

US Fish & Wildlife Service
First Public Meeting on the Cherry Valley National Wildlife Refuge Feasibility Study
Monroe County Conservation District, Bartonsville, PA
March 26, 2008, 7 PM

MEETING NOTES

MEETING OPENS

Kathy Bangert, who retired from USFWS one year ago, has returned as a volunteer to moderate tonight's meeting. This is the first of two public meetings, the purpose of which is for the United States Fish & Wildlife Service to gather information from the public on establishing a National Wildlife Refuge in Cherry Valley.

Overview of the evening's events:

- Presentations from two FWS regional office staff and from Bud Cook of The Nature Conservancy
- Formal Comments (from members of audience who signed up to comment) – these comments will be part of the public record
- Question & Answer Session (this will be a more informal opportunity to have questions answered)

Presentations to the Public

Sue McMahon – Deputy Chief of the National Wildlife Refuge System for the Northeast Region

Presentation on the NWR system

This study will help determine if the natural resources of Cherry Valley should be included within the NWR system.

McMahon shares with the audience some statistics on the NWR system.

The Northeast region for FWS encompasses 13 states from Maine to Virginia; one quarter of the nation's population resides in this region. There are two NWRs in Pennsylvania – the Erie NWR & John Heinz NWR at Tinicum.

NWRs are created to protect habitat, as well as to help adults and children connect to nature through visiting and taking part in nature-based activities.

Carl Melberg, Refuge Planner

Presentation on the Cherry Valley NWR Feasibility Study

The FWS has been assigned to research the feasibility of establishing an NWR at Cherry Valley through an act of Congress.

The study area is approximately 30,000 acres. The study is being conducted by a multi-disciplinary team of professionals who will review the comments made here today.

The report of the study team will be submitted to the House Committee on Resources and the Senate Committee on Environment and Public Works. The report will include: a map of the area, cost estimates, and potential non-Federal funding sources.

Currently there are 548 refuges in the system, and 100 million acres.

The FWS mission is wildlife first (people second).

The study will:

- assess conservation benefits
- determine if wildlife species & resources are suitable for inclusion in NWR system
- determine if opportunities exist for wildlife dependent recreation, research and environmental education
- be conducted in consultation with state & federal government, private landowners and conservation organizations

Melberg discusses the main uses provided by a NWR. He also talks about the laws/policies affecting the process – including the requirement for public involvement.

Study team members include representatives from FWS, the National Park Service, the Pennsylvania Game Commission, the Pennsylvania Fish and Boat Commission, the Pennsylvania Natural Heritage Program, The Nature Conservancy, East Stroudsburg University, Northampton Community College, the Monroe County Planning Commission, the Monroe County Conservation District and the Pocono Avian Research Center.

The team is hoping to have a draft report completed by the end of September 2008.

Suzanne McCool – representative from the Monroe County Conservation District

McCool comments on the county commissioners' involvement in the passage of the feasibility study act. The community took action several years ago, calling upon Congressman Kanjorski and Congressman Dent. This bi-partisan representation was responsible for sponsoring a bill for the Cherry Valley NWR feasibility study act.

Throughout the county, the MCCD has been preserving areas. The county has around 5000 acres preserved in agriculture and 6000 + acres in green areas. The county has launched programs in management and land conservation. The Monroe 2020 program (created in the late 1990s) has won awards. Land and water resources are Monroe County's greatest asset.

McCool mentions members of Friends of Cherry Valley to acknowledge them: Anne Fetherman, Ed Cramer, Bud Cook.

McCool then introduces Congressman Paul Kanjorski, who represents five counties in Northeastern Pennsylvania, and who is described as “a leader in working with local governments.”

Congressman Paul Kanjorski

Congressman Kanjorski notes that he is pleased to be here tonight. He considers himself a conservationist, but not necessarily an environmentalist. The Congressman talks about Gifford Pinchot and Theodore Roosevelt, who came together, combining their vision and power to benefit the environment. The Congressman also tells an anecdote about a friend of his, who after driving his Jaguar through Cherry Valley declared that there is “no more beautiful place in America than Cherry Valley.”

The Congressman mentions that he is also very pleased that Charlie Dent joined him in getting this act passed. He tells the audience that they may be able to get this to Congress before the next election if the study is completed in September.

Kanjorski tells the audience that “we are all part of this crew,” and encourages them to keep the commitment going.

Bud Cook – Senior Project Manager with The Nature Conservancy

Presentation: What’s Special About Cherry Valley?

Cook first attempts to explain to the audience the “regional context” of this project. Cherry Creek is an important tributary of the Delaware River; the location of the study area relative to New York City, Philadelphia, and the major interstates indicates the development pressure the community is facing.

There are 86 species and natural communities of concern in the area; a handout sheet distributed to attendees lists these species and communities, and Cook provides more information on a selection of these during the presentation.

Cook emphasizes that Cherry Valley is a place where people live, farm, etc. as well as great, well-managed habitat, mainly due to generations of responsible land stewardship. Cook then summarizes the current conservation efforts, which include: private stewardship; land use regulations/policies; open space referenda; public and private land protection; preferential assessment; biological inventory, monitoring, habitat restoration; the Cherry Creek Watershed restoration plan; and landowner education and engagement.

Public Comments Session

Bangert goes over the guidelines for the public comments session of the meeting. Audience members are instructed to sign up on a sheet at the front of room if they wish to make a formal comment. Bangert emphasizes that FWS is encouraging everyone's spoken and written commentary. She asks participants to limit their comments to about three minutes, and notes that there are no right or wrong comments. Again, she states that FWS is really interested in hearing what people have to say about this study and the creation of a NWR in Cherry Valley.

The audience is informed that a summary of the comments will be produced by note takers, and that Melberg will talk about that later in the meeting.

Staff who will be answering questions on behalf of FWS are:

Sue McMahon
Carl Melberg
Dave Densmore
Walt Quist – Chief of Realty for FWS

Public Comments

- 1) Debra Schuler, President of Friends of Cherry Valley: Schuler says that she would like to thank everyone for coming, and thanks the members of the study committee. She identifies herself as the President of the Friends of Cherry Valley, which is a nonprofit organization dedicated to conservation of this region's scenic beauty. The group strives to maintain natural resources and provide a high quality of life for residents. They are trying to preserve the area for generations to come and this seems to be everyone's pulse tonight. Schuler notes that it is important to understand their mission because all the groups here have the same goal. The Friends of Cherry Valley is a group of residents that came together in a living room and realized they had a common goal. They wanted to educate new and existing landowners to preserve property for generations to come. With the help of The Nature Conservancy, the Pocono Heritage Land Trust, and others, many properties in the area have been preserved. Schuler would like to thank everyone who has donated a conservation easement, as well as all the landowners who have been good land stewards for many generations. She says that this proves that we can make a difference and together we can protect and share Cherry Valley.
- 2) Jim Rienhart, Executive Director, Pocono Environmental Education Center: The PEEC has been in existence for 35 years, and they are serving the conservation movement in the tri-state area. They have assisted in partnership with Monroe County and leadership throughout the Northeast area for conservation. The NWR will complement the conservation already occurring in this area. The Pocono Environmental Education Center members have done lobbying in Washington for Cherry Valley as it is something they feel strongly about. Rienhart reads a letter for the public record, which the Center sent to Carl Melberg and copied Bud Cook, Kanjorski and other government leaders. To

summarize the letter: the Center strongly recommends that FWS looks favorably on establishing a NWR at Cherry Valley, due to the number of “nationally significant” species present. The Center recognizes the value of preserving this area for future generations. The area will be utilized by the Center as an outdoor classroom—a natural laboratory for students in the area to learn about the environment. Their organization is ready to be an active part of the process, if needed.

- 3) Mathilda Sheptak, Representative from the Pocono Mountains Visitors Bureau: The bureau recently developed a “brand promise” as part of a branding process. Their main question was, “Why should visitors come to the Pocono Mountains, instead of other areas?” The answer was that there are three main marketing pillars: “ease, authenticity and refreshment,” as well as two main values: “preservation of natural environment and sustainable development.” Their bureau strongly supports the creation of a NWR in Cherry Valley.
- 4) Al Turtle Fariole, Representative of the Lenape tribe: Fariole says that he also represents the animals, trees, and insects that reside in Cherry Valley. The Indians that were the first inhabitants of this area revered everything alive. We do not reside with them (plants and animals), nor they with us. We must reside together. If we take their homes away, we should move away, too. Plants and animals are most important; they need to be protected. The only way to impact nature is to not impact it at all.
- 5) Ed Cramer, Supervisor for Stroud Township: Cramer recently went on a field trip with a consultant who is doing a master site plan for recently purchased property (a golf course) that was threatened by development. Stroud Township owns the land on both sides of the property, and its main goal is protection of McMichael’s Creek. The project is great for preserving habitat and providing for passive recreation. The bond referendum for open space acquisition has been very successful in Monroe County, but has run its course. Local officials are looking at going back for another bond referendum. Cramer says that officials see how people are feeling and thinking about protecting their environment due to the passing of similar bond referenda in other townships. On the Eagle Crest Christmas Tree Farm, the Fethermans have put a portion of their farm in an agricultural conservation easement. Cramer shares a quote from a fellow local government representative, saying, “A farm can grow many crops, but once it is developed, houses are the last crop it will ever grow.” Another important conservation achievement is the purchase of part of the Porter farm in Cherry Valley through the open space program—preserving 48 acres. Recently, a CSA has been started, and this has been good for the land and the stream. Last year, the farm provided food for 40 families; this year it will provide for 80 families. This sort of local agriculture will be increasingly critical due to high gas prices.
- 6) Tim Carbone, Representative of the Shawnee on Delaware Preservation Society: He would like to thank the Friends of Cherry Valley for their efforts. His tribe is trying to protect their own lands which are adjacent to Cherry Valley, and which also have bog turtles. Carbone is wondering how to get their tribal land included in the study area. The Society is very inspired by this project.

- 7) Adam Sabatine, Member of the birding, fishing and hunting communities and Representative, Lehigh Valley Audubon Society: Sabatine comments that some members of the groups he is involved with live too far out to come to the public meetings. He wants to express his groups' interest and support for education and research opportunities arising from the creation of a NWR. He would like to find out how to incorporate Minsi Lake, the Mount Bethel fens, as well as other areas to the southeast, into the NWR study area.
- 8) Jim Connor, Representative, Monroe County Federation of Sportsmen's Clubs: Connor comments that he walked into the room, and Bud Cook asked if he was going to speak. He notes that he represents the Monroe County Federation of Sportsmen's Clubs. They have worked in the county on various projects, although Connor states that he is not well-versed in this particular project. Connor says that the Monroe County Federation has sent a letter of endorsement in full support of this project. Also, the Pennsylvania Federation of Sportsmen's Clubs (with 97,000 members) will be holding its annual convention in Scranton, and Connor will be representing Monroe County. The Federation has been very active in conservation. At the meeting, Connor will present a recommendation of support to the state federation for this project, and hopefully the study team will receive a letter of support representing members from throughout the state.
- 9) Karen Woodson, Representative, Appalachian Trails Association: The Appalachian Trails Association also will be sending a letter of support for this project. Woodson points out the area of the trail on the Cherry Valley map, and talks about the need for increased conservation. The trail itself is protected, but not the area around it. Without support, the experience of the trail could be lost. She states her belief that the study team members are visionaries. The Association applauds the team for its efforts, and completely supports the project.

Question and Answer Session

The Public Comments session ends, and Bangert opens the meeting to questions from the audience.

- 1) **Question:** If the Cherry Valley NWR is created, will land use change for areas already under the ownership of the National Park Service, etc.? **Answer:** All the land uses currently in practice will remain the same after the NWR is created. The FWS will try to establish its own base of land in the area. If a conservation organization or private landowner who already owns land would like to donate it to FWS, that is possible. But NPS land will stay NPS land.
- 2) **Follow-up Question:** Why has the boundary line been drawn to include NPS land and other areas already conserved? Also, aren't there other areas adjacent that could be included? **Answer:** This line represents the area being included in the study, but as the study team looks further, it can refine the boundary/refuge area to include adjacent areas if research suggests there is a justification to include these areas.

- 3) **Question:** As the leader of a veterans' association in Monroe County, how can veterans get involved in this project? **Answer (QUIST):** As the refuge gets established, there will be opportunities for volunteers to work with refuge staff. Other conservation groups may already have opportunities in the area, so you may want to check in with them.
- 4) **Question:** This is a general question about public access if Cherry Valley becomes a NWR. Can you give us a feel for what this would be like—how many trails there would be; would the public have access to lands with a conservation easement? **Answer (MCMAHON):** We do try to make an opportunity for public access. The FWS is required by law to facilitate those public uses of property. However, certain areas may be closed off to protect species or habitats, but the FWS would try to redirect public to other areas they can enjoy. Also, if a NWR is established, there would be a management plan created which the public would be able to comment on.
- 5) **Question:** This question is from a neighbor to the previous question asker. What are the benefits for us now? What will change for current residents? It feels like the room is very positive, and the question asker is also positive, but he is in touch with people who are more suspicious... What is the change that we [current residents] would notice if this goes through? **Answer (MCMAHON):** The NWR would protect a good rural community, and would be protecting the habitat, and the resources of the area. What might change is – say we [FWS] acquire 1000 acres, we would probably put an office there. This would be a place for people to come to, and walk on an interpretive trail. It might bring some additional traffic, but this would probably not outweigh the educational value. **(QUIST):** One other change you hope to see is no change. Land ownership changes over time – things don't always stay the same. But a NWR would be there to help people make decisions about their property. The valley won't always be quiet and beautiful – it is already seeing a lot of development pressure. Assembling acres for the refuge is a long term process, and land use will change over time no matter how carefully properties are managed now. We hope that with the establishment of the refuge, the habitat as you know it now will stay the same. **(MCMAHON):** Ed Henry, the manager of the Walkill NWR, has said that if people have concerns, they may want to visit the Walkill NWR (currently 5200 acres) to get a sense of what the FWS presence would be like. This NWR has similar habitat and faced similar pressures before the establishment of the refuge.
- 6) **Question:** Is there anything the public can do to get other areas encompassed in the study? **Answer:** Please include this in your written comments to us. We have a designation to study a certain area, but with enough public comments, we might consider other areas.
- 7) **Question:** This is a question about residence concerns. I understand that there is a 600-unit development on the books...do the long range plans address these aspects? **Answer (MELBERG):** These plans haven't been brought to our attention as of yet. We have been looking at biological and natural resources for the course of the study. This would also be a good written comment to make, however, about areas where planned or proposed developments are going to occur. It would allow FWS to put these areas on a map, and include in the socioeconomic impacts chapter of the study.
- 8) **Question:** This question is about the cost of maintenance and management of the refuge. How can we be sure this cost will (continue to) be paid? Will anyone talk about acquisition steps? **Answer (MCMAHON):** The costs for maintenance and management need to be addressed in the study, and will be included in the draft when complete.

(QUIST): FWS policy is to work with willing sellers on acquisition. There is no track record (only a few instances) of condemnation actions. After a NWR is approved, we work with landowners to have appraisals done, and work with non-profits at times, too, to make an offer. We hope to not be the only ones to acquire land – state agencies and non-profits will also acquire land, and ownership may be turned over in time. It is important to point out that there will be no additional property regulations for current landowners to follow.

9) **Question:** So landowners can still sell property to outside parties (not just FWS, etc.), correct? **Answer:** Yes, that is correct.

10) **Question:** I have friends with conservation easements, and there are some concerns about the security of FWS lands. What will FWS do to prevent trespass? Since Cherry Valley will be under federal jurisdiction, landowners will no longer be able to go to the Pennsylvania Bureau of Forestry or the state police for law enforcement. Also, I have heard that the NWR system is having budget problems – who is going to provide management? Who is going to be working for the NWR system? **Answer**

(MCMAHON): The land acquired by FWS will have boundary postings to notify people when they are on FWS land. The jurisdiction piece is interesting – most new refuges are now under concurrent jurisdiction, which allows that state and federal police can enforce laws on the property. It is true that NWR funding has been in trouble for a number of years. However, for the past few years, we have been raising awareness about the system, and we have some big supporters now. There have been two increases in our budgets the past two fiscal years, but still, we are barely keeping our heads above water. There has been a big hit on federal agencies due to natural disasters like Hurricane Katrina. In the Northeast region, 69 positions were cut out of about 400 positions, but we are starting to see an upswing again. It should be noted that no new refuges have been named under this particular administration. The NWR is not accepting all donations, but is strategically buying lands. When land becomes part of the refuge system, we assume there will be appropriate staffing.

11) **Follow-up question:** Why can't we continue to do what we are currently doing [re: current conservation efforts]? The question asker notes that she sent an e-mail to Carl Melberg regarding comments made by the former Chief of USFWS regarding the system's inability to financially support a new NWR. Couldn't we add to the National Park Service lands? **Answer (MCMAHON):** I am not able to comment on this.

(QUIST): We will still be working with National Park Service, etc, but creation of the refuge means having another agency, which gives more opportunity for conservation, and allows for a different approach.**(MELBERG):** We also have a study team member

present from the National Park Service, but as far as the Park boundaries work – they are under executive boundaries. Congress needs to allow them to expand their boundaries.

[Al Ambler (NPS member of study team) confirms this.] **(AMBLER):** NPS has different requirements of use for recreation, whereas FWS is looking at areas primarily for wildlife. It would be more restrictive for residents if NPS acquired land rather than FWS. Also, there is concurrent jurisdiction in the Delaware watershed for New Jersey and Pennsylvania, or in the Upper Delaware for New York and Pennsylvania. [There is a discussion of “cultural resources” as part of the mission for NPS, which is not part of the FWS/NWR system mission.]

- 12) **Follow-up question:** There are some concerns that the vistas (open spaces) would disappear and the fields would succeed if a NWR were established. [Michael Horne, FWS staff responds to this.] **Answer (HORNE):** It would be our goal to maintain Cherry Valley as it is today.
- 13) **Follow-up/Answer to #11 (CRAMER-Stroud Twp.):** In response to why we don't continue what we are doing now – we are out of money. Our open space funding is gone. We need another partner. If this country would stop putting billions of dollars into a war overseas that we are never going to win, and put it back into wildlife, we would be a lot better off. **Question (CRAMER):** In regards to NWR staffing, would there be a possibility of partnering with local government or conservation organizations to pick up the slack? **ANSWER (QUIST):** When faced with low staffing budgets, we find it most important to have money to purchase and protect land. Management is the second concern, down the road.
- 14) **Question (Identifies self as Bill Clark):** Do I understand correctly that FWS can lease some of the land it acquires to local farmers for farming activities? **Answer (MCMAHON):** That is correct. An agreement that can be worked out with farmer, on the basis of cash exchange, or perhaps in-kind services. Such things are possible and would be worked out before entered into. **(QUIST):** Also, although FWS buys most land in fee, we also enter into conservation easements to gain property rights, like development rights. This is another option for farmers, instead of leasing land back.

There are no remaining questions/comments, so Bangert ends the Question & Answer session.

Conclusion and Next Steps

Bangert thanks everyone for being at the meeting.

Melberg also would like to thank everyone for coming out. He explains that the study team will continue to meet; they will meet sometime in early May and review the comments from these meetings. They will continue to develop the study, will review all the comments and incorporate ideas from the comments into the study. The study will be a draft report that will be completed by end of September 2008. This deadline is a challenge, and will be a lot of work. However, Congressman Kanjorski is prepared to get another bill submitted, and that puts a lot of pressure on the team. The draft report will be sent out to public for comment, again. It will be made available on CD and on the website. Hard copies may be sent upon request (but there will be a very limited distribution of hard copies because of costs).

Bangert mentions that she also wanted to acknowledge Teresa Merli, County Commissioner. She encourages the audience to feel free to come up and talk with staff, who will remain on hand to answer questions. The second public meeting will be held tomorrow [March 27, 2008] at Christ Church in Hamilton, at the same time as tonight. Another open house will precede the meeting from 2 to 4 PM.

MEETING ADJOURNS