

Prime Hook National Wildlife Refuge – Wildlife Section Comments on the Draft CCP

General Comments: The Delaware Division of Fish and Wildlife has been a partner with the U.S.F.W.S. in the management of the Prime Hook Refuge since the refuge was established. The Division manages the 698 acre Prime Hook State Wildlife Area adjacent to the Refuge, making it advantageous for us to work closely with refuge staff in managing the habitat and recreational programs for the property as a unit. We have enjoyed a productive and collegiate relationship over the years to maximize wildlife resource benefits for this critical habitat area and are proud of our joint accomplishments. We thank the Service for the opportunity to review their CCP and provide recommendations for their consideration. Because of our partnership we are reluctant to offer critiques of the refuge's management plan so these comments should be taken as suggestions for consideration.

Relative to the three EIS alternatives identified in the CCP, the Division recommends a hybrid of all three, keeping the best traditions of the past that have been huge successes and discard the obsolete in favor of more prudent and effective measures. Alternative A or the no action alternative is not acceptable to the Division. We feel that maintaining the status quo is not in the best interest of the resource or the public user. Likewise we do not support Alternative B, the preferred alternative. Under this alternative the Service proposes to mimic natural ecological processes in the management of their wetlands, discontinue farming practices, conduct active predator control and manage forest habitats. Although this alternative offers many attractive features (predator control, forest management, and expansion of hunting) it also poses several undesirable features (total loss of farming, deletions of blinds and deer stands) that we describe in more detail later. Alternative C represents some desirable features supported by the Division, but as with the other alternatives this option has several short comings. The

Division recommends a hybrid of all three alternatives to include maintenance management of the existing impoundments and restoration of the dunes, expansion of hunting to include keeping a limited number of stands and blinds as well as maintaining the historic use levels (days and hours) of hunting, predator control to promote bird species of concern, and maintaining at a smaller scale some agricultural production to maintain habitat diversity and allow for wetlands expansion associated in anticipation of sea level rise.

Major Issues:

Habitat Practices - Impoundments

All who have witnessed the demise of the coastal protective dunes are saddened by the current state of Prime Hook Unit Two and the potential demise for Unit Three. We all are familiar with the issues associated with repairing the breach so it will suffice to say that it is a difficult challenge. Because of the impact to Refuge and the other property owners the Division hopes that the Service will continue to explore options to maintain the integrity of the remaining marsh units of the Refuge while still seeking a creative solution to manage Unit Two. We understand that cost is an overriding factor but we expect the Service to continue to seek innovative options to maintain the integrity of remaining impounded units. Specifically we desire an alternative whereby Unit 3 is isolated to maintain it as a freshwater complex since it has sufficient base flow to maintain it as a freshwater/slightly brackish wetland, its management infrastructure has not been as compromised, and the management capabilities are still somewhat intact unlike the other units within the refuge. Additionally, the risk of phragmites invasion into Unit III if managed as a freshwater complex are no less than under current conditions and can be controlled and reduced by judicious herbicide usage.

Habitat Management - Agricultural Lands

The Division understands the Service's basis for eliminating farming from the Refuge's management program. However, the Division contends that farming contracts can be a useful management tool to retard succession, provide areas of early successional habitat (grassy field borders), manage for invasive plants, and provide some ecological diversity as opposed to complete reforestation. Although Service lands represent a small fraction of potential agricultural land in the state, these lands do represent strategically valuable wintering areas for migratory Canada Geese. It wasn't until agricultural producers on Delmarva established large scale farming of corn and soybeans did Canada geese change their wintering patterns and start short stopping the Carolinas in preference for Delmarva, thereby becoming the common winter occurrence in Delaware they are today. Now a similar phenomenon appears to be occurring north of Delaware but we not on the receiving end this time. Pennsylvania and New York are growing more corn and thus appear to be short stopping the geese from coming to Delmarva. With a new spurt of development pressure and the refuges abandoning their agriculture programs the cumulative effect for Delaware may be less desirable wintering habitat for geese. The Division therefore urges the Service to consider maintaining a small scale farming program to provide habitat diversity and areas attractive to feeding waterfowl. This activity may be even more important given the unstable condition of the impoundments to attract waterfowl. Relative to songbird use, recent radar data analyses suggests that agricultural fields along the Delaware Bayshore are both highly used and persistently used during the fall migration of songbirds. Although this use may be from large icterid flocks, the habitat value of farmed fields should not be discounted.

The Division encourages the Service to develop and maintain early successional habitat in some of the fields that they have selected for removal from farming. Although reforestation will benefit a percentage of neotropical migrants, early successional habitats (ESH) are fragile habitat components important to many rare species. Suppression of regeneration will support several at risks species such as Eastern meadowlark, Grasshopper sparrow, American kestrel and possibly Henslow's sparrow.

Forest Management

The Division in general supports the Service's timber stand practices. The Division also recommends that whenever possible forest alterations would not occur during the breeding season. At least some bird species are nesting in Delaware during every month of the year. We recommend that the Service amend the CCP to include a statement including a range of dates that identify the breeding season for the largest majority of birds occurring on the Refuge, such as April 1 through July 31 and preclude forest alteration practices during this time of year (TOY) restriction.

Impacts on Shorebirds, Beach Nesting Birds and Horseshoe Crabs

The adaptive management framework was fully accepted for implementation as a horseshoe crab harvest decision tool by the ASMFC in 2012. Horseshoe crab populations have been stable to slightly increasing over the past several years. Their population is no longer in decline.

Minimizing the amount of open water will increase habitat for marsh nesting birds increasing the overall abundance of this group on the refuge. Restoration of marsh vegetation will improve habitat for red knots, which is expected to be listed as an endangered species.

We agree that closure of the dunes and over wash areas to the public from March 1 through September 1 is important for encouraging nesting success for beach nesting birds on the refuge. The installation of educational signage at the end of Fowlers Beach Road should be considered to inform visitors of impacts of human disturbance on breeding and foraging shorebirds. If Fowlers Beach is opened to night-fishing; provision should be made for increased enforcement presence during that time.

We concur with the listed productivity goals for beach nesting birds.

Impacts on Federal and State Endangered Species should specifically mention the piping plover (i.e. Delmarva fox squirrel and bald eagle are specifically mentioned).

Hunting Plan

Relative to the Hunting Plan, in general, the objectives expressed seem in many instances to be contradictory and possibly not in aligned with current U.S. Department of Interior ideology relative to hunter recruitment and retention and hunter access. One such contradiction is the need for a *compatibility determination for hunting*. The CCP states that the purpose of the refuge 1) is for use as an inviolate sanctuary, or for any other management purposes, for migratory birds and 2) incidental fish and wildlife-oriented recreational development. Hunting was identified as one of six priority public uses by Executive Order 12996 and the National Wildlife Refuge System Improvement Act of 1997. So why does the Service need to conduct a compatibility determination for hunting under the EIS or CCP? It almost seems as if the Service is apologizing for allowing hunting on the Refuge. In fact many of the statements in the hunting plan are conciliatory or defensive in regards to the hunting programs. We understand why an analysis would be needed for activities such as geo caching or horseback riding which is not part of the refuge's mission. However, the Division is confused as to why a compatibility determination is necessary for a designated priority activity like hunting?

Quality

Often in the hunting program descriptions for the preferred alternative, it is mentioned that proposed changes are being implemented to improve the *quality of the hunting experience*. We caution the Service not to use the term quality since this is a subjective term and really is in the eyes of the

beholder. The connotation for quality as written in the CCP seems to indicate greater success of harvesting waterfowl. However, for many hunters, quality may be just the fun of being in the marsh for the day with family or friends. Harvest success may have very little to do with the quality of the experience whereas accessibility and opportunity may be of greater importance. So we recommend striking the term quality due to its subjective nature.

Cost and Capacity

The CCP also mentions that many of your proposed hunting changes are scheduled to *reduce cost*. Although we certainly understand the need to be cost efficient in operating the hunting programs, we also contend that supporting hunting is a focus of our joint mission and therefore we should not expect the cost of running the program to be balanced with income generated. We are in the business of providing hunting opportunities to the public and there will be costs that must and should be absorbed. We do not analyze habitat development and maintenance in terms of user cost; why do we then evaluate priority recreational activities for their programmatic costs? Additionally, the Division has helped the Service to offset their cost associated with blinds and deer stands by supplying materials and manpower in exchange for the Service's contribution of managing the daily hunts for both refuge and State areas. The Division offers to continue this arrangement to reduce the financial cost to the Refuge. We suggest that the refuge could also reduce hunting operation costs by utilizing hunting friends groups similar to the other volunteer organizations that assist the refuge programs. There are creative ways that the Service can maintain a level of facilities and days of operation that would not be burdensome to refuge's personnel capacity and budget. The Division would be happy to work with Refuge staff to seek ways to keep traditional hunting opportunities at Prime Hook.

We are also curious if the same cost analysis applied to the hunting program is being applied to all recreational programs on the refuge as part of the CCP process and decisions to maintain specific

programs. Other programs have costs associated with their management; are they evaluated in the same terms as the hunting programs relative to cost analysis and justification? Things like signs, maintenance of boat launch areas, trails, road maintenance and even blinds (which could serve as bird observations sites) are needed for activities other than hunting. Is the maintenance of these facilities evaluated in a cost analysis for other recreational programs?

It is the Division's opinion that the Service and all state F&W organizations work under the philosophy espoused by the North American Model of Wildlife Management, which explicitly declares a user pay, user pay model for recreational enjoyment of public trust species. We respectfully believe the hunter and fisherman of this country have paid their share and will continue to support conservation through the sale of migratory bird stamps and hunting licenses. Therefore, we conclude they deserve a similar level and type of hunting experiences that have been enjoyed at the refuge in the past.

Elimination of Blinds and Stands

The USFWS in the development of their NAWMP, integrated hunter-human dimension data with the objective of maximizing hunting opportunities and satisfaction in the development of their waterfowl hunting program. They exerted a huge effort to integrate hunter feelings with a goal of addressing the issue of hunter recruitment and retention. Many of the recommendations suggested in the CCP seem on face value to be contrary to this effort. The elimination of fixed blinds and stands in favor of free roam hunting or blind sites (a designated area where hunters may use their own blind) may benefit the die-hard hunter but will preclude the average hunter and most youth hunters who cannot afford a boat blind or pop-up blind. The Division has found that while blind sites increase the flexibility of hunters to choose their hunting location, they also increase the likelihood of hunter conflicts as individuals tend to stray from their designated areas when a fixed blind is not present. Additionally, the use of blind sites increase the amount of vegetation damage in the area surrounding the blind site, as hunters frequently

use existing natural vegetation to conceal themselves when a constructed blind is not present. The newly proposed changes to hunting hours and days also seems contradictory to Service Philosophy and current federal legislative attempts to enhance access and opportunity to hunt.

One of the objectives listed by the Service in the CCP was a reduction of disturbance to waterfowl. We contend that the Service may actually increase disturbance by mandating free roam hunting, especially the altered habitat state of the wetland units (relative to waterfowl hunting) and the unfamiliarity with the areas by some hunters. The Division purposely developed our blinds and stands to reduce the disturbance impact to resting waterfowl by hunters. Regarding the elimination of deer stands, this has been a mildly debated issue within our ranks. Many hunters obviously enjoy the thrill of pre-season scouting, selecting the spot to place their stand and the subsequent joy of harvesting a deer as a result of those activities. Most of us believe that the harvest success will probably increase with the elimination of stands. However, the hunting population is getting older and from a safety aspect of the average hunter the stands are a definite advantage. We recommend that the Service consider maintaining some stands to provide safe and accessible hunting opportunities for older hunters and youth.

We applaud the Service's efforts to expand hunting opportunities. However, several hunters have expressed their concerns over the location of new hunting areas. Specifically, the waterfowl hunting locations along Prime Hook Creek have been identified as areas they will not take advantage of under proposed Alternative B. Hunters have stated to us that the Service is making a false gesture of expanding hunting opportunities in an area where most people would not hunt to offset a reduction in blinds and hunting in areas that traditionally supported hunting. We recommend that the Service reconsider their selection of areas for expanding hunting and incorporate more hunter input into the selection of proposed hunting areas.

Days/Hours of Operation

We are saddened by the proposal to reduce the number of waterfowl hunting days from 4 to 3 through the elimination of Fridays. Although many die hard waterfowl hunters will take the time to hunt the days offered, most general use hunters will be handicapped by the loss of Fridays. The majority of blue collar workers can only hunt weekends, and strategically taking vacation most advantageous. Fridays have been a traditional hunting day in Delaware and many of our seasons open on Friday. Did the Service evaluate hunter use on Fridays compared with other week days in their decision to remove Friday as a hunting day? Public hunters who have voiced their concerns at our Wildlife and Freshwater Fish Advisory Council have always supported the inclusion of Friday in our hunting day package. We recommend that the Service restore Friday as a waterfowl hunting day.

The Division will continue to provide hunting on the State side of Prime Hook on a MWFS schedule. The Service's new policy will adversely affect our operation by adding greater pressure to state area blinds and imposing man-power capacity considerations for the Division. We, therefore, recommend the Service reconsider this option to include Fridays in their hunting program.

The CCP recommends terminating hunting hours at noon on legal hunting days. The rationale for this recommendation is based upon reduction in disturbance to resting and feeding waterfowl. Although the Division agrees with the Services' concern over the reduction of disturbance to waterfowl, we see little justification for the proposed action. Disturbance is mitigated in the CCP by additional refuge areas and an alternate hunting day schedule with Tuesday, Thursday and Sunday serving as a day of rest. We concede that hunting can have an impact on waterfowl movements/behavior when roosting activities are disturbed but see no need for a noon closure with the alternate day schedule. We recommend the Service consider closing the daily hunts at 3:00 PM or later. This would be consistent with management

on state areas providing familiarity and reduce complexity to waterfowl hunting regulations within the State. Additionally extending the hunting hours provides hunters who work evening shiftwork the opportunity to hunt, something not readily available to them if hunting is terminated at noon.

Turkey Hunting At Prime Hook

In the preferred alternative the CCP indicates that during the turkey season that all public access areas will be closed in designated hunting areas until noon; however, state regulations permit turkey hunting till 1:00 pm. Is it the Service's intent to only allow turkey hunting till noon? If so, this would create a confusing situation and would be inconsistent with statewide hunting regulations of this species.

Additionally because the Division will be administering the lottery for these turkey hunts changing the hunting hours will require a change in the wording on our standard permits, which indicates hunting is permitted till 1:00pm. The Division recommends allowing turkey hunting on the refuge till 1:00 pm, as this would be consistent with management on state areas (both wildlife areas and state forests) providing familiarity and reducing complexity to turkey hunting regulations within the State.

The CCP indicates that there will be a \$10 daily fee for a turkey permit and a \$5 application fee for the preseason turkey lottery. Since the Division will be administering the pre-season turkey lottery, how will these fees be implemented? This will be confusing to our hunters as all other areas in our preseason lottery are free to apply and obtain a permit for. Additionally, the Division's lottery is funded using Wildlife and Sport Fish Restoration funds which have strict limitations on the collection of permit fees.

Conclusion

In the end it is the Services' decision as to how the refuge property will be managed. The Division will respect, honor and support whatever decision the Service selects to manage this valuable part of Delaware's landscape. We hope the Service will take our comments as constructive analysis of their

proposals and selection process and utilize our recommendations to improve the plan where indicated. Relative to the alternatives presented, the Division recommends a hybrid of all three alternatives that captures the identified features of the alternatives described by the comments in this document.