

COMPATIBILITY DETERMINATION
OF
FOREST HABITAT MANAGEMENT

STATION NAME: Noxubee NWR

DATE ESTABLISHED: 6/14/40

ESTABLISHING AUTHORITY: Executive Order 8444, dated 6-14-40

PURPOSE(S) FOR WHICH THE REFUGE WAS ESTABLISHED:

"... as a refuge and breeding ground for migratory birds and other wildlife ..."
Executive Order 8444, dated June 14, 1940

and

"... for use as an inviolate sanctuary, or for any other management purpose, for migratory birds." 16 United States Code (USC) § 715d (Migratory Bird Conservation Act)

REFUGE OBJECTIVES:

As defined in 16 USC 668dd, Title 50 of the Code of Federal Regulations(50 CFR), Subchapter C, part 25, Subpart A, 25.11.b:refuges are established for the restoration, preservation, development and management of wildlife and wildlands habitat; for the protection and preservation of endangered or threatened species and their habitat; and for the management of wildlife and wildlands to obtain the maximum benefits from these resources. Also, there are the goals and objectives of the National Wildlife Refuge System, as defined in the Refuge Manual, that provide the framework for refuge objectives which are:

1. Threatened and endangered species maintenance and production.
2. Migratory bird maintenance and production.
3. Maintenance of native habitat types and their associated wildlife species.
4. Environmental education.
5. Wildlife interpretation.
6. Compatible wildlife oriented recreation.

OTHER APPLICABLE LAWS, REGULATIONS AND POLICIES:

1. National Wildlife Refuge System Administration Act of 1966 as amended (16 USC 668dd-668ee; 80 Stat. 927).
2. Refuge Recreation Act as amended (16 USC 460k-460k-4). 50 CFR, Parts 26-32.
3. The Refuge Manual (RM), USFWS.
4. Antiquities Act of 1906 (34 Stat. 225).
5. Migratory Bird Treaty Act of 1918 as amended (15 USC 703-711; 40 Stat. 755).
6. Migratory Bird Conservation Act of 1929 (16 USC 715r: 45 Stat. 1222.
7. Migratory Bird Hunting Stamp Act of 1934 (16 USC 718-178h: 48 Stat. 451.
8. Criminal Code Provisions of 1940 (18 USC 41).
9. Bald and Golden Eagle Protection Act (16 USC 668-668d; 54 Stat.250).
10. Refuge Trespass Act of June 25, 1948 (18 USC 41; 62 Stat. 686).
11. Fish & Wildlife Act of 1956 (16 USC 742a-742j; 70 Stat.1119).
12. Refuge Recreation Act of 1962 (16 USC 460k-460k-4; 76 Stat. 653).
13. The Lacy Act as amended 1981 (18 USC 42,c,1).
14. Land and Water Conservation Fund Act of 1965.
15. National Historic Preservation Act of 1966 (16 USC 470, et seq.; 80 Stat. 915).
16. The National Environmental Policy Act of 1969, NEPA (42 USC 4321, et seq.; 83 Stat. 852).
17. Use of Off-Road Vehicles on Public Lands (Executive Order 11644, as amended by Executive Order 10989).
18. Endangered Species Act of 1973 (16 USC 1531 et seq.; 87 Stat. 884).
19. Refuge Revenue Sharing Act of 1935, as amended in 1978 (16 USC 715s; 92 Stat. 1319).
20. National Wildlife Refuge Regulations for the Most Recent Fiscal Year (50 CFR Subchapter C; 43 CFR 3101.3-3).
21. Emergency Wetlands Resources Act of 1986 (S.B. 740).
22. North American Wetlands Conservation Act of 1990.
23. Food Security Act (Farm Bill) of 1990 as amended (HR 2100).
24. The Property Clause of the U.S. Constitution, Article IV 3, Clause 2.
25. The Commerce Clause of the U.S. Constitution, Article 1, Section 8.
26. The Refuge Administrative Manual, USFWS.
27. Archeological Resource Protection Act (ARPA) of 1979 (16 USC s-470aa).

DESCRIPTION OF PROPOSED USE:

The management and manipulation of the forested wildlife habitat through the use of prescribed fire, wildfire suppression, forest silviculture and commercial timber harvesting operations, as described in the Forest Management Plan.

ANTICIPATED IMPACTS ON REFUGE PURPOSE:

The impacts of forest habitat management on the Noxubee National Wildlife Refuge are generally positive. The forest habitat management plan is a management tool used by the staff to manipulate and create and maintain wildlife habitat and **not a secondary refuge use**. Through the use of techniques in the plan we are able to *create* and maintain habitat conditions critical for the endangered red-cockaded woodpecker. We maintain forest habitat conditions favorable for wintering waterfowl, resident wildlife and provide habitat for a number of neo-tropical birds. All forest habitat management activities are designed to meet either short term or long term wildlife habitat objectives.

The forest habitat management plan's use of prescribed fire and commercial timber harvesting will cause some vegetation and wildlife disturbance and soil compaction.

Anticipated biological impacts from forest management activities are discussed in detail in the Forest Management Plan and Environmental Assessment for forest management on Noxubee NWR.

DETERMINATION: (Check One)

This use is compatible X This use is not compatible _____

NEPA COMPLIANCE: (Environmental Action Memorandum Attached)

- ☐ Categorical Exclusion
- ☒ Environmental Assessment
- ☐ Environmental Impact Statement
- ☒ FONSI

STIPULATIONS NECESSARY TO ENSURE COMPATIBILITY:

All forest habitat management activities are strictly regulated as to timing and location to minimize potential negative impacts. Commercial timber harvesting operations are regulated by conditions stipulated in a Special Use Permit. The

permit strictly regulates the timing, methods, equipment and quality of the harvesting operations. Rehabilitation of log landing, skid trails and logging roads is required to mitigate potential soil compaction.

All forest management activities will be in accordance with the approved Forest Management Plan.

JUSTIFICATION:

Forest habitat management operations are an important and valuable management tool. It allows us to create and maintain forest habitat conditions critical for the breeding and foraging success of the endangered red-cockaded woodpecker. It allows us to maintain a diversity of habitats for migratory waterfowl, resident wildlife and neo-tropical migrants.

Prescribed burning and commercial timber harvesting is the only practical tools we have to create and meet our *long term* forest habitat objectives. Currently 75% of the forest habitat is 50 years or older. Some neo-tropical migrants (ie. brownheaded nuthatches and summer tanagers) prefer younger and more open forested habitats. Upland species, such as wild turkey and bobwhite quail, use open forested habitats during the year. The only way we can provide this type of habitat through time is with the careful use of prescribed fire and commercial timber harvesting.

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