, no significant impacts to refuge resources are anticipated. However, if unanticipated impacts are noted, corrective actions will be taken to protect refuge resources.

PUBLIC REVIEW AND COMMENT:

The fishing plan and compatibility determination were thoroughly coordinated with all interested and/or affected parties. Parties contacted included West Virginia Division of Natural Resources (WVDNR). We notified the public through local venues, the refuge website, and notification in the Federal Register (as part of other expansions and openings on national wildlife refuges). A 30-day comment period on the draft documents began on March 23, 2020. Due to the unprecedented pandemic response, the comment period was extended an additional 16 days, to May 8, for a total period of 46 days.

Comments on the plan were received from a total of five individuals or groups during the 46-day comment period. Substantive comments were reviewed and considered when finalizing the plan. Summarized comments and responses for each are included in Appendix D of the Recreational Fishing Plan (Finding of No Significant Impact).

DETERMINATION (CHECK ONE BELOW):

_____Use is not compatible

__X__Use is compatible, with the following stipulations

STIPULATIONS NECESSARY TO ENSURE COMPATIBILITY:

We will review the program regularly to ensure that wildlife and habitat management goals are achieved, and that the program is providing a safe, high quality experience for participants. If monitoring indicates that this use materially interferes with or detracts from fulfillment of the Refuge System mission or the purposes of the refuge, we would modify or eliminate the use.

The following stipulations are necessary to ensure compatibility:

1. Anglers must properly discard monofilament line and all other fishing waste.

2. The use of gasoline motors is prohibited on the refuge.

3. The possession, use or collection of baitfish (including minnows, crayfish, and amphibians) is prohibited anywhere on the refuge.

4. We prohibit fishing by any means other than two or fewer attended poles with hook and line attached.

5. We prohibit the use of lead sinkers in freshwater ponds on the refuge.

JUSTIFICATION:

The Refuge System Improvement Act of 1997 identifies fishing as a priority public use. Priority public uses are to receive enhanced consideration when developing goals and objectives for refuges if they are determined to be compatible. Providing fishing opportunities will promote public appreciation and support for the refuge. Recreational fishing will not materially interfere with or detract from the mission of the Refuge System or the purposes for which the refuge was established. We, therefore, find that public fishing conducted according to the State of West Virginia seasons and limits will be compatible with the principles of sound wildlife management and otherwise in the public interest (50 CFR § 32.1.).

SIGNATURE:
Refuge Manager

RONALD HOLLIS Digitally signed by RONALD HOLLIS Date: 2020.07.31 09:25:42 -04'00'

(Signature) (Date)

CONCURRENCE:
Regional Chief

SCOTT KAHAN Digitally signed by SCOTT KAHAN Date: 2020.07.31 17:53:13 -04'00'

(Signature) (Date)

MANDATORY 15 YEAR RE-EVALUATION DATE: _____
(Date)

REFERENCES:

Chavez, D.J., Winter, P.L., and Baas, J.M. 1993. Recreational mountain biking: a management perspective. Journal of Park and Recreation Administration. 11(3): 29-36.

Knight, R.L. and Gutzwiller, K.J. 1995. Wildlife and Recreationist: Coexistence through management and research. Island Press, Washington, DC. 371pp.

Kuss, F.R. 1986. A review of major factors influencing plant responses to recreation impacts. Environmental Management, 10:638-650.

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Waston, A.E., Niccolucci, M.J., and Williams, D.R. 1994. The nature of conflict between hikers and recreational stock users in the John Muir Wilderness. Journal of Leisure Research 26(4): 372-385

Caudill, J. and Carver, E. 2019. Banking on Nature 2017: The economic contributions of national wildlife refuge recreational visitation to local communities. USFWS, Falls Church, VA. 32pp.

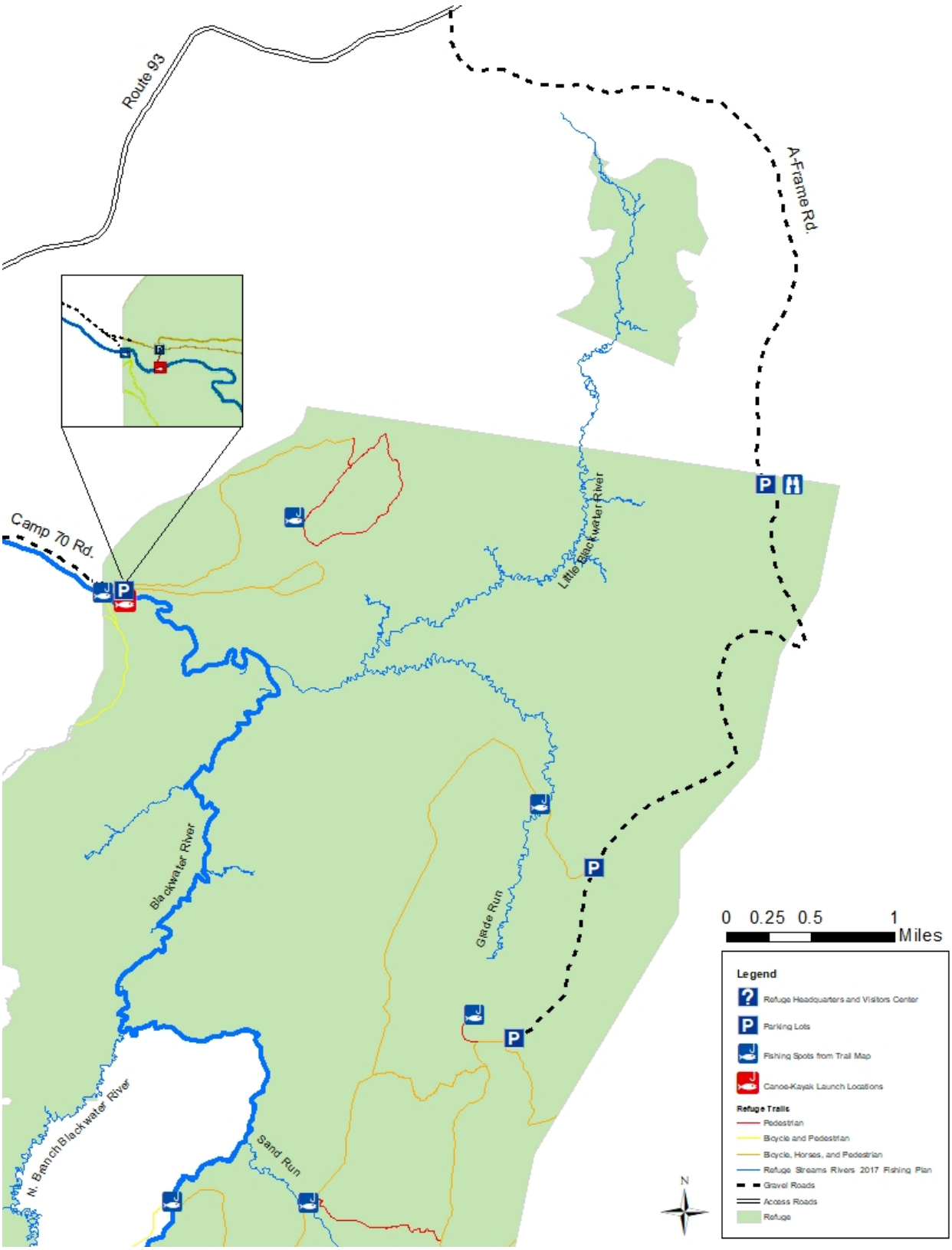

Figure 1-A: North portion of refuge fishing access spots.

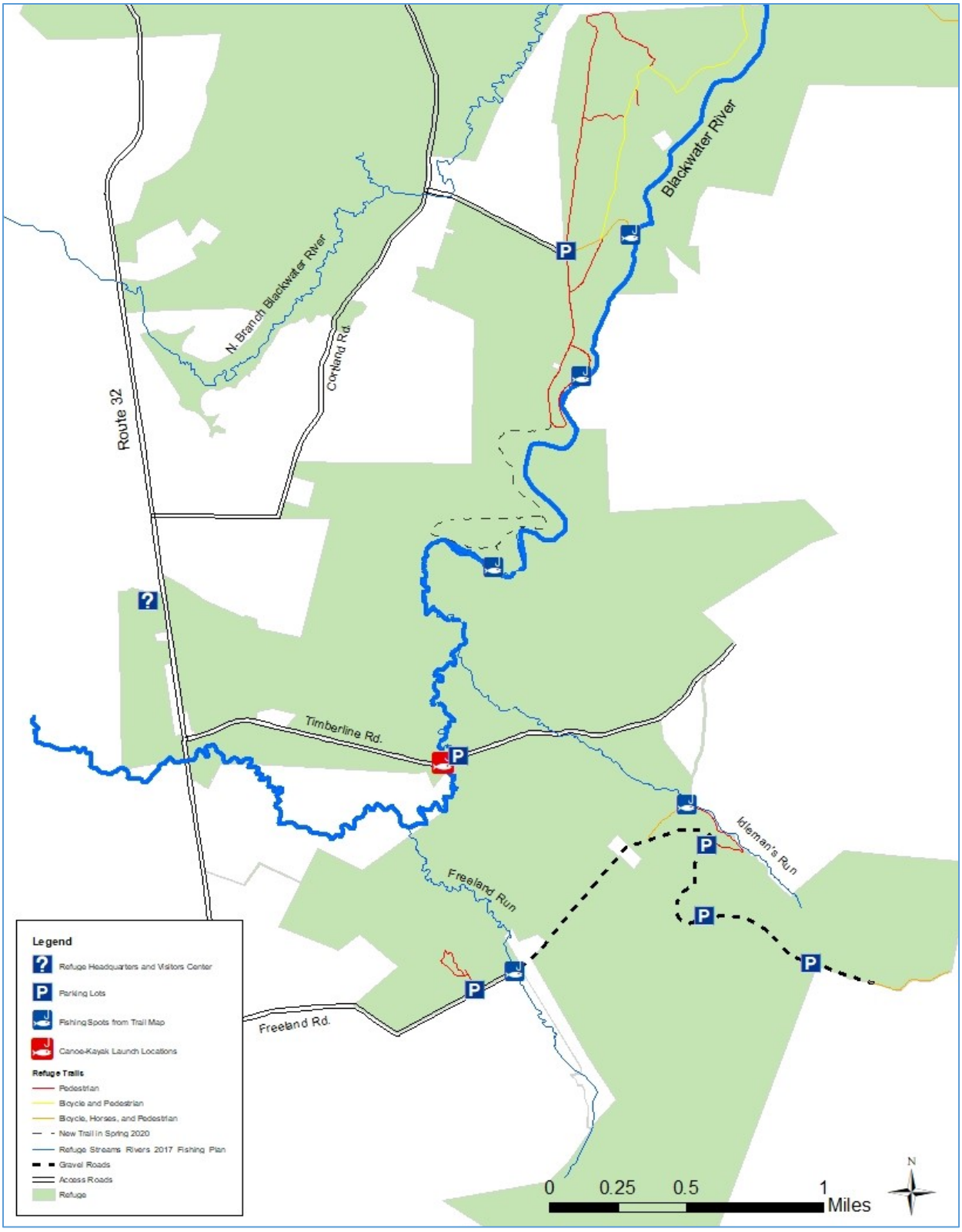

Figure 2-A: South portion of refuge fishing access spots.