

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 32

RIN 1018-AD00

Addition of Bayou Cocodrie National Wildlife Refuge to the List of Open Areas for Hunting in Louisiana

AGENCY: Fish and Wildlife Service, Interior Department.

ACTION: Final rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) adds Bayou Cocodrie National Wildlife Refuge to the list of areas open for upland game and big game hunting in Louisiana along with pertinent refuge-specific regulations for such activities. The Service has determined that such use will be compatible with the purposes for which the refuge was established. The Service has further determined that this action is in accordance with the provisions of all applicable laws, is consistent with principles of sound wildlife management, and is otherwise in the public interest by providing additional recreational opportunities of a renewable natural resource.

EFFECTIVE DATE: The effective date of this rule is February 27, 1995.

ADDRESSES: Assistant Director—Refuges and Wildlife, U.S. Fish and Wildlife Service, 1849 C Street NW., MS 670 ARLSQ, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT:

Duncan L. Brown, Esq., at the address above; Telephone: 703-358-1744.

SUPPLEMENTARY INFORMATION: National wildlife refuges are generally closed to hunting and sport fishing until opened by rulemaking. The Secretary of the Interior (Secretary) may open refuge areas to hunting and/or fishing upon a determination that such uses are compatible with the purpose(s) for which the refuge was established, and that funds are available for development, operation, and maintenance of a hunting or fishing program. The action must also be in accordance with provisions of all laws applicable to the areas, must be consistent with the principles of sound wildlife management, and must otherwise be in the public interest. This rulemaking opens Bayou Cocodrie National Wildlife Refuge to upland game (squirrel, rabbit, raccoon, opossum and coyote) and big game (white-tailed deer) hunting.

Request for Comments

A proposed rule was published on October 21, 1994 (59 FR 5338) and

comments were solicited from the public. No comments were received regarding this opening.

Statutory Authority

The National Wildlife Refuge System Administration Act of 1966, as amended (NWRSA) (16 U.S.C. 668dd), and the Refuge Recreation Act of 1962 (RRA) (16 U.S.C. 460k) govern the administration and public use of national wildlife refuges. Specifically, Section 4(d)(1)(A) of the NWRSA authorizes the Secretary to permit the use of any areas within the National Wildlife Refuge System (Refuge System) for any purpose, including but not limited to hunting, fishing, public recreation and accommodations, and access, when he determines that such uses are compatible with the purposes for which each refuge was established. The Service administers the Refuge System on behalf of the Secretary. The RRA gives the Secretary additional authority to administer refuge areas within the Refuge System for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary purposes for which the refuges were established. In addition, prior to opening refuges to hunting or fishing under this Act, the Secretary is required to determine that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

Opening Package

In preparation for this opening, the refuge unit has included in its "opening package" for Regional review and approval from the Washington Office the following documents: A hunting/fishing plan; an environmental assessment; a Finding of No Significant Impact (FONSI); a Section 7 evaluation or statement, pursuant to the Endangered Species Act, that these openings are not likely to adversely affect a listed species or critical habitat; a letter of concurrence from the affected States; and refuge-specific regulations to administer the hunts. From a review of the totality of these documents, the Secretary has determined that the opening of the Bayou Cocodrie National Wildlife Refuge to upland game and big game hunting is compatible with the principles of sound wildlife management and will otherwise be in the public interest.

In accordance with the NWRSA and the RRA, the Secretary has also determined that this opening for upland game and big game hunting is compatible and consistent with the primary purposes for which the refuge

was established, and that funds are available to administer the programs. A brief description of the hunting program is as follows:

Bayou Cocodrie National Wildlife Refuge

Public Law 101-593, enacted by Congress on November 16, 1990, authorized the establishment of Bayou Cocodrie National Wildlife Refuge (NWR). The refuge is located in Concordia Parish in east central Louisiana. It was established to protect some of the last remaining, least disturbed bottomland hardwoods in the Mississippi River Delta. These forested wetlands represent one of the most valuable and productive wildlife habitat in the southeastern United States. The stated purposes found at 104 Stat. 2957 provide that the refuge purposes are (1) The conservation and enhancement of wetlands; (2) the general wildlife management as a unit of the National Wildlife Refuge System, including management for migratory birds; and (3) for fish and wildlife-oriented recreational activities.

Total refuge acreage is proposed at 17,269 acres, including an 11,230-acre core tract formerly owned by The Nature Conservancy. The remaining 6,039 acres are adjacent, privately-owned tracts. Acquisition to date totals 9,805 acres of the core tract. The area offers attractive shallow-water feeding habitat for pintails and other dabbling ducks such as mallards and blue-winged teal, and provides excellent habitat for resident game, including white-tailed deer, turkeys, woodcock, and grey and fox squirrels. The bottomland hardwoods also serve as both permanent homes and migration habitat for many species of passerine birds, including songbirds and neotropical migrants.

The area has historically been noted for its excellent hunting opportunities for white-tailed deer and small game such as rabbits and squirrels. Nearly all of the refuge area was leased by hunting clubs or commercial hunting enterprises prior to the government obtaining the property. Based on preliminary assessment of the refuge and the experience of the local Louisiana Department of Wildlife and Fisheries biologist and enforcement personnel, all indications support the fact that relevant wildlife populations are sufficient for hunting and for other refuge objectives.

Because of the unpredictable refuge development timeframe, the location of future land purchases, and the limited amount of developed waterfowl habitat, the initial hunting program will involve only resident game including white-

tailed deer, squirrels, and rabbits. A waterfowl hunting program is totally dependent on the capability of being able to have dependable water sources to maintain optimum water levels for waterfowl hunting. Seasons and bag limits for resident game seasons hunting will be within the guidelines established by the Louisiana Department of Wildlife and Fisheries, but will likely be more conservative. The hunting program will be reviewed on an annual basis and revisions will be made accordingly.

The sport hunting program will be monitored by refuge personnel. Currently, the refuge is operating at the "custodial level" with only one staff member—the refuge manager. Resources from other refuges (Tensas River, Catahoula, and Lake Ophelia) will be utilized to help administer the hunt programs.

To facilitate the distribution of news releases, the refuge will maintain a mailing list for newspapers, local radio and television stations. News releases will be developed announcing the hunting season dates, where regulations can be obtained, and other pertinent information.

Opening the refuge to upland game and big game hunting has been found to be compatible in a separate compatibility determination. This determination noted that time and zone restrictions would be implemented as land acquisition progressed to ensure continued compatibility. A Section 7 evaluation pursuant to the Endangered Species Act was conducted and it was determined that the hunt opening is not likely to adversely affect any Federally listed or proposed for listing threatened or endangered species or their critical habitats. Pursuant to the National Environmental Policy Act (NEPA), an environmental assessment was made and a Finding of No Significant Impact (FONSI) was made regarding the hunt. Numerous contacts were made throughout the area of the refuge soliciting comments on the hunting plan. The Louisiana Department of Wildlife and Fisheries concurs and fully supports the regulated recreational hunting program at the refuge.

The Service has determined that there would be sufficient funds to administer the hunt pursuant to the requirements of the Refuge Recreation Act. The cost of the hunt program is estimated to be approximately \$25,000 for the initial year and \$10,000 per year thereafter. Sufficient funds would be available within the refuge unit budget to operate such a hunt. It is estimated, further, that

10,000 hunter visits per year would take place.

Paperwork Reduction Act

The information collection requirements for part 32 are found in 50 CFR part 25 and have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1018-0014. The information is being collected to assist the Service in administering these programs in accordance with statutory authorities which require that recreational uses be compatible with the primary purposes for which the areas were established. The information requested in the application form is required to obtain a benefit.

The public reporting burden for the application form is estimated to average six (6) minutes per response, including time for reviewing instructions, gathering and maintaining data, and completing the form. Direct comments on the burden estimate or any other aspect of this form to the Service Information Collection Officer, U.S. Fish and Wildlife Service, 1849 C Street, NW, MS 224 ARLSQ, Washington, DC 20240; and the Office of Management and Budget, Paperwork Reduction Project (1018-0014), Washington, DC 20503.

Economic Effect

This rulemaking was not subject to Office of Management and Budget review under Executive Order 12866. In addition, a review under the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) has revealed that the rulemaking would not have a significant effect on a substantial number of small entities, which include businesses, organizations or governmental jurisdictions. This rule would have minimal effect on such entities.

Federalism

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this rule does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Considerations

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), an environmental assessment has been prepared for this

opening. Based upon the Environmental Assessments, the Service issued a Finding of No Significant Impact with respect to the opening. A Section 7 evaluation was prepared pursuant to the Endangered Species Act with a finding that no adverse impact would occur to any identified threatened or endangered species.

Primary Author

Duncan L. Brown, Esq., Division of Refuges, U.S. Fish and Wildlife Service, Washington, DC, is the primary author of this rulemaking document.

List of Subjects in 50 CFR Part 32

Hunting, Fishing, Reporting and recordkeeping requirements, Wildlife, Wildlife refuges.

Accordingly, part 32 of chapter I of Title 50 of the Code of Federal Regulations is amended as set forth below:

PART 32—[AMENDED]

1. The authority citation for part 32 continues to read as follows:

Authority: 5 U.S.C. 301; 16 U.S.C. 460k, 664, 668dd, and 715i.

2. Section 32.7 List of refuge units open to hunting and/or fishing is amended by adding alphabetically "Bayou Cocodrie National Wildlife Refuge" to the listing under the state of Louisiana.

3. Section 32.37 *Louisiana* is amended by adding alphabetically Bayou Cocodrie National Wildlife Refuge to the listing to read as follows:

§ 32.37 Louisiana.

* * * * *

Bayou Cocodrie National Wildlife Refuge

A. Hunting of Migratory Game Birds. [Reserved.]

B. Upland Game Hunting. Hunting of squirrel, rabbit, raccoon, opossum and coyote is permitted on designated areas of the refuge subject to the following condition: Permits are required.

C. Big Game Hunting. Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following condition: Permits are required.

D. Sport Fishing. [Reserved.]

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Dated: December 16, 1994.

George T. Frampton, Jr.,
Assistant Secretary for Fish and Wildlife and Parks.

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