DEPARTMENT OF THE INTERIOR

Fish and Wildlide 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

Request for Comments

deer) hunting.

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 (NWRSAA) (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 NWRSAA 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 "openings 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 NWRSAA 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, privatelyowned 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-