Fish & Wildlife Service

Canaan Valley National Wildlife Refuge

Recreational Fishing Plan

July 2020

Art by Duane Raver/USFWS

Appendix A. Compatibility Determination
Appendix B. Environmental Assessment
Appendix C. Intra-Service Section 7 Evaluation
Appendix D. Finding of No Significant Impact

Estimated Lead Agency Total Costs Associated with Developing and Producing the EA (per ERM 10-12): $8,543

Canaan Valley National Wildlife Refuge
Recreational Fishing Plan

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U.S. Fish and Wildlife Service

Canaan Valley National Wildlife Refuge
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I. INTRODUCTION AND DESCRIPTION OF THE REFUGE

National wildlife refuges are guided by the mission and goals of the National Wildlife Refuge System (Refuge System), the purposes of an individual refuge, U.S. Fish and Wildlife Service (Service) policy, and laws and international treaties. Relevant guidance includes the National Wildlife Refuge System Administration Act of 1966 (NWRSAA), as amended by the Refuge System Improvement Act of 1997, Refuge Recreation Act of 1962, and selected portions of the Code of Federal Regulations and Fish and Wildlife Service Manual.

The mission of the Refuge System, as outlined by the NWRSAA, as amended by the Refuge System Improvement Act (16 U.S.C. 668dd et seq.), is:

"...to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans."

The act requires that refuges restore and maintain the integrity, diversity, and environmental health necessary to achieve this mission and the purposes established for each refuge. The NWRSAA mandates the Secretary of the Interior in administering the System to (16 U.S.C. 668dd(a)(4):

- Provide for the conservation of fish, wildlife, and plants, and their habitats within the Refuge System;

- Ensure that the biological integrity, diversity, and environmental health of the Refuge System are maintained for the benefit of present and future generations of Americans;

- Ensure that the mission of the Refuge System described at 16 U.S.C. 668dd(a)(2) and the purposes of each refuge are carried out;

- Ensure effective coordination, interaction, and cooperation with owners of land adjoining refuges and the fish and wildlife agency of the States in which the units of the Refuge System are located;

- Assist in the maintenance of adequate water quantity and water quality to fulfill the mission of the Refuge System and the purposes of each refuge;

- Recognize compatible wildlife-dependent recreational uses as the priority general public uses of the Refuge System through which the American public can develop an appreciation for fish and wildlife;

- Ensure that opportunities are provided within the Refuge System for compatible wildlife-dependent recreational uses; and

- Monitor the status and trends of fish, wildlife, and plants in each refuge.

Secretarial Order 3347 – "Conservation Stewardship and Outdoor Recreation," signed March 2, 2017, and Secretarial Order 3356 – "Hunting, Fishing, Recreational Shooting, and Wildlife Conservation Opportunities and Coordination with States, Tribes, and Territories," signed September 15, 2017, includes direction to Department of the Interior agencies to "…enhance recreational fishing, specifically regarding efforts to enhance and expand recreational fishing access".

The Code of Federal Regulations (CFR), Title 50, Subchapter C, further details additional procedures related to fishing on a national wildlife refuge. The Refuge Recreation Act requires that funds be available for the development, operation, and maintenance of fishing programs. It is anticipated that inclusion of a fishing program will have a negligible impact on refuge financial resources.

Canaan Valley National Wildlife Refuge (NWR, refuge) is located in Davis, West Virginia, and in Tucker and Grant Counties, West Virginia. The refuge was established on August 11, 1994, with the purchase of 86 acres, but currently ranges over 17,000 acres (Figure 1). The Service is authorized to acquire an additional 24,000 acres within the land acquisition boundary. In order to meet specific refuge and other broader Service directives, the following purposes were established for Canaan Valley NWR:

- "…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));

- "… 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));

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

The refuge works to preserve unique high elevation wetlands, which includes the largest shrub and bog wetland complex in the southern Appalachians. This complex contains a mixture of wetland types, including muskeg, alder, wet meadow, swamp forest, and spiraea thicket. Other habitat types are present on the refuge as well. Upland areas provide grass and shrublands important for migratory birds. High elevation woodlands provide habitat for threatened and endangered species, including Cheat Mountain salamander and Indiana bat. Overall, the area supports over 580 species of plants (representing 40 different plant communities), as well as an

estimated 290 species of mammals, birds, reptiles, amphibians, and fish. Of the 30 species of fish that occur in the tributaries of the Blackwater River, 19 are found to be native to the refuge.

Under the refuge Comprehensive Conservation Plan (CCP), we proposed to officially open recreational fishing on the refuge by amending 50 CFR 32.68. When additional land acquisitions occur, these sites may become available for public recreational fishing. The proposed fishing program rules will be the same as, or more restrictive than, regulations throughout the State of West Virginia (State). Additional restrictions may take the form of potential seasonal closures, prohibition of lead sinkers in ponds, and time of day when we would permit access for fishing, or other rules and regulations designed to protect fish and wildlife.

We will take an adaptive management approach to maintaining the fishery resources of the refuge. The West Virginia Division of Natural Resources (WVDNR) manages the fishery resources and stocking program in areas adjacent to the refuge, and we will work together to ensure the fishery resource remains healthy and sustainable.

II. STATEMENT OF OBJECTIVES

The objectives for the Canaan Valley NWR fisheries program are to:

- Promote a priority public use of the Refuge System under the NWRSAA of 1996 (16 U.S.C. 668dd-668ee), as amended by the Refuge System Improvement Act of 1997 (Improvement Act) (Public Law 105-57);

- Meet Refuge Objective 4.2 (Fishing) under the CCP. Within 5 years of CCP approval, provide fishing opportunities such that 80 percent of anglers report having a high-quality fishing experience on the refuge;

- Effectively maintain a healthy and diverse aquatic ecosystem through the use of scientific management techniques;

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

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

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

- Minimize conflicts with visitors participating in other compatible wildlife dependent recreational activities;

- Minimize impact to natural resources; and

- Participate in the annual Hooked on Fishing, Not on Drugs Exposition when staff is available.

III. DESCRIPTION OF FISHING PROGRAM

A. Areas to be Opened to Fishing

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 2 and 3). 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 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.

Beaver ponds on the refuge can last a variable number of years and many are within sensitive wetland habitats. Plants in these habitats may be unusual for this latitude or may be globally rare, like the balsam fir (*Abies balsamea*) and bog clubmoss (*Lycopodiella inundata*). If a managed road or trail provides access to a pond within approximately 10 yards, then that pond is open to fishing, otherwise, 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 will minimize off-trail walking and thereby minimize compaction of significant plant communities and disturbance of wildlife.

Vernal pools are confined wetland depressions, natural or man-made, that retain water for at least 2 consecutive months out of the year and are devoid of breeding fish populations. These freshwater pools are scattered throughout the refuge. These sites are generally less than 1-acre in size and are fed by rainfall. They provide critically important habitat for a variety of amphibian species. Based on the pool's importance for the suite of species that rely on them, and that few, if any, fish are found in the pools, the sites will not be open for fishing on the refuge.

B. Species to be Taken, Fishing Seasons, Fishing Access

Seasons dates and creel limits will follow State regulations, which allow fishing in the Blackwater and its tributaries year-round. This will be coordinated with the State annually. Public fishing on the refuge will be provided at designated fishing access points (Figures 2 and 3) and will be allowed 1 hour before sunrise and 1 hour after sunset. There are two new canoe/kayak launches, Timberline Bridge and Laurel Landing, located off Brown Mountain Parking lot. These launches will allow unlimited access to fishing spots not accessible by land, (see figure 1 and 2).

We propose that two streams (Freeland Run and Idleman's Run) be catch and release only for brook trout. We will encourage anglers to keep non-native species such as rainbow and brown trout, as they can outcompete brook trout for resources. To help facilitate the catch and release of brook trout unharmed, these two streams will be single hook use only as well. We will coordinate with WVDNR with implementation of catch and release and single hook regulations.

C. Fishing Permit Requirements

A valid West Virginia fishing license and any required additional stamps will be required to fish on the refuge. No refuge permit is required.

D. Consultation and Coordination with the State

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. We will offer fishing 1 hour before legal sunrise and 1 hour after legal sunset on refuge land. This is more restrictive than WVDNR, but conforms to 50 CFR regulations.

Prior to the development of this Recreational Fishing Plan, the Refuge Manager contacted the WVDNR regarding the refuge's proposal to open up opportunities for recreational fishing. The agency was supportive of this proposal. Continued coordination will ensure Canaan Valley NWR's fishing program aligns with State regulations, and law enforcement needs are met.

E. Law Enforcement

Enforcement of refuge regulations to protect trust resources and provide for a quality recreational opportunity will occur via regular patrols and compliance checks by Federal Wildlife Officers (FWO). Staff from the WVDNR will assist FWOs when needed.

In addition, to assist with compliance of State and refuge regulations, fishing rules and regulations will be posted at the visitor center and kiosks. We will install signage to reinforce these regulations, discourage transportation of invasive species, and encourage proper disposal of unused bait and monofilament.

F. Funding and Staff Requirements

We do not anticipate charging fees for fishing, and therefore we do not anticipate additional income or appropriations specifically geared toward 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 the maintenance and repair of refuge roads, parking lots, and associated structures. The refuge has heavy equipment including a motor grader, dump truck, backhoe, 4x4 farm tractor, skid steer, and front-end loader.

The estimated cost to operate this fishing program is estimated to be $2,360 annually.

IV. CONDUCT OF FISHING OPPORTUNITIES

A. Refuge-Specific Fishing Regulations

All anglers must possess a required State fishing license and must comply with all State fishing regulations as well as refuge specific regulations (50 CFR§32.68 D) and procedures.

For Canaan Valley NWR:

- Fishing access is allowed during refuge open hours from 1 hour before legal sunrise to 1 hour after legal sunset.
- No overnight parking, camping or fires are permitted.
- Anglers must properly discard monofilament line and all other fishing waste.
- Fishing access is restricted to designated trails and access points. Access points are discussed in Description of Fishing Program and can be viewed in Figures 2 and 3.

- 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 baitfish (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.

- We prohibit the use of lead sinkers in freshwater ponds.

- 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.

B. Relevant State Regulations

Fishing at Canaan Valley NWR will be conducted according to West Virginia State regulations except as noted in refuge-specific regulations.

V. PUBLIC ENGAGEMENT

A. Outreach for Announcing and Publicizing the Fishing Program

All fishing-related matters will be published in local papers, including the *Parson's Advocate* and the *Inter-Mountain*. Notices will also be posted at the refuge office and on the refuge website and Facebook page. Any outreach is intended to educate the public of the changes/updates to the fishing program; and inform the public where to get information regarding the program.

The fishing plan has been 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.

The refuge will also address public comments received during the 30-day comment period, and consider them for incorporation into the Recreational Fishing Plan.

B. Anticipated Public Reaction to the Fishing Program

It is estimated that about 50,000 people visit Canaan Valley NWR annually. Visitors use the refuge to enjoy wildlife-dependent activities such as birdwatching, photography, wildlife observation, hunting, and fishing. Visitors engaged in these activities can easily co-exist with anglers.

We anticipated that there would be some comments regarding unlimited access to the refuge for fishing, the same access that is granted to hunters in the fall. 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 are included in Appendix D (Finding of No Significant Impacts).

C. How Anglers will be Informed of Relevant Rules and Regulations

Angler orientation of the refuge will be achieved by providing maps of the refuge at the headquarters office, in kiosks throughout the refuge, and on the refuge website. The maps have refuge trails, public use areas, closed areas, and local roads clearly defined. Anglers may address questions to refuge staff by calling, writing, e-mailing, or visiting refuge headquarters.

Information regarding refuge-specific information is available at the refuge headquarters office located at 6263 Appalachian Highway, Davis, WV. The refuge office is open Monday through Friday 8 a.m. to 4 p.m. Information is also available on the refuge website at: http://www.fws.gov/canaanvalley or by calling 304-866-3858.

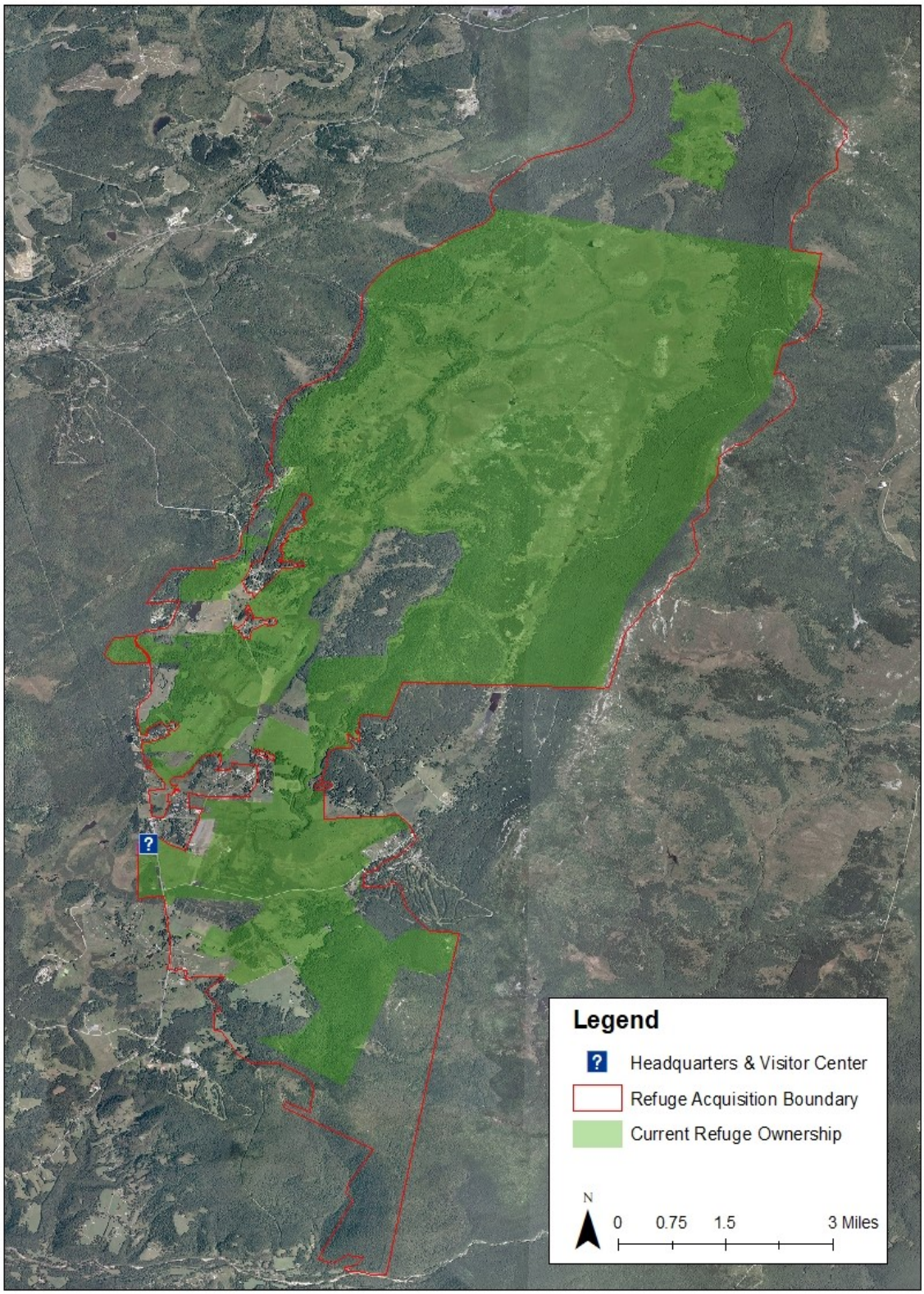

Figure 1. Canaan Valley NWR boundary and existing ownership as of November 1, 2019.

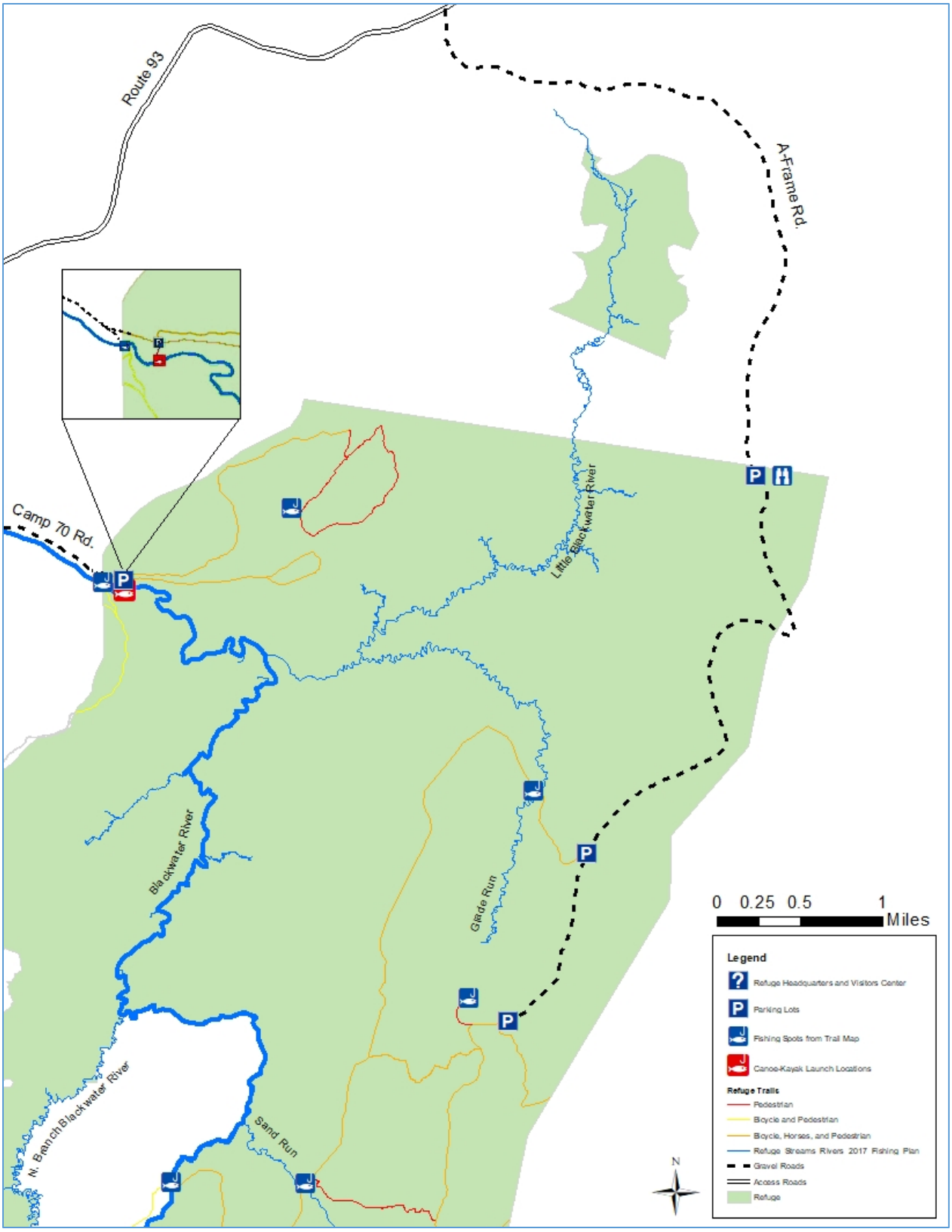

Figure 2: North portion of refuge fishing access spots.

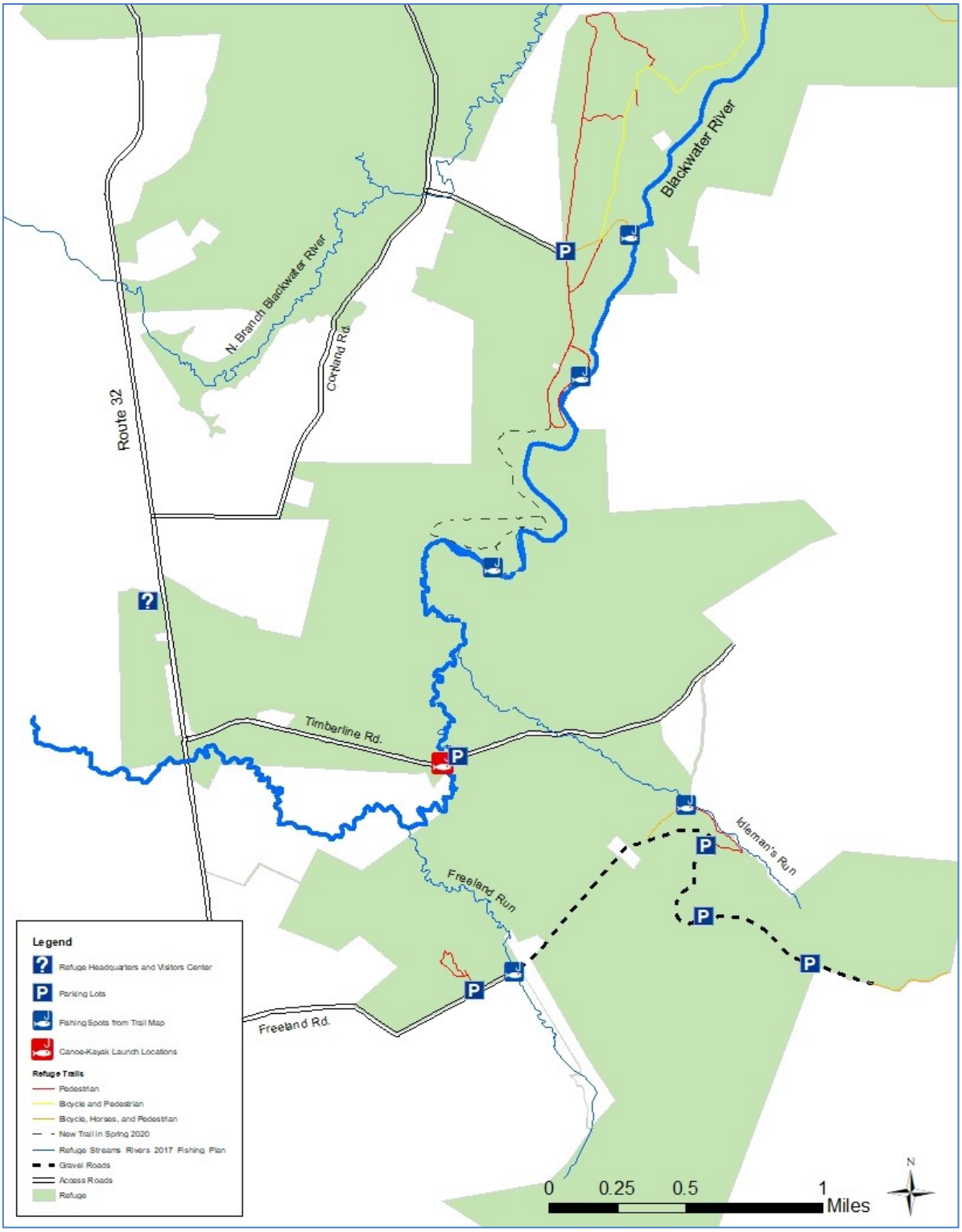

Figure 3: South portion of refuge fishing access spots.