

I. INTRODUCTION

A. Purpose of Conceptual Management Plan

This Conceptual Management Plan (CMP) provides a general description of the management direction for the proposed Accokeek Creek National Wildlife Refuge and outlines interim public uses on newly acquired lands. The proposed actions described in this CMP will direct refuge management until a Comprehensive Conservation Plan (CCP) is developed. Any major changes to the proposed actions described in this document, any new actions, and the development of the CCP (scheduled for 2008) will be subject to public review and comment in accordance to the provisions of the National Environmental Policy Act (NEPA) of 1969.

B. Laws and Mandates Guiding the Management of National Wildlife Refuges

If acquired by the U.S. Fish and Wildlife Service, the Crow's Nest Peninsula will be managed as part of the National Wildlife Refuge System, and will be guided by the following policies, mandates and regulations:

1. Mission of U.S. Fish & Wildlife Service

The U.S. Fish & Wildlife Service (Service) is the primary Federal agency responsible for enforcing Federal wildlife laws, including the Endangered Species Act and the Migratory Bird Conservation Act. The mission of the Service is to “*conserve, protect and enhance the Nation’s fish and wildlife and their habitats for the continuing benefit of the American people.*” In addition to administering the National Wildlife Refuge System (Refuge System), the Service administers 66 National Fish Hatcheries, 64 fish and wildlife offices, and 78 ecological services stations. The Service also assists foreign governments in their conservation efforts and oversees the Federal Aid program that distributes hundreds of millions of dollars in excise taxes on fishing and hunting equipment to state fish and wildlife agencies.

2. National Wildlife Refuge System Improvement Act (Refuge Improvement Act)

On October 9, 1997, President Clinton signed into law the Refuge Improvement Act to guide the development and operation of the National Wildlife Refuge System. The main components of the act are as follows.

- (a) It identified a mission for the Refuge System: “...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”;
- (b) It required the Secretary of the Interior to maintain the biological integrity, diversity and

environmental health of the Refuge System;

- (c) It recognized that wildlife-dependent recreational uses, when determined to be compatible, are legitimate and appropriate public uses of the Refuge System. It also prioritized six uses above all public uses: hunting, fishing, wildlife observation, photography, and environmental education and interpretation;
- (d) It required that any new use be determined compatible with the mission of the Refuge System and the specific purposes for which that Refuge was established. Refuges are closed to all public use unless specifically and formally opened. Opening a Refuge to hunting and fishing requires publication in the Federal Register and public review and comment;
- (e) It directed the Secretary of the Interior to manage the refuges with a “Wildlife First” mandate. That is, refuges are managed primarily for the benefit of fish, wildlife, and their habitats; and
- (f) It required all refuges to develop a Comprehensive Conservation Plan by 2012, to be revised every 10-15 years.

3. National Environmental Policy Act (NEPA) of 1969

NEPA requires that all federal agencies conduct detailed planning in full consultation with the public on any action that may significantly affect the quality of the human and natural environment. This Environmental Assessment and Conceptual Management Plan fulfills NEPA compliance for establishment of Accokeek Creek National Wildlife Refuge, and the proposed management actions and public uses. Future projects on the Refuge that have the potential to affect the human and natural environment will require additional NEPA compliance.

4. Archaeological Resources Protection Act (ARPA) of 1979

ARPA provides protection for archeological resources on public lands by prohibiting the “excavation, removal, damage or defacing of any archaeological resource located on public lands or Indian lands,” and set up criminal penalties for these acts. It also encourages increased cooperation and exchange of information between governmental authorities, the professional archaeological community, and private individuals having archaeological resources and data which were obtained before October 31, 1979.

5. National Historical Preservation Act (NHPA) of 1966

NHPA requires all Federal agencies to administer federally owned, administered, or controlled prehistoric and historic resources in a spirit of stewardship for the inspiration and benefit of present and future generations. It further stipulates that prior to the expenditure of any Federal funds on any project, the agency must take into account the effect of the project on any historic sites.

C. Purpose of Establishment and Land Acquisition Authority

Refuge lands can be acquired under various legislative and administrative authorities for specified purposes. Land acquisition for the proposed Accokeek Creek National Wildlife Refuge would be primarily authorized by the Fish and Wildlife Act of 1956, the Migratory Bird Conservation Act of 1929, and the Refuge Recreation Act of 1962. Depending on habitat and target species, future land

acquisition may also be authorized by the Endangered Species Act of 1973 and Emergency Wetland Resources Act of 1986.

The purposes of a refuge are derived from the legislative authorities under which it was established. The purposes guide the long term management of the refuge, prioritize future land acquisition, and play a key role in determining the compatibility of proposed public uses. The purposes of Accokeek Creek National Wildlife Refuge would be:

- (1) for the development, management, advancement, conservation, and protection of fish and wildlife resources.
- (2) for use as an inviolate sanctuary, or for any other management purpose, for migratory birds.
- (3) for incidental fish and wildlife-oriented recreational development, protection of natural resources, and conservation of endangered or threatened species.

II. OVERVIEW OF ADMINISTRATION

A. *Refuge Administration and Facilities*

The proposed refuge will be managed as part of the Potomac River National Wildlife Refuge Complex, located in Woodbridge, Virginia. Initially, the refuge staff for the Potomac River Refuge Complex will have the responsibility for the management of the refuge. During the interim period, the Service will seek funding to station a staff in Stafford County, consisting at a minimum of: Refuge Manager, Wildlife Biologist, Outdoor Recreational Planner, Office Assistant, and Maintenance Worker. In the long term, the refuge will hire two additional full time staff and a seasonal staff. The ability to fill these staff positions would depend on availability of funds.

The Crow's Nest Peninsula currently has an extensive network of logging roads. Some of these roads are currently used by a few hunters and fishermen to access the property. However, none of the roads meet Federal standards for two-way vehicular traffic. If the Service acquires Crow's Nest, the main road running east-west would be expanded to accommodate two-way traffic in order to facilitate the six priority public uses. Nine side trails, including five that access the two creeks, will be maintained as pedestrian trails. Two of these trails will be designated for fishing access. Several small gravel parking areas, accommodating five to ten cars each, will be constructed along the main spine road near the start of these walking trails. Depending on the future management needs of the refuge, a trailer may be set up where the hunters currently keep their trailer during the interim period to be used as headquarter/visitor contact station. Some equipment or vehicles may also be stored on the property. The constructions of the proposed improvements are contingent upon availability of funds and the Service acquiring sufficient land to implement the proposed action.

Excluding the trail improvements and parking areas, no new facilities are proposed for the refuge at this time. In the long term, the Service intends to construct permanent facilities on or near the Peninsula for use as a refuge administrative office. Future on-site improvements, including

headquarter facilities, visitor services facilities, additional trails, observation platforms, and photography blinds, may be discussed in a future Comprehensive Conservation Plan (CCP), tentatively scheduled for 2008.

B. Access

The property is currently accessed off Raven Road, via a locked gate. There are some concerns that the gate currently blocks landowners in the Crow's Nest Harbour subdivision from accessing their property. If the Service acquires Crow's Nest, we will work with the landowners to determine if the gate needs to be relocated.

The refuge will be open to the public from dawn to dusk. Initially, access may be restricted due to human safety concerns and availability of staff. Because of human safety concerns, vehicles will be prohibited from the property prior to road improvements.

III. MANAGEMENT OF ACCOKEEK CREEK REFUGE

A. Goals of Accokeek Creek National Wildlife Refuge

The following goals for the proposed Accokeek Creek National Wildlife Refuge were developed within the framework of the Refuge System's mission statement, the National Wildlife Refuge System Improvement Act, the refuge's primary purposes, and other Service policy and directives. The goals are intentionally broad statements that describe desired future conditions, and would guide the management of the refuge on the interim period and the development of management objectives and strategies in the CCP.

- ◆ Protect and maintain the area's heterogeneous mature forest communities to support a diversity of plants and animals, particularly migrating and nesting Neotropical migratory birds.
- ◆ Maintain and enhance the quality of the Peninsula's surrounding marsh habitat to benefit waterfowl and interjurisdictional fish.
- ◆ Working with partners, maintain the integrity of the area's unique ecological communities and rich cultural resources through inventory, research, and outreach.

Provide opportunities for priority, high quality, wildlife-dependent public use where appropriate and compatible with wildlife and habitat goals.

B. Interim Refuge Objectives

Recent survey work by partners, literature review, and reconnaissance surveys suggest that Crow's Nest is a largely undisturbed ecosystem that requires minimal active management. However, very

little is known about this peninsula that, by all indication, consists of diverse habitats supporting numerous plant and animal communities. In the interim period between acquisition of the property and the development of the CCP, baseline surveys and monitoring efforts will be crucial to ensuring science-based decisions for the management of the refuge. Priorities for management during this interim period include: Monitoring and inventorying threatened and endangered species, neotropical migratory birds, and unique plant communities, and building community support. The objectives outlined below give specific directions in the management of the refuge during the interim period. The priorities may change as new information and Service policies are revised.

Priority 1 Objectives

- ◆ Survey for threatened and endangered plant species (small whorled pogonia and sensitive joint-vetch) that potentially occur within the study area.
- ◆ Work with partners to inventory and monitor neotropical migratory bird and waterfowl species.

- ◆ Work with partners to monitor exotic or invasive plant and animal species to preclude threats to the integrity of the ecosystem.
- ◆ Work with DCR-DNH and other partners to inventory vegetative communities and rare plants within the refuge.
- ◆ Develop a wild fire suppression plan to protect wildlife and habitats on the refuge and residential houses on adjacent lands.
- ◆ Within the availability of staff and funding, provide opportunities for the six priority public uses to foster an appreciation of Crow's Nest's biological and cultural resources.
- ◆ Protect known archeological and cultural resource sites.

Priority 2 Objectives

- ◆ Develop a vegetation map of the study area using GIS tools.
- ◆ Work with partners to inventory and monitor amphibians and reptiles in the study area.
- ◆ Work with State and the Service's fisheries program to inventory fish species in Potomac and Accokeek Creeks.
- ◆ Coordinate with adjacent landowners and the State to protect and enhance the health and integrity of Accokeek and Potomac Creeks to benefit waterfowl, fish, amphibians, reptiles, and the public.
- ◆ Monitor deer populations to determine impacts of the hunting program on deer and minimize impact of deer on vegetation.
- ◆ Design and implement a study to determine the amount of public use occurring on the refuge and potential impacts to wildlife and habitat.
- ◆ Promote opportunities for volunteers and develop community appreciation and support for the refuge.
- ◆ Work with school districts and teachers to develop an environmental education program featuring unique species or communities at the refuge.
- ◆ Conduct cultural resource overview of the refuge to identify potential archeological sites.
- ◆ Promote and support research that contribute to refuge goals and objectives, increase

understanding of refuge resources, or facilitate resource management.

C. *Interim Public Use*

Public use opportunities contribute to the long term protection of wildlife resources by promoting understanding, appreciation and support for wildlife conservation. The six priority public uses will be accommodated to the maximal extent possible, where it does not have a significant negative impact on wildlife. All the proposed public use activities are contingent upon availability of staff and funding to develop and implement these programs. Table 1 summarizes public uses allowed during the interim phase. For detailed information on each public use, see the corresponding Compatibility Determination, Appendix C.

Table 1. Summary of compatibility evaluation of six priority public uses and the proposed interim public uses. All public uses are subject to availability of funding and staff.

Public Use Activity	Is this use compatible with refuge purposes?	Will this use be provided during the interim phase?
Public deer hunting	Yes, if conducted within specified Refuge guidelines	Yes, limited opportunity due to lack of information
Public fishing (shore and boat)	Yes	Yes
Environmental education and Interpretation	Yes	Yes
Wildlife Observation and Photography	Yes	Yes

1a. Hunting– deer

By far, hunting is the most contentious of the six priority public uses. During scoping meetings the majority of the public expressed an interest in having deer hunting opportunities on the refuge, while a few strongly opposed it. The property is currently hunted by a select number of people. They take approximately 30-50 deer per year. The planning team evaluated several issues associated with deer hunting, including impacts of hunting to local deer population, impacts of overabundant populations to vegetation, human safety and health concerns, and user conflicts. Although the deer population in Stafford County is lower than the rest of eastern Virginia, the density of deer is still high: 20-25 deer per square mile as compared to the historical density of 10 deer per square mile (M. Knox, Virginia Department of Game and Inland Fisheries, pers. comm.). Given the diversity of rare plant communities and lush understory vegetation that exists on the Peninsula, we plan to allow limited hunting

opportunities on an interim basis. Additionally, refuge staff will work with the State to collect

information on deer population, impacts of deer browsing on vegetation, and impacts of hunting on the deer population. An annual hunt plan will be developed to guide the implementation of the deer hunt. If additional NEPA compliance is necessary, the refuge will write an Environmental Assessment prior to opening the refuge to hunting. Any proposed hunting activities will be published in the Federal Register prior to its opening.

The refuge will be open to deer hunting during the third week of November. Dates may change in response to changes in State regulations or to meet refuge goals. Hunters will be chosen by lottery for participation in the hunt. The number of hunters will be adjusted to achieve the refuge objective of maintaining the current level of harvest. The specifics of implementing the deer hunt will be described in detail in an annual deer hunting plan to be written and/or revised each year.

1b. Hunting – Waterfowl

Waterfowl hunting currently occurs throughout the majority of the waterways and marshes within the acquisition boundary of the refuge. Most hunting occur from stationary waterfowl blinds located along the waterway where the State has primary jurisdiction. While some blinds are more elaborate, most are posts driven into the marsh which serves as a place to secure the boat. These hunting blinds are permitted on an annual basis by the State. Landowners have the first privilege to the permits. If they do not exercise this privilege, it is opened through a lottery system to the general public. Owners of blinds have the option of renewing their permit each year within a set time frame. Because most blind owners along Accokeek and Potomac Creeks choose to renew their permits each year, ownership does not change much from year to year. Over time, the blind permittee, who are primarily local residents, organized into two groups, one for each creek, to resolve conflicts and coordinate hunting activities. The waterfowl hunters, through their representatives, have approached the refuge and expressed the desire to continue waterfowl hunting in the two creeks. They have indicated that they will continue to resolve any problems, move any blinds that conflict with other refuge uses, and clean up and remove old blinds.

Waterfowl hunting on the creeks can continue where it does not conflict with federally listed species and other refuge uses. After acquisition of the Peninsula, the refuge will cooperate with the waterfowl hunters concerning three blinds that may have to be moved because of its proximity to proposed high use observation areas.

2. Fishing

Two shoreline fishing access points are proposed as designated on the refuge (Map 3). The spine road will be expanded to accommodate two-way vehicular traffic to facilitate access to the fishing points. Both trails leading to the fishing spots will be maintained as pedestrian trails during the interim period. Fishing can also be accessed by boat in both Creeks. Visitors will have to exercise good judgement in order to minimize disturbance to wildlife and damage to the marsh (i.e. minimize wake in the upstream areas). A Federal Register notice will be published prior to opening the refuge to fishing.

3. Wildlife Observation and Photography

Proposed trail improvement will facilitate wildlife observation and photography on the Peninsula.

Kiosks and directional signs will highlight noteworthy features of the Refuge. Depending on the availability of the Refuge staff, pamphlets featuring watchable wildlife (i.e. birds, wild flower) may be developed. Additional improvements to facilitate wildlife observation and photography (i.e. observation platform, and photo blinds) would be subject to NEPA and will be reevaluated in the CCP. The public is encouraged to enjoy wildlife and the scenic beauty of Refuge from the Creeks. Visitors using the creeks should use good judgement in order to minimize disturbance to wildlife and damage to the marsh (i.e. minimize wake in the upstream areas).

4. Environmental Education

There are no plans to develop educational programs for use in a formal school curriculum. Depending on the availability of the refuge staff, environmental educational programs may or may be developed in the interim period. Organizations that wish to use the refuge for such purposes should contact the Refuge Manager.

5. Interpretation

There are no plans for guided or self-guided interpretive walks. Depending on the availability of the Outdoor Recreational Planner, volunteers, and funding, interpretive pamphlets and signs could be developed in the future. Refuge staff or volunteers may also provide guided tours of the refuge (i.e. bird walks, cultural resources, canoe expeditions, nature interpretation). Trail improvements proposed under Refuge Administration and Facilities will facilitate future interpretive activities. New trails or additional improvements needed to facilitate new interpretive opportunities would be subject to NEPA and will be reevaluated in the CCP. Any persons or organizations that wish to use the refuge for environmental or cultural interpretive purposes should contact the Refuge Manager.