

# **Appendix B**

**DRAFT**

**Conceptual Management Plan for a  
Proposed Cherry Valley National Wildlife Refuge**

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## **Introduction**

The proposed Cherry Valley National Wildlife Refuge lies approximately 60 miles northwest of New York City, and 60 miles north of Philadelphia, Pennsylvania, in the southeastern section of Monroe County, Pennsylvania and northeastern Northampton County, Pennsylvania. If established, a refuge would protect a combination of wetland and upland habitat supporting several nationally-rare ecosystems. The area is home to several federally-listed threatened or endangered species, a wealth of migratory birds, and numerous plant and animal species listed as threatened or endangered by the Commonwealth of Pennsylvania. It is recognized as one of the most unique and important areas for the federally-listed, threatened bog turtle (*Clemmys muhlenbergii*), and is a key corridor for migrating raptors and other migratory birds. Unique habitats of the valley include mid-Atlantic calcareous fens, the Kittatinny Ridge, pitch pine/scrub oak barrens, kettle hole bogs and caves, and Cherry Creek. Cherry Valley contains large contiguous blocks of wildlife habitat including riparian corridors, ponds, emergent marshes, fens, scrub-shrub wetlands, wooded swamps, mixed hardwood upland forests, grasslands, and farmlands. Should the recommended alternative to establish a Cherry Valley National Wildlife Refuge move forward, the refuge would be comprised of up to 20,466 acres of wildlife habitat that is protected, in perpetuity through fee acquisition or by conservation easements.

This document, the Conceptual Management Plan (CMP), provides further detail on the U.S. Fish and Wildlife Service's (Service, we, our) proposed action and how the lands identified therein would be administered should a refuge be established in Cherry Valley.

## **Purpose of Conceptual Management Plan**

The Cherry Valley Study Feasibility Study and draft Environmental Assessment (Study Report) examines the feasibility of establishing a national wildlife refuge (refuge; NWR) in Cherry Valley, Pennsylvania. In Chapter 3 of the Study Report, three Alternatives were described and considered for a potential refuge, with Alternative B (Diverse Habitat Complex) presented as the Service's proposed action. This alternative will not be implemented until it has been officially reviewed and authorized.

If approved, Alternative B, the "Diverse Habitat Complex" alternative, would create an acquisition boundary of up to 20,466 acres within the 31,500 acre study area, containing portions of 13 of Cherry Valley's and ridge's defined ecosystems (for more specific information see Chapter 3 of the Study Report). Acquisition of lands would be done through fee title (about percent of the acres) and conservation easements (about 50 percent of the acres). The Service concludes that acquiring these habitat areas over time would provide the protection of rare and unique habitats envisioned by the Study Act and the coalition of organizations and individuals that advocate the consideration of

a refuge in the valley. It would also provide ample opportunities for wildlife-dependent recreation, new and dynamic partnerships, and scientific research.

The Service developed this CMP to describe the management direction for a proposed Cherry Valley National Wildlife Refuge, as defined in Alternative B, and outline possible interim habitat management priorities and compatible public uses on newly acquired lands, should a refuge be approved. The activities described in this CMP will direct the way we pursue and manage acquisitions, conservation easements, and other land interests until a comprehensive conservation plan (CCP) is developed. By Service policy, a CCP must be developed within 15 years of the actual establishment of the refuge (i.e., acquisition of first land parcel). Any major changes in the activities described in this CMP, any new activities, and our development of the CCP would be subject to public review and comment in accordance with the provisions of Service refuge planning policy (602 FW 1, 2 and 3) and Service and U.S. Department of the Interior policy implementing the National Environmental Policy Act (NEPA) of 1969 (Department of Interior Manual 516, Appendix 1).

### **Mission of the Service and the National Wildlife Refuge System**

The mission of the Service is working with others to conserve, protect and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people. As part of the Department of the Interior, we manage all refuges within the National Wildlife Refuge System (Refuge System), as well as 66 national fish hatcheries, 78 ecological services field stations, and 64 fish and wildlife assistance offices. We also enforce federal wildlife laws, honor international treaties, assist foreign governments in their conservation efforts, and oversee the Wildlife and Sport Fish Restoration Program (formerly known as Federal Assistance), which distributes hundreds of millions of dollars from excise taxes on fishing and hunting equipment to state fish and wildlife agencies.

The mission of the Refuge System is 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. The Refuge System now comprises over 100 million acres on more than 548 national wildlife refuges and 3,000 waterfowl production areas. More than 40 million visitors each year participate in such outdoor pursuits as hunting, fishing, wildlife observation and photography, and environmental education and interpretation on refuge lands. Lands acquired through conservation easements, partnerships, etc. are managed as part of the Refuge System.

### **Background and Rationale for the Establishment of a Cherry Valley NWR**

Pennsylvania's Cherry Valley is rich in natural resources and wildlife diversity. Cherry Valley is largely defined by Cherry Creek which flows through southern Monroe County in northeastern Pennsylvania, and into the Delaware River. For generations, local

landowners and conservation organizations safeguarded the valley's clean waters and important natural communities. However, recent rapid residential and commercial growth in Monroe County, has outpaced efforts to protect these resources. The county is within a two-hour drive of 25 million people.

The community took action several years ago to encourage permanent protection of Cherry Valley as part of the Refuge System. As a result, U.S. Representatives Paul Kanjorski (D-11th) and Charles Dent (R-15th) co-sponsored a bill to study the area for potential inclusion in the Refuge System. The 109th U.S. Congress passed the Cherry Valley National Wildlife Refuge Study Act (Study Act) in 2006. The Study Act directs the Service to evaluate the biological value of natural communities within Cherry Valley to determine if the area merits protection as a refuge. To facilitate the study, the Service convened a Cherry Valley Study Team (CVST). The CVST includes members from the Service, The Nature Conservancy, Pennsylvania Game Commission, Pennsylvania Fish and Boat Commission, Pennsylvania Natural Heritage Program, Monroe County conservation and planning administrators, National Park Service, and local academic institutions including Northampton County Community College and East Stroudsburg University. The CVST held an initial meeting in October 2007 and met regularly during the preparation of the planning documents.

The 31,500-acre study area harbors nationally significant ecosystems and many protected plants and animals, including federally listed threatened and endangered species. Species of concern documented to be present in the valley include bog turtle<sup>1</sup>, northeastern bulrush<sup>2</sup>, small-whorled pogonia<sup>1</sup>, and American eel<sup>3</sup>. A historical record for Indiana bat<sup>2</sup>, in conjunction with appropriate summer foraging and roosting habit, and the proximity of bat hibernacula, are strong indicators that the species may still be represented in the valley. Dwarf wedgemussel<sup>2</sup>, striped bass<sup>3</sup>, and American shad<sup>3</sup>, are documented to be present nearby in the Delaware River. Although it is uncertain if dwarf wedgemussel occurs in Cherry Creek, and striped bass and American Shad likely do not, all three species are aided in the Delaware basin by clean, unpolluted water from the Cherry Creek watershed. At a minimum, the Cherry Creek Watershed provides a valuable ecological service in this regard. Kittatinny Ridge, following the creek's path, is a major avenue for migrating birds of prey, songbirds, waterfowl and bats. Unique habitats of the valley include mid-Atlantic calcareous fens, Kittatinny Ridge, pitch pine/scrub oak barrens, kettle hole bogs and caves, and Cherry Creek.

In addition to federal trust resources, numerous state threatened and endangered species inhabit the Cherry Valley. This provides a unique potential opportunity for partnering with state agencies and local conservation groups for the preservation of

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<sup>1</sup> Federally listed under the Endangered Species Act as threatened

<sup>2</sup> Federally listed under the Endangered Species Act as endangered

<sup>3</sup> Federal interjurisdictional fish

additional species and habitats. The synergy of these partnerships will allow us to better protect the federal resources that are present.

### **Laws Guiding the National Wildlife Refuge System**

A number of laws, policies and regulations, including the following, govern our acquisition and management of land in the Cherry Valley.

*National Wildlife Refuge System Improvement Act of 1997 (Refuge Improvement Act).*

This act guides the development and operation of the Refuge System. It clearly identifies the mission of the Refuge System, requires the Secretary of the Interior to maintain the biological integrity, diversity and environmental health of refuge lands, mandates a “wildlife first” policy on refuges, and requires comprehensive conservation planning. It also designates six wildlife-dependent recreational uses as priority public uses of the Refuge System: hunting, fishing, wildlife observation and photography, and environmental education and interpretation. This act amended the National Wildlife Refuge System Administration Act of 1966, which continues to serve as the parent legislation for the Refuge System.

*National Wildlife Refuge System Administration Act of 1966.* This act defines the Refuge System, including refuges, areas for the protection and conservation of fish and wildlife threatened with extinction, wildlife ranges, wildlife management areas, and waterfowl production areas. It also authorizes the Secretary of the Interior to permit any use of an area, provided the use is compatible with the major purposes for establishing the area.

*Migratory Bird Treaty Act.* The Migratory Bird Treaty Act protects all migratory birds and their parts (including eggs, nests, and feathers) from illegal trade. The Migratory Bird Treaty Act is a domestic law that acknowledges the United States' involvement in four international conventions (with Canada, Japan, Mexico, and Russia) for the protection of a shared migratory bird resource. The bird resource is considered shared because these birds migrate between countries at some point during their annual life cycle.

*Endangered Species Act (ESA) of 1973 (as amended).* This act directs all federal agencies to participate in endangered species conservation by protecting endangered and threatened species and restoring them to a secure status in the wild. Section 7 of the act charges federal agencies to aid in the conservation of species listed as threatened or endangered under the ESA, and requires federal agencies to ensure that their activities will not jeopardize the continued existence of ESA-listed species or adversely modify designated, critical habitats.

*National Environmental Policy Act of 1969 (NEPA).* NEPA requires that all federal agencies consult fully with the public in planning any action that may significantly

affect the quality of the human or natural environment. The draft Study Report that this document accompanies is formatted to assist the Service in complying with NEPA if the potential refuge moves forward.

*Land and Water Conservation Act.* The Land and Water Conservation Fund uses monies from certain user fees, the proceeds from the disposal of surplus federal property, the federal tax on motor boat fuels, and oil and gas lease revenues (primarily Outer Continental Shelf oil monies) to fund matching grants to states for outdoor recreation projects and to fund land acquisition for various federal agencies.

*Migratory Bird Conservation Act.* The Migratory Bird Conservation Act provides for the acquisition of suitable habitats for use as migratory bird refuges, and the administration, maintenance, and development of these areas, under the administration of the Secretary of the Interior.

*Archeological Resources Protection Act of 1979 (ARPA).* ARPA provides protection for archeological resources on public lands by prohibiting the “excavation, removal, damage or defacing of any archeological resource located on public or Indian lands,” and sets up criminal penalties for those acts. It also encourages the increased cooperation and exchange of information between governmental authorities, the professional archeological community, and private individuals having archeological resources or data obtained before 1979.

*National Historic Preservation Act of 1966 (NHPA).* NHPA requires all federal agencies to consider the effects of their undertaking on properties meeting criteria for the National Register of historic places, and ensures that historic preservation fully integrates into the ongoing programs and missions of federal agencies.

### **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 Cherry Valley National Wildlife Refuge would be authorized by the Endangered Species Act of 1973, Fish and Wildlife Act of 1956, the Migratory Bird Conservation Act of 1929, the Refuge Recreation Act of 1962 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 the Cherry Valley National Wildlife Refuge as proposed in the Study Report called for by the Cherry Valley National Wildlife Refuge Study Act of 2006 would include:

*“to conserve (A) fish or wildlife which are listed as endangered species or threatened species...or (B) plants...” 16 U.S.C. §1534 (Endangered Species Act of 1973), and*

*“for use as an inviolate sanctuary, or for any other management purpose, for migratory birds...” 16 U.S.C. §715d (Migratory Bird Conservation Act), and*

*“the conservation of the wetlands of the Nation in order to maintain the public benefits they provide and to help fulfill international obligations contained in various migratory bird treaties and conventions ...” 16 U.S.C. §3901(b), 100 Stat. 3583 (Emergency Wetlands Resources Act of 1986), and*

*“for the benefit of the United States Fish and Wildlife Service, in performing its activities and services. Such acceptance may be subject to the terms of any restrictive or affirmative covenant, or condition of servitude...” 16 U.S.C. §742f(b)(1) (Fish and Wildlife Act of 1956).*

Based on these purposes, the following sections provide more detail on the overall management focus of the refuge.

***(1) Management, advancement, conservation, and protection of federally threatened and endangered species.***

Bog turtle

The Bog Turtle (*Glyptemys muhlenbergii*) Recovery Plan (USFWS 2001) identifies eastern Pennsylvania as a stronghold of this Federally Threatened species. The area encompassed by the proposed Cherry Valley National Wildlife Refuge includes numerous documented bog turtle wetlands where the species is thriving, and other wetlands where turtles are present but the habitat is in need of restoration. A number of important partnerships between the Service’s Partners for Fish and Wildlife program, The Nature Conservancy, the Pocono Heritage Land Trust, private landowners, and others have resulted in the protection of some of these wetlands, as well as successful bog turtle habitat restoration projects throughout the valley. The proposed refuge will continue and expand upon these partnerships and management opportunities.

Bog turtles live in spring-fed wetlands throughout the Cherry Valley and the existing riparian corridor along Cherry Creek and its tributaries provides good habitat connectivity for this species as well as other species of concern. Although some of the wetlands are in a sense protected due to conservation-focused easements and ownerships, many such wetlands remain unprotected and are therefore in peril. An additional challenge is that springs that provide water to these wetland systems have their genesis on the ridge and mountain slopes that flank the Cherry Valley to the north and south. Unfortunately, only a small amount of these forested slopes is protected. This is of great concern because development or other alterations here would

jeopardize the hydrologic link that supports the valley wetlands and the unique assemblage of species that inhabit them. The Services preferred alternative seeks to protect the wetlands, slopes and riparian corridor areas of Cherry Valley.

#### Indiana Bat

Indiana bats (*Myotis sodalis*) were once known to occur in the Cherry Valley region of eastern Pennsylvania based on historic records from Hartman's Cave. Currently, two hibernacula are known within close proximity to Cherry Valley and are located in historic mines at Hibernia and Mount Hope, New Jersey, approximately 35 miles away. A thriving summer population of Indiana bats is found at Great Swamp National Wildlife Refuge, approximately 15 miles from these hibernacula sites. During the spring and summer, these bats make their way to the Great Swamp for foraging, and birthing and rearing of young. The habitat at the Great Swamp that supports this activity consists of large dead snags and dying trees that lie within close proximity to open marshes and stream corridors. Based on the proximity of the Cherry Valley region to the hibernacula sites, as well as the presence of high quality summer habitat consistent with that observed at the Great Swamp NWR, and the historical records of Indiana bats in Cherry Valley, there is a high likelihood that the species is present there during the summer months. In addition, there is also a high likelihood that wintering populations could be restored to the area if Hartman's Cave and other similar potential hibernacula sites are protected from disturbance.

The best potential habitat for the Indiana bat in Cherry Valley, aside from the historical roosting area at Hartman's Cave, would be late spring and summer foraging habitat in the riparian corridor of Cherry Creek. Areas where this corridor coincides with large dead and dying snags (for roosting) and wooded and emergent wetlands (for foraging) would be the areas with highest likelihood of occurrence. Survey work of the area would be merited to establish the current presence or absence of the species. Future management of the area to retain and restore appropriate habitat may serve to attract bats to the area and/or expand upon current habitat use. Based on available information, protection and management of appropriate habitat in Cherry Valley has a high potential for aiding in the recovery of this species. Surveys for this species would take on a high priority at the proposed refuge.

#### Other Federally Threatened and Endangered Species

Other species of concern documented to be present in the Cherry Valley Area include the federally endangered northeastern bulrush and a historical record of federally threatened small-whorled pogonia. Dwarf wedgemussel (Federally endangered), are documented to be present nearby in the Delaware River. Although it is uncertain if dwarf wedgemussel occurs in Cherry Creek current survey efforts being conducted by the Pennsylvania Fish and Boat Commission are evaluating the potential distribution of the species within the watershed.

***(2) Management, advancement, conservation, and protection of other federal trust species, nationally significant ecosystems, unique habitats, and other species of concern present in or supported by Cherry Valley.***

Other Federal Trust Species

Striped bass and American shad (interjurisdictional fish) are documented to be present nearby in the Delaware River. Striped bass and American shad likely do not occur in the Cherry Creek, however, these species are aided by clean, unpolluted water coming from tributaries to the Delaware River. At a minimum, the Cherry Creek watershed provides a valuable ecological service in this regard.

The American eel, documented in Cherry Creek, is a catadromous (lives in freshwater, reproduces in the Sargasso Sea) interjurisdictional fish. Because the species was thought to be in decline in some areas, a status review was initiated in 2004 to evaluate if Endangered Species Act protection should be extended to the eel. The Service determined in 2007 that although there was compelling evidence of eel decline in some areas, the overall population is not in danger of extinction nor is it likely to become so in the foreseeable future.

State-listed species

The bog turtle, Indiana bat, and dwarf wedgemussel are identified in the Pennsylvania Wildlife Action Plan (WAP) as “Wildlife of Immediate Concern” in addition to their federally threatened or endangered status. At least thirteen of the 37 species identified in the Wildlife Action Plan as Pennsylvania’s species of greatest conservation concern are known to occur in the Cherry Valley study area.

In Pennsylvania, three different agencies share responsibility for administering the threatened and endangered species program as well as and other species of special concern. The Pennsylvania Fish and Boat Commission is responsible for fish, reptiles, amphibians, and other aquatic organisms. The Pennsylvania Game Commission is responsible for wild birds and mammals. The Department of Conservation and Natural Resources is responsible for native wild plants, terrestrial invertebrates, significant natural communities and geologic features.

According to an inventory conducted by The Nature Conservancy and the Pennsylvania Natural Heritage Program, the Cherry Valley area supports 8 state-listed endangered and 7 state-listed threatened species. The state-listed endangered species include the Northeastern bulrush, bald eagle, small-whorled pogonia, grass of Parnassus, brook lobelia, downy willow-herb, variable sedge, Sojak Smith’s bulrush. The state-listed threatened species are the yellow sedge, tin-leaved cotton grass, American holly, matted spike rush, rigid sedge, sageleaf willow, and swamp doghobble.

### Ecosystems of Concern

In addition to the individual species listed above, the Cherry Valley area includes three ecosystems that deserve mention. Open Sedge Fens are located in the valley and are considered to be a National Critically Endangered Ecosystem (Pennsylvania Special Concern). The Kittatinny Ridge is considered to be a National Endangered Ecosystem and is a major migration corridor for birds of prey, waterfowl, and song birds. The Riparian Forest Ecosystem is considered to be a National Threatened Ecosystem, and in Cherry Valley provides habitat and habitat connectivity corridors for a great diversity of wildlife.

Two other imperiled ecosystems, Northern Appalachian Acidic Cliff and Acidic Shrub Swamp, are present in Cherry Valley and are designated as Pennsylvania Special Concern Ecosystems.

### ***(3) Management, advancement, conservation, and protection of migratory birds***

#### Migratory Birds

Cherry Valley lies within the Atlantic Flyway in northeastern Pennsylvania. Numerous migratory colonial water birds, songbirds, raptors, freshwater wetland birds, and waterfowl follow the Kittatinny Ridge as a travel corridor and take refuge, forage, and nest in the forest, scrub-shrub, grassland, and wetland habitats that are found there.

The proposed refuge is located in the Northern Ridge and Valley physiographic area, also called Bird Conservation Area 17 in the Partners in Flight (PIF) Bird Conservation Plan. Roughly 50 percent of the undeveloped areas in the Northern Ridge and Valley physiographic area is forested; another 40 percent is agricultural land consisting primarily of old fields and tracts that remain in agricultural production. The proposed refuge area provides a good mix of habitat types and as such provides potential and documented habitat for numerous PIF priority species including:

- Shrub-early Successional (golden-winged warbler, American woodcock, field sparrow, eastern towhee, willow flycatcher, brown thrasher, blue-winged warbler, prairie warbler, etc.)
- Deciduous Oak-Hickory and Riparian Forest (cerulean warbler, worm-eating warbler, wood thrush, Louisiana waterthrush, red-headed woodpecker, eastern wood-pewee, scarlet tanager, Kentucky warbler, Baltimore oriole, etc.)
- Agricultural/Grassland (grasshopper sparrow, bobolink, meadowlark, etc.)
- Northern hardwood-mixed forest (eastern wood-pewee, wood thrush, Canada warbler, olive-sided flycatcher, Louisiana waterthrush, scarlet tanager, yellow throated vireo, etc.)

- Freshwater Wetlands (American black duck, wood duck, bald eagle, etc.).

To the best of our knowledge, the majority of these species are well represented. Indeed, Cherry Valley is recognized as a premiere birding location in the Northeast and is commonly traversed by birders, academic classes from local education institutions, and others.

Much of the land already managed or protected in this physiographic area is forested (Delaware Water Gap National Recreation Area, Appalachian Trail corridor, State Game Lands, state forests and parks). The proposed refuge would hold a unique position of offering a mosaic of habitats that aid a greater diversity of avian species. One of the greatest opportunities in this regard may be the presence of larger non-forested tracts that could be managed for shrubland birds. Scrub-shrub habitat is a high priority in the Northern Ridge and Valley, primarily because it continues to support numerous breeding populations of golden-winged warblers, one of the highest priority species in the Area 17 PIF Plan. The PIF plan considers managing for this species as a high priority wherever feasible. Other shrubland species have undergone significant population declines in this physiographic area due to the overall loss of early successional habitats.

The landscape composition around the proposed refuge also presents a great opportunity to make significant contributions to the conservation of grassland birds. Grasslands throughout the physiographic area are being significantly degraded by succession and through colonization of these areas by invasive plant species. The expansion of fast spreading invasives such as multi-flora rose and autumn olive into grassland habitats very quickly makes these habitats unsuitable for grassland bird species. A well planned and organized invasive species control program would be crucial to grassland management, as well as management of the other habitats at the proposed refuge.

Mature hardwood forest is the top conservation priority in Area 17. With much of the existing forestland in this physiographic area lying on ridges, bottomland forests are comparatively rare. Managing for forested bottomland corridors along the Cherry Creek and its tributaries would constitute a significant contribution to the overall goals for Area 17. Management of forested upland habitat and forested wetland habitats would support nesting interior-forest-dwelling birds of concern.

Management of non-forested wetland habitat would provide spring and fall migratory waterfowl and shorebird habitat. Extensive pockets of suitable waterfowl and shorebird habitat are present along the entire length of the Cherry Creek riparian corridor and elsewhere in Cherry Valley.

#### ***(4) Fish and wildlife-oriented recreational opportunities***

The Refuge Improvement Act establishes six priority public uses on refuges. Those priority uses depend on the presence, or the expectation of the presence of wildlife. These uses are: hunting, fishing, wildlife observation and photography, and environmental education and interpretation. Although these priority uses must receive our consideration in planning for public use, they also must be compatible with the purpose for which the refuge was established and the mission of the NWRs. Compatibility determinations, which evaluate the impacts of the use in the context of species or habitats, aid in making those decisions. As lands are acquired in the Cherry Valley, compatibility determinations would be used to decide the public use opportunities that may be permitted.

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 would be accommodated where they do 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. We would promote opportunities for volunteers and develop community appreciation and public support for the refuge. We would work with school districts and teachers to develop an environmental education program featuring unique species or communities at the refuge. We would open newly acquired lands for hunting if they can biologically, ecologically, and safely accommodate hunting within state guidelines. Newly acquired lands that traditionally have been hunted would remain open until we have completed our planning process. Before closing any newly acquired lands, we would complete a separate public review process.

An increase in public use would result from the new trails, parking areas, fishing accesses, interpretive overlooks and observation platforms that would be a part of the preferred alternative. We would allow public access for day use on many of the newly acquired lands outside the sensitive bog turtle and bird nesting habitats. Generally, we would allow hunting, based on the Pennsylvania State seasons consistent with the refuge Annual Hunt Plan. We would allow fishing along Cherry Creek where accessible. Working with state and local agencies, we would study the feasibility of converting existing historic logging roads into public use trails. The refuge also would provide interpretive and environmental education programs and increase partnership opportunities to interpret the refuge and the watershed.

The plans for increased public use opportunities may cause concern for refuge neighbors due to the perception that new visitors to the Cherry Valley may have adverse impacts on privacy, traffic, frequency of trespass on non-refuge owned lands, etc. The Service evaluates impacts of public uses, not only to wildlife, but also to neighboring landowners and the local community. This “good neighbor policy” strives to avoid such potential conflicts by careful placement of public use areas and trails, clear posting of

refuge boundaries, open communication with our refuge neighbors, and a refuge-based law enforcement presence. In the absence of a refuge law enforcement officer, cooperative agreements with local and state police and conservation officers help to eliminate such conflicts.

### **Administration**

The proposed refuge may be managed as a stand alone refuge or as part of a refuge complex. Generally, a stand alone refuge has a dedicated staff and equipment and is managed locally. As part of a complex, Cherry Valley would likely have less on site staff and would share staff and equipment with other refuge(s). Sometimes, refuges in their early stages are part of a complex, but as they grow in size and complexity, are then split off to be stand alone. Under the “complex” scenario, the refuge staff of another refuge would have the responsibility for the management of the newly established refuge. During the interim period, the Service would seek funding to station staff in Cherry Valley. A staff likely consisting of a refuge manager, wildlife biologist, and maintenance worker would be phased in at that time. In the long term, the Region would evaluate the need for additional full time staff based on management needs, project loads, public use activities, etc. and could move forward with providing additional staff when justified. The ability to fill staff positions would depend on availability of funds.

The Proposed Cherry Valley National Wildlife Refuge has good access via state and local roads. PA Route 611, PA Route 191, and PA Route 33 run north-south on the eastern edge, middle, and western edge of the proposed refuge, respectively. All of these roads connect to Interstate 80 just north of the proposed refuge area. To the south, these roads connect to Routes 22 and Interstate 78. East-west running roads in the Cherry Valley area include Cherry Valley Road, Middle Road, and Poplar Valley Road, among others. Existing access roads on acquired properties would be evaluated for use depending on access needs, presence of sensitive species and/or habitats, public use, and other potential future needs. Some roads may be retained and improved while others may be abandoned and removed. A legal access to inholdings and homes would be maintained.

Throughout the remainder of this document the reader will be introduced to the terms “compatibility”, “compatible uses”, etc. A “compatible use” is a proposed or existing wildlife-dependent recreational use or any other use of a national wildlife refuge that, based on sound professional judgment, will not materially interfere with or detract from the fulfillment of the Refuge System mission or the purposes of the national wildlife refuge. The refuge manager would not initiate or permit a new use of a national wildlife refuge or expand, renew, or extend an existing use of a national wildlife refuge unless it has been determined that the use is consistent with the mission of the Refuge System and the purposes of each specific refuge. Further, the same use may be deemed compatible on some refuges but not others due to refuge-specific differences.

## **Facilities**

Because no actual lands have been acquired as of yet, it is difficult to discuss specifics of facilities and improvements that may be appropriate to effectively manage the refuge. This document will discuss general approaches adopted by the Service elsewhere when establishing a new refuge. As such, the Service may opt for the following when and where compatible:

Conversion of existing trails or logging roads, etc. to public use and/or refuge management access corridors. Such roads may also be abandoned to limit access to sensitive habitats and protected species. Roads and trails may only be open during certain times of year, etc. to be protective of wildlife resources.

Small gravel parking areas may be constructed in some areas to provide for adequate and safe parking of vehicles in potential public use areas.

A refuge headquarters/visitor contact station may be established through the adaptive reuse of buildings potentially acquired through land acquisition, e.g. a farm house may be used as a refuge office building; a pole building or barn may be used for equipment storage.

No new facilities are proposed for the refuge at this time. In the long term, the Service would establish permanent facilities in or near Cherry Valley through reuse of existing structures for use as a refuge administrative office and maintenance shop. Other potential future on-site improvements, including additional trails, improved access roads, observation platforms, photography blinds, etc. may be discussed in a future Comprehensive Conservation Plan. The construction of new facilities or conversion of existing structures is contingent upon availability of funds and acquisition of appropriate land.

Generally, public use areas would be open from dawn to dusk and wildlife management areas would be closed to the public and others (except emergency, police, and fire response). Special Use Permits would be issued to researchers, educational groups, etc. on an as needed basis providing that the activities were compatible with refuge management goals and aided with biological survey or baseline data needs. Wildlife Management Areas, although normally closed to public access, may at times be opened to meet refuge goals. Hunting, environmental education, and interpretive walks are some examples where this is likely to occur.

## **Funding**

We would maintain a current inventory of management needs in the Service Maintenance Management System and Refuge Operating Needs System databases, and update their costs and priorities annually. Those databases provide a mechanism for each unit of the Refuge System to identify its essential staffing, mission-critical projects

and major needs and form a realistic assessment of the funding needed to meet each station's goals, objectives and strategies.

### ***Staffing***

As mentioned above, the staffing situation on National Wildlife Refuges is based on a number of factors including refuge size and complexity, proximity to other refuges, and funding. Based on these and other factors, the proposed refuge may be managed as a stand alone refuge or as a unit of a refuge complex. A stand alone refuge has a dedicated staff and equipment and is managed locally whereas a unit of a complexed refuge would share staff and equipment with other refuge units. At this time it is difficult to delineate staffing specifics for the proposed Cherry Valley National Wildlife Refuge because of uncertainties associated with the refuge's size, complexity, resource issues, funding, etc. Because of this uncertainty, two staffing models and a Case Study on the Growth of Cape May National Wildlife Refuge has been included in Appendix A to better illustrate how these variables interact to determine levels of staffing. These models and the case study may serve to guide how Cherry Valley NWR may grow in staff over time.

The staffing strategy for the Cherry Valley refuge under the individual refuge scenario identifies several new positions to ultimately be established. A refuge manager would provide direction and supervision for all activities, and ensure the effective oversight and community outreach for the successful management of acquisitions, easements and perhaps a cooperative "private lands" program. A wildlife biologist would assist in delivering the full range of wildlife conservation and restoration projects on public land, provide technical assistance, assist in the restoration and management of new acquisitions, and monitor and inventory wildlife and habitat use and condition. A maintenance worker/engineering equipment operator position would assist in meeting the maintenance and heavy equipment work obligations of the refuge. In the long term, the Region would evaluate the need for additional full time staff based on management needs, project loads, public use activities, etc. and could move forward with providing additional staff if justified.

### ***Partnerships***

Public use areas of the refuge would be open to the public year-round from dawn to dusk. We may restrict access at times because of the incompatibility of a use, concerns about human safety, or illegal activities and law enforcement investigations. Staff would establish formal, cooperative agreements with local law enforcement departments and the county sheriff and state police, to provide protection, enforcement and appropriate law enforcement response. Conservation law enforcement personnel from the Service, Pennsylvania Game Commission, and Pennsylvania Fish and Boat Commission would also likely patrol intermittently and monitor hunting, fishing, and other public uses. We would also establish fire suppression agreements with local volunteer fire departments to coordinate fire suppression

activities. The Fish and Wildlife Service Fire Program would also be actively involved in this regard. Fire staff are currently located at Wallkill River NWR in Sussex, NJ, approximately 45 miles away and would be available to assist in these activities.

We recognize the inability of any one organization to solve the problems of habitat fragmentation and land acquisition. Therefore, we would work to combine our efforts with those of many partners, such as The Nature Conservancy, Friends of Cherry Valley, Ducks Unlimited, Trout Unlimited, Pennsylvania Audubon, Pennsylvania Game Commission, Pennsylvania Fish and Boat Commission, National Park Service, Pennsylvania Department of Conservation and Natural Resources, Natural Resource Conservation Service, Monroe County, Stroud Township, Hamilton Township, Smithfield Township, Ross Township, Pocono Heritage Land Trust, Pocono Wildlife Rehabilitation Center, Brodhead Watershed Association, as well as numerous other partners yet to be identified. Staff would also look for opportunities to work with farmers and landowners to manage the land in ways that benefit the goals and interests of the refuge and its neighbors.

### **Management of Cherry Valley National Wildlife Refuge**

#### ***Goals of Cherry Valley National Wildlife Refuge***

The following goals for the proposed Cherry Valley National Wildlife Refuge were developed within the framework of the Refuge System's mission statement, the Refuge 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 in the interim period and the development of management objectives and strategies for the CCP.

- Protect and enhance habitats for federal trust species and species of management concern, with special emphasis on migratory birds and species listed under the ESA, along with protection of wetlands and the Kittatinny Ridge.
- Create opportunities for hunting, fishing, wildlife observation and photography, and environmental education and interpretation, while promoting activities that compliment the purposes of the refuge and other protected lands in the region.
- Promote science, education, and research through partnerships to inform land management decisions and encourage continued responsible stewardship of the natural resources of Cherry Valley.

#### ***Wildlife and Habitat Management***

Recent survey work by partners, literature review, and reconnaissance surveys suggest that Cherry Valley is a unique area that supports a great diversity of habitats and wildlife. In the interim period between acquisition of property and the development of the CCP, baseline surveys and monitoring efforts would be crucial to ensuring science-

based decisions for the management of the refuge. Priorities for management during this interim period would include: Monitoring and inventory of threatened and endangered species, 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.

### Objectives

- Work with partners to survey for threatened and endangered plant and animal species that potentially occur within the approved refuge boundary.
- Work with partners to inventory fish and macroinvertebrate species in Cherry Creek.
- Work with partners to inventory and monitor neotropical migratory birds, waterfowl, mammals, amphibians and reptiles of concern.
- Work with partners to monitor and eradicate exotic or invasive plant and animal species to preclude threats to the integrity of the ecosystem.
- Work with partners to inventory vegetative communities and develop a vegetation map of the study area using GIS tools.
- Coordinate with adjacent landowners and other partners to protect and enhance the health and integrity of Cherry Creek.
- Monitor deer populations to determine impacts of historical hunting on deer and minimize impacts of deer on vegetation.
- Promote and support research that contributes to refuge goals and objectives, increase understanding of refuge resources, or facilitate resource management.

### ***Acquisition Management***

Protection of lands would be accomplished through fee title acquisition (up to 50 percent of the acres) and establishment of conservation easements (up to 50 percent of the acres). The reader is referred to the attached Land Protection Plan (LPP; Appendix E) which identifies the boundary for the proposed Cherry Valley National Wildlife Refuge (refuge). Working with others, we delineated 20,466 acres of biologically significant land in the Cherry Valley watershed. We plan to acquire land throughout this focus area. Of their total acres, we recommend acquiring approximately 10,233 acres in fee title and approximately 10,233 acres in conservation easements.

The Land Protection Plan provides landowners and the public with an outline of U.S. Fish and Wildlife Service policies, priorities, and protection methods for land in the project area, assists landowners in determining whether their property lies within the expanded boundary, and inform landowners about our long-standing policy of acquiring land only from willing sellers. [We will not buy any lands or easements if the owners are not interested in selling.]

Managers are tasked with the responsibility for identifying tracts of land that meet the goals of the refuge. Managers work with private landowners and conservation partners to obtain conservation easements or fee title purchase of lands. As such, identifying and connecting with willing sellers within the approved refuge boundary is an important step in the acquisition process. When land is purchased in fee title it becomes the property of the people, is managed by the United States Government, and is exempt from taxation. As a partial response to this loss of tax revenue, Congress passed the Refuge Revenue Sharing Act, which provides for annual payments to local governments for fee-title land designated as national wildlife refuges. Depending upon the location, the amount of payment often equals or exceeds the value in taxes the town would have collected if the property were in private ownership. The Service pays according to a formula, usually three-quarters of 1 percent of the appraised value of the land, subject to the availability of funds through congressional appropriations, to the unit of local government that levies and collects general purpose and real property taxes.

Federal law requires us to offer fair market value for land. We base our offers on professionally prepared appraisals and comparisons of actual sale prices of comparable properties in the vicinity. Both the refuge manager and a realty specialist from our regional office in Hadley, Massachusetts, would contact private landowners who inform us of their interest in selling easements or land in fee title to the Service. It is the policy of the Service to acquire land only from willing sellers. Cultural resources would be evaluated on a parcel by parcel basis to identify and protect potential archeological and historic sites.

### ***Public Use Management***

#### **Appropriate Refuge Uses Policy**

The initial decision-making process a Refuge Manager follows when first considering whether or not to allow a proposed use on a refuge involves an evaluation of the appropriateness of a given activity on a national wildlife refuge. The Refuge Manager must find a use to be appropriate before undertaking a compatibility review of the use. If a proposed use is not found to be appropriate, the refuge will not allow the use and will not prepare a compatibility determination. By screening out proposed uses that are not appropriate to the refuge, the Refuge Manager avoids unnecessary compatibility reviews. By following the process for finding the appropriateness of a use, we strengthen and fulfill the Refuge System mission.

### Compatibility and Priority Uses

The Refuge Improvement Act establishes six priority public uses on refuges. Those priority uses depend on the presence, or the expectation of the presence of wildlife. These uses are: hunting, fishing, wildlife observation and photography, and environmental education and interpretation. Although these priority uses must receive our consideration in planning for public use, they also must be compatible with the purpose for which the refuge was established and the mission of the NWRS. Compatibility determinations, which evaluate the impacts of a use that has been determined to be appropriate in the context of species or habitats, aid in making those decisions. As lands are acquired in Cherry Valley, compatibility determinations would be used to decide what public use opportunities are compatible and can be permitted.

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 where they do 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. We will promote opportunities for volunteers and develop community appreciation and public support for the refuge. We would work with school districts and teachers to develop an environmental education program featuring unique species or communities at the refuge.

### Other Uses and Limitations

In addition to the priority uses described above, many other uses may also be determined to be appropriate and compatible with management of the refuge. Some examples of these types of uses from other refuges include: cross-country skiing, berry picking, haying, grazing of livestock, collection of edible wild plants for personal use, furbearer management, etc. The site-specific conditions and wildlife resources at each refuge will dictate the additional uses that may be permitted. Since these conditions vary from refuge to refuge, particular uses may be permitted at one refuge and precluded at another.

Although a refuge use may be both appropriate and compatible, the Refuge Manager retains the authority to prohibit or modify the use if potential conflicts are perceived. For example, on some occasions, two appropriate and compatible uses may interfere with each other. In these situations, even though both uses are appropriate and compatible, the Refuge Manager may need to limit or entirely restrict one of the uses in order to provide the greatest benefit to refuge resources and the public. For proposed uses that might develop after the preparation of this document, the refuge would apply the same procedure outlined above to make an appropriateness finding without additional public review and comment. If a proposed use is determined to be appropriate, a determination of whether or not

the use is compatible will be made and will include an opportunity for public involvement in the decision making process.

Table 1 summarizes public uses that would likely be allowed during the interim phase and their potential limitations under current conditions in Cherry Valley. Appendix B presents the draft compatibility determinations summarized in Table 1.

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

<b>Public Use Activity</b>	<b>Would this use be provided during the interim phase?</b>
Public hunting	Likely, limited by available hunting areas, some seasons may conflict with presence of species of concern.
Public fishing	Likely, limited by few fishing access areas and presence of species of concern.
Environmental education	Likely, limited due to staffing. Need for partnership development with local schools and conservation groups.
Interpretation	Likely, limited due to staffing. Need for partnership development, perhaps Friends of Cherry Valley.
Wildlife Observation	Likely, limited due to lack of public use areas and safe parking lots. Need for partnership development.
Photography	Likely, limited due to lack of public use areas and safe parking lots. Need for partnership development.

1. **Hunting:** Hunting is a prized activity by many of the residents of Cherry Valley. Private lands are largely posted, greatly limiting hunting access. Non-residents of Cherry Valley are sometimes able to obtain permission from landowners for hunting, but this occurs on a limited basis. In general, select and appropriate lands that would become part of the refuge likely would be open for public hunting, on a permit basis. The issuance of permits allows the refuge to track the numbers of hunters afield to provide for safety and limit other potential impacts. A more thorough review of the various Pennsylvania hunting seasons [(Squirrel, Ruffed Grouse, Rabbit, Pheasant, Bobwhite Quail, Woodchucks, Crows, Starlings and English Sparrows, Wild Turkey, Spring Gobbler, Black Bear, Deer (Archery), Deer (Muzzleloader), Deer (Firearms), and Deer (Flintlock)],

would be required in order to establish compatibility of each of these seasons with the refuge purpose. However, until such time as manageable units are acquired and a detailed hunt plan is written and based on the attached compatibility determination, hunting on parcels acquired as part of the refuge would be allowed to continue on an interim basis at the same level of activity that existed prior to Service acquisition of the land.

2. Fishing: Cherry Creek is a valued trout fishery. At least one fishing club leases land along the Cherry Creek. Like hunting, fishing is limited due to the posting of private land and limited public access. In general, become part of the refuge would be open for public fishing, providing select and appropriate lands that would they are in close proximity to Cherry Creek. It is reasonable to expect, given the habitat diversity in the Cherry Creek that trout, bass, pickerel, American eel, sunfish, crappies, catfish, rock bass, suckers, and carp would be present. Until such time as manageable riparian units are acquired and a detailed public use plan is written and based on the attached compatibility determination, fishing along Cherry Creek on parcels acquired as part of the refuge would be allowed to continue on an interim basis at the same level of activity that existed prior to Service acquisition of the land
3. Wildlife Observation: Cherry Valley provides a wealth of wildlife for observation, however viewing opportunities are limited by access. The narrow state and township roads running through the valley do not provide adequate pull-offs so safety is of the utmost concern. Until such time as better wildlife observation opportunities can be provided and a detailed public use plan is written and based on the attached compatibility determination, wildlife observation would be allowed to continue on an interim basis on parcels acquired by the refuge at the same level of activity that existed prior to Service acquisition of the land.
4. Photography: Until such time as better wildlife photography opportunities can be provided and a detailed public use plan is written and based on the attached compatibility determination, wildlife photography would be allowed to continue on an interim basis on parcels acquired by the refuge at the same level of activity that existed prior to Service acquisition of the land.
5. Environmental Education: Environmental Education is limited by the lack of support facilities in the valley. Shortfalls in environmental education opportunities may be overcome with partnerships with local schools and conservation groups. Until such time as better environmental education opportunities can be provided and a detailed public use plan is written and based on the attached compatibility determination, environmental education would be allowed to continue on an interim basis on parcels acquired by the

refuge at the same level of activity that existed prior to Service acquisition of the land.

6. Interpretation: Interpretation is limited by the lack of support facilities in the valley. Shortfalls in interpretive opportunities may be overcome with partnerships with local schools and conservation groups. Until such time as better interpretation opportunities can be provided and a detailed public use plan is written and based on the attached compatibility determination, interpretative activities would be allowed to continue on an interim basis on parcels acquired by the refuge at the same level of activity that existed prior to Service acquisition of the land.

### ***Operations and Planning***

Refuges are managed according to an annual work plan (AWP) that summarizes goals and objectives of the upcoming year. Specific actions for on the ground work such as operation procedures, wildlife inventory plans, habitat management actions, public use, etc. are covered in detail in refuge specific management plans. An annual work plan may generally state, for example, that 150 acres of invasive plant species will be controlled on the refuge, setting a target and goal for invasive species management. The Invasive Species Management Plan would provide more detail, such as various species to be controlled, location of invasive species, control methods, timing of control, monitoring of effectiveness of the application, re-treating areas, monitoring, etc.

Long term planning, outlined earlier, includes the preparation of a comprehensive conservation plan (CCP). A CCP describes the desired future conditions of a refuge and provides long-range guidance and management direction to achieve the purposes of the refuge. A CCP is consistent with and helps fulfill the mission of the Refuge System and acts to maintain and, where appropriate, restore the ecological integrity of each refuge and the Refuge System. The National Wildlife Refuge System Improvement Act of 1997 mandates that the U.S. Fish and Wildlife Service write CCPs for all national wildlife refuges and reevaluate them every 15 years or as needed. The National Environmental Policy Act (NEPA) mandates that we incorporate, as appropriate, either an environmental assessment or an environmental impact statement in the CCP to satisfy NEPA requirements. The planning project provides a unique opportunity for the Service to involve individuals and local communities in the long-term management of the refuge.

### **Conclusion**

Should the refuge proposal go forward, The Service and the Refuge System will work toward the biological, cultural, and public use goals that have been outlined herein.

Partnerships with landowners, neighbors, conservation organizations, and local, county, state, and other federal government agencies are a crucial component of a successful Cherry Valley National Wildlife Refuge.

**Attachment B.1**  
**Growth of a National Wildlife Refuge**  
**Case Study**  
**Cape May National Wildlife Refuge**  
**Cape May, NJ**

**(In progress)**

**Attachment B.2.  
Compatibility Determinations**

## **Pre-Acquisition Compatibility Determination Cherry Valley National Wildlife Refuge**

(For use on lands included in the proposed Cherry Valley National Wildlife Refuge)

### Uses

Wildlife observation and photography, environmental education and interpretation.

### Refuge names, establishing and acquisition authorities, and purposes

Each National Wildlife Refuge is established under specific legislation or administrative authority.

Similarly, each refuge has one or more specific legal purposes for which it was established. The establishing legislation or authority and the purposes for the Cherry Valley National Wildlife Refuge are pending at the time of this writing, and are contingent on Congressional action regarding the proposed refuge.

### National Wildlife Refuge System Mission

The Mission of the National Wildlife Refuge System is “to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.”

### Description of Use

#### *What is the use?*

This pre-acquisition compatibility determination serves as our “statement of intent” to allow wildlife observation and photography, environmental education and interpretation activities to continue, where they are pre-existing and owner-authorized, on lands that will be acquired by the Service, should the refuge proposal go forward.

The specific parcels covered by this compatibility determination have been identified in the draft Cherry Valley National Wildlife Refuge Feasibility Study. Within the proposed refuge acquisition boundary, most of the parcels are privately owned and currently unimproved, and we are aware of only a few existing public use opportunities. As we pursue acquisition of individual parcels we will be able to verify where other opportunities exist.

*Are the uses priority public uses?*

Yes, wildlife observation and photography, and environmental education and interpretation were identified as priority, wildlife-dependent public uses by the National Wildlife Refuge Improvement Act of 1997 (Refuge Improvement Act, P.L. 105-57).

*Where would the use be conducted?*

The draft Cherry Valley National Wildlife Refuge Study identifies a proposed acquisition boundary for the refuge. The study also delineates the specific parcels, using township and county tax records, proposed for acquisition by the Service.

*When would the use be conducted?*

All opportunities would be implemented consistent with the compatibility determinations already in place for other national wildlife refuges. In general, refuges are open from sunrise to sunset for these activities; the only exceptions would be pre-approved environmental education and interpretive programs. Environmental education and interpretation, and wildlife observation and photography activities would occur year-round.

*How would the use be conducted?*

All opportunities would be implemented consistent with the compatibility determinations already in place for other national wildlife refuges, refuge regulations, and applicable State and local laws.

*Why is the use being proposed?*

These priority public uses may already be occurring on privately owned lands, with the owner's permission. These uses are also identified as priority uses by the National Wildlife Refuge System Improvement Act of 1997.

## Availability of Resources

No additional Refuge resources would be devoted to these uses; that is, no additional infrastructure would be developed to accommodate these new areas until compatibility determinations are revised in response to new information or until we revise individual step-down management plans. Any proposed expenditures for improving public use opportunities in these areas would be identified as projects in a Visitor Services Plan. Acquisition and posting of these parcels would occur regardless of their potential for wildlife-dependent public use.

## Anticipated Impacts of Proposed Actions

We expect only minimal impacts from continuing to allow these priority public uses, similar to those impacts described in the compatibility determinations for other national wildlife refuges.

## Public Review and Comment

As part of the Cherry Valley National Wildlife Refuge Study, this compatibility determination will undergo extensive public review, including a public comment period, following release of the draft study document. Specific and general comments regarding this compatibility determination or public use opportunities will be addressed following the public comment period.

## Determination

The uses are compatible  X  .

The uses are not compatible \_\_\_\_.

## Stipulations Necessary to Ensure Compatibility

The following conditions must all be met before allowing existing, priority, wildlife-dependent public use to continue on an interim basis on newly acquired lands:

- 1) There are no indirect, direct, or cumulative threats anticipated to human health or safety;
- 2) There are no indirect, direct, or cumulative threats anticipated to natural or cultural resources;
- 3) The use is consistent with management of other national wildlife refuges, and Refuge regulations would not be compromised;
- 4) Proposed newly acquired lands represent a meaningful unit within which to manage the activity;
- 5) There are no anticipated, irresolvable conflicts between or among priority public uses; and,
- 6) The land is acquired by the Service and the boundaries are posted.

The Refuge Manager will evaluate parcels of land for these conditions before they are acquired. Existing uses may be allowed if these conditions are found to exist; all refuge

regulations would apply to the newly acquired lands. This pre-acquisition compatibility determination is in effect until the currently approved compatibility determinations for the Refuge are revised. A compatibility determination will be revised when conditions under which the use was first allowed change significantly, or if there is significant new information regarding the effects of the use, or with completion of a CCP. There may also be changes warranted when the Visitor Services Plan is completed. However, at any time, the Refuge Manager retains the authority to modify or cancel any public uses in order to insure compatibility with refuge purposes or to insure the conditions above are met. Significant changes to these compatibility determinations will require another public review period.

### Justification

Existing priority, wildlife-dependant recreational uses should be allowed to continue on newly acquired tracts of land as they have been determined appropriate by the 1997 Refuge Improvement Act and, when compatible, are to be facilitated on refuges. These programs support the mission of the National Wildlife Refuge System by promoting an understanding and appreciation of natural and cultural resources and their management within a national system of refuges. Our programs would reach out to all segments of the public to expand support for the refuge system. Individual refuge programs will be consistent with, and fully support, the goals and objectives for the refuge.

### Signatures

\_\_\_\_\_

**Refuge Manager**

\_\_\_\_\_

**Date**

\_\_\_\_\_

**Regional Chief, Concurrence**

\_\_\_\_\_

**Date**

**Mandatory 15 year Reevaluation**

\_\_\_\_\_

**Date**

## **Pre-Acquisition Compatibility Determination Cherry Valley National Wildlife Refuge**

(For use on lands included in the proposed Cherry Valley National Wildlife Refuge)

### Uses

#### Hunting

### Refuge names, establishing and acquisition authorities, and purposes

Each National Wildlife Refuge is established under specific legislation or administrative authority. Similarly, each refuge has one or more specific legal purposes for which it was established. The establishing legislation or authority and the purposes for the Cherry Valley National Wildlife Refuge are pending at the time of this writing, and are contingent on Congressional action regarding the proposed refuge.

### National Wildlife Refuge System Mission

The Mission of the National Wildlife Refuge System is “to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.”

### Description of Use

#### *What is the use?*

This pre-acquisition compatibility determination serves as our “statement of intent” to allow hunting to continue, where it is pre-existing and owner-authorized, on lands that will be acquired by the Service, should the refuge proposal go forward.

The specific parcels covered by this compatibility determination have been identified in the draft Cherry Valley National Wildlife Refuge Study. Within the proposed refuge acquisition boundary, most of the parcels are privately owned and currently unimproved, and we are aware of only a few existing public use opportunities. As we pursue acquisition of individual parcels we will be able to verify where other opportunities exist. Hunting activities covered under this Compatibility Determination include:

Squirrel, ruffed grouse, rabbit, pheasant, bobwhite quail, woodchucks, crows, starlings and English sparrows, wild turkey, spring gobbler, black bear, deer (archery), deer (muzzleloader), deer (firearms), deer (flintlock), and others consistent with Pennsylvania Game Commission Laws and Regulations.

*Are the uses priority public uses?*

Yes, hunting has been identified as a priority, wildlife-dependent public use by the National Wildlife Refuge Improvement Act of 1997 (Refuge Improvement Act, P.L. 105-57).

*Where would the use be conducted?*

The draft Cherry Valley National Wildlife Refuge Study identifies a proposed acquisition boundary for the refuge. The study also delineates the specific parcels, using township and county tax records, proposed for acquisition by the Service.

*When would the use be conducted?*

All opportunities would be implemented consistent with the compatibility determinations already in place for other national wildlife refuges. In general, refuges are open from sunrise to sunset for these activities; the only exceptions would be pre-approved environmental education and interpretive programs. Hunting activities would occur during seasons and times established by the Pennsylvania Game Commission.

*How would the use be conducted?*

All opportunities would be implemented consistent with the compatibility determinations already in place for other national wildlife refuges, refuge regulations, and applicable State and local laws.

*Why is the use being proposed?*

This priority public use may already be occurring on privately owned lands, with the owner's permission. This use is also identified as a priority use by the National Wildlife Refuge System Improvement Act of 1997.

## Availability of Resources

No additional Refuge resources would be devoted to these uses; that is, no additional infrastructure would be developed to accommodate these new areas until compatibility determinations are revised in response to new information or until we revise individual step-down management plans. Any proposed expenditures for improving public use opportunities in these areas would be identified as projects in a Hunting or Visitor Services Plan. Acquisition and posting of these parcels would occur regardless of their potential for wildlife-dependent public use.

## Anticipated Impacts of Proposed Actions

We expect only minimal impacts from continuing to allow these priority public uses, similar to those impacts described in the compatibility determinations for other national wildlife refuges.

## Public Review and Comment

As part of the Cherry Valley National Wildlife Refuge Study, this compatibility determination will undergo extensive public review, including a public comment period, following release of the draft study document. Specific and general comment regarding this compatibility determination or public use opportunities will be addressed following the public comment period.

## Determination

The uses are compatible  X .

The uses are not compatible  \_\_\_\_\_ .

## Stipulations Necessary to Ensure Compatibility

The following conditions must all be met before allowing existing, priority, wildlife-dependent public use to continue on an interim basis on newly acquired lands:

- 1) There are no indirect, direct, or cumulative threats anticipated to human health or safety;
- 2) There are no indirect, direct, or cumulative threats anticipated to natural or cultural resources;
- 3) The use is consistent with management of other national wildlife refuges, and Refuge regulations would not be compromised;
- 4) Proposed newly acquired lands represent a meaningful unit within which to manage the activity;
- 5) There are no anticipated, irresolvable conflicts between or among priority public uses; and,
- 6) The land is acquired by the Service and the boundaries are posted.

The Refuge Manager will evaluate parcels of land for these conditions before they are acquired. Existing uses may be allowed if these conditions are found to exist; all refuge

regulations would apply to the newly acquired lands. This pre-acquisition compatibility determination is in effect until the currently approved compatibility determinations for the Refuge are revised. A compatibility determination will be revised when conditions under which the use was first allowed change significantly, or if there is significant new information regarding the effects of the use, or with completion of a CCP. There may also be changes warranted when the Visitor Services Plan is completed. However, at any time, the Refuge Manager retains the authority to modify or cancel any public uses in order to insure compatibility with refuge purposes or to insure the conditions above are met. Significant changes to these compatibility determinations will require another public review period.

### Justification

Existing priority, wildlife-dependant recreational uses should be allowed to continue on newly acquired tracts of land as they have been determined appropriate by the 1997 Refuge Improvement Act and, when compatible, are to be facilitated on refuges. These programs support the mission of the National Wildlife Refuge System by promoting an understanding and appreciation of natural and cultural resources and their management within a national system of refuges. Our programs reach out to all segments of the public to expand support for the refuge system. Individual refuge programs would be consistent with, and fully support, the goals and objectives for the refuge.

### Signatures

\_\_\_\_\_

**Refuge Manager**

\_\_\_\_\_

**Date**

\_\_\_\_\_

**Regional Chief, Concurrence**

\_\_\_\_\_

**Date**

**Mandatory 15 year Reevaluation**

\_\_\_\_\_

**Date**

## **Pre-Acquisition Compatibility Determination Cherry Valley National Wildlife Refuge**

(For use on lands included in the proposed Cherry Valley National Wildlife Refuge)

### Uses

Fishing

### Refuge names, establishing and acquisition authorities, and purposes

Each National Wildlife Refuge is established under specific legislation or administrative authority.

Similarly, each refuge has one or more specific legal purposes for which it was established. The establishing legislation or authority and the purposes for the Cherry Valley National Wildlife Refuge are pending at the time of this writing, and are contingent on Congressional action regarding the proposed refuge.

### National Wildlife Refuge System Mission

The Mission of the National Wildlife Refuge System is “to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.”

### Description of Use

*What is the use?*

This pre-acquisition compatibility determination serves as our “statement of intent” to allow fishing to continue, where it is pre-existing and owner-authorized, on lands that will be acquired by the Service, should the refuge proposal go forward.

The specific parcels covered by this compatibility determination have been identified in the draft Cherry Valley National Wildlife Refuge Study. Within the proposed refuge acquisition boundary, most of the parcels are privately owned and currently unimproved, and we are aware of only a few existing public use opportunities. As we pursue acquisition of individual parcels we will be able to verify where other opportunities exist. Fishing activities covered under this Compatibility Determination include:

Trout, bass, pickerel, American eel, sunfish, crappies, catfish, rock bass, suckers, carp, and others consistent with Pennsylvania Fish and Boat Commission Laws and Regulations

*Are the uses priority public uses?*

Yes, fishing was identified as a priority, wildlife-dependent public use by the National Wildlife Refuge Improvement Act of 1997 (Refuge Improvement Act, P.L. 105-57).

*Where would the use be conducted?*

The draft Cherry Valley National Wildlife Refuge Study identifies a proposed acquisition boundary for the refuge. The study also delineates the specific parcels, using township and county tax records, proposed for acquisition by the Service.

*When would the use be conducted?*

All opportunities would be implemented consistent with the compatibility determinations already in place for other national wildlife refuges. In general, refuges are open from sunrise to sunset for these activities; the only exceptions would be pre-approved environmental education and interpretive programs. Fishing activities would occur during seasons and times established by the Pennsylvania Fish and Boat Commission.

*How would the use be conducted?*

All opportunities would be implemented consistent with the compatibility determinations already in place for other national wildlife refuges, refuge regulations, and applicable State and local laws.

*Why is the use being proposed?*

This priority public use may already be occurring on privately owned lands, with the owner's permission. This use is also identified as a priority use by the National Wildlife Refuge System Improvement Act of 1997.

## Availability of Resources

No additional Refuge resources would be devoted to these uses; that is, no additional infrastructure would be developed to accommodate these new areas until compatibility determinations are revised in response to new information or until we revise individual step-down management plans. Any proposed expenditures for improving public use opportunities in these areas would be identified as projects in a Fishing or Visitor Services Plan. Acquisition and posting of these parcels would occur regardless of their potential for wildlife-dependent public use.

## Anticipated Impacts of Proposed Actions

We expect only minimal impacts from continuing to allow these priority public uses, similar to those impacts described in the compatibility determinations for other national wildlife refuges.

## Public Review and Comment

As part of the Cherry Valley National Wildlife Refuge Study, this compatibility determination will undergo extensive public review, including a public comment period, following release of the draft study document. Specific and general comment regarding this compatibility determination or public use opportunities will be addressed following the public comment period.

## Determination

The uses are compatible  X .

The uses are not compatible \_\_\_\_.

## Stipulations Necessary to Ensure Compatibility

The following conditions must all be met before allowing existing, priority, wildlife-dependent public use to continue on an interim basis on newly acquired lands:

- 1) There are no indirect, direct, or cumulative threats anticipated to human health or safety;
- 2) There are no indirect, direct, or cumulative threats anticipated to natural or cultural resources;
- 3) The use is consistent with management of other national wildlife refuges, and Refuge regulations would not be compromised;
- 4) Proposed newly acquired lands represent a meaningful unit within which to manage the activity;
- 5) There are no anticipated, irresolvable conflicts between or among priority public uses; and,
- 6) The land is acquired by the Service and the boundaries are posted.

The Refuge Manager would evaluate parcels of land for these conditions before they are acquired. Existing uses may be allowed if these conditions are found to exist; all refuge regulations would apply to the newly acquired lands. This pre-acquisition compatibility determination is in effect until the currently approved compatibility determinations for the Refuge are revised. A compatibility determination will be revised when conditions under which the use was first allowed change significantly, or if there is significant new information regarding the effects of the use, or with completion of a CCP. There may also be changes warranted when the Visitor Services Plan is completed. However, at any time, the Refuge Manager retains the authority to modify or cancel any public uses in order to insure compatibility with refuge purposes or to insure the conditions above are met. Significant changes to these compatibility determinations will require another public review period.

### Justification

Existing priority, wildlife-dependant recreational uses should be allowed to continue on newly acquired tracts of land as they have been determined appropriate by the 1997 Refuge Improvement Act and, when compatible, are to be facilitated on refuges. These programs support the mission of the National Wildlife Refuge System by promoting an understanding and appreciation of natural and cultural resources and their management within a national system of refuges. Our programs reach out to all segments of the public to expand support for the refuge system. Individual refuge programs would be consistent with, and fully support, the goals and objectives for the refuge.

### Signatures

\_\_\_\_\_  
**Refuge Manager**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Regional Chief, Concurrence**

\_\_\_\_\_  
**Date**

**Mandatory 15 year Reevaluation**

\_\_\_\_\_  
**Date**