

## Chapter 2



USFWS

*Rehabilitated Loggerhead sea turtle returning to ocean*

## The Planning Process

- **The Comprehensive Planning Process**
- **Key Issues**
- **Opportunities**



## **The Comprehensive Conservation Planning Process**

Service policy establishes an eight-step planning process that also facilitates compliance with NEPA (Figure 2.1). Each of its individual steps is described in detail in the planning policy and CCP training materials (602 FWS 3, “The Comprehensive Conservation Planning Process”). The planning policy can be accessed at:<http://policy.fws.gov/602fw3.html>

### **Planning Process**

The key to effective conservation begins with community involvement. To ensure future management of the Refuge takes into consideration the issues, concerns and opportunities expressed by the public, a variety of public involvement techniques were used.

Open Houses and Public Information Meetings were held throughout the Virginia Beach area at three different locations during January 2002. Meetings were advertised locally through news releases, paid advertisements, and our mailing list. For each meeting, the “open house” session was planned where people could informally learn of the project, and have their questions or concerns addressed in a “one-on-one” situation. The evening Public Information Meeting sessions usually included a presentation of the Refuge, a brief review of the Refuge System and the planning process, and a question and answer session. Participants were encouraged to actively express their opinions and suggestions. The public meetings allowed us to gather information and ideas from local residents, adjacent landowners, and various organizations and agencies.

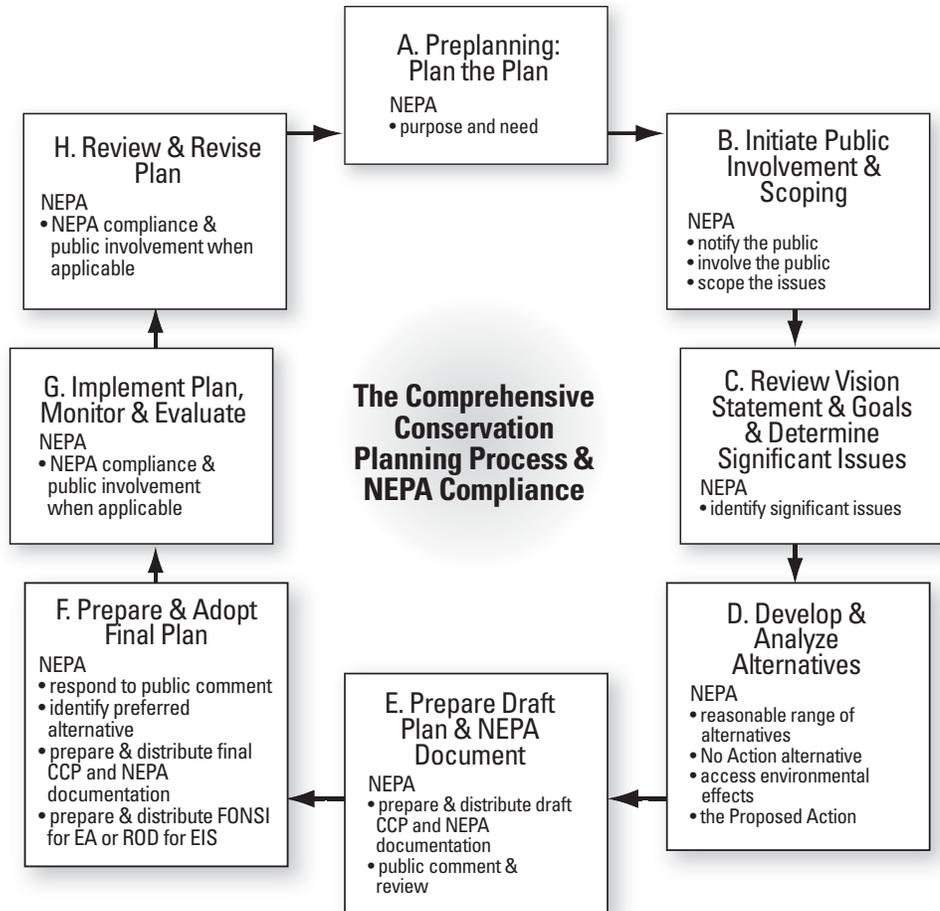
An “Issues Workbook” was developed to encourage written comments on topics such as wildlife habitats, nuisance species, and public access to the Refuge. These workbooks were mailed to a diverse group of over 1,500 people on our mailing list, given to people who attended a public meeting, and distributed to anyone who requested one. More than 100 people returned completed workbooks.

After developing and analyzing alternatives from the outcomes of the public meetings and comments, we developed the draft draft CCP/EA. We published a Notice of Availability in the Federal Register on March 30, 2010 announcing its release for public review and comment. During the 33-day comment period from March 30, 2010 to May 1, 2010, we held two public meetings. We received comments by regular mail, electronic mail, and at the public meetings. Appendix K. is the summary of the comments we received and our responses to them.

This CCP was submitted to our Regional Director for approval. He determined it warrants a Finding of No Significant Impact (FONSI; Appendix L) and found its analysis sufficient to simultaneously issue his decision adopting this CCP. We announced his final decision by publishing a Notice of Availability in the Federal Register, where we also notified people of the availability of the CCP.

### **Compatibility Policy/Compatibility Determinations**

The Compatibility Determinations issued with this CCP may be revisited sooner than the mandatory date if new information reveals unacceptable impacts or incompatibility with the Refuge purposes.



**Figure 2.1. Steps in the Comprehensive Conservation Planning Process and its relationship to the National Environmental Policy Act of 1969.**

**Key Issues**

We define an issue as "any unsettled matter requiring a management decision." That can be an "initiative, opportunity, resource management problem, threat to a resource, conflict in use, or a public concern." Issues arise from many sources, including our staff, other Service programs, state agencies, other Federal agencies, our partners, neighbors, user groups, or Congress. The following summary provides a context for the issues that arose during the planning process.

**Prescribed Burning/Wildfires:** As the City of Virginia Beach and the community of Sandbridge grow and develop there is an increase in the wildland/urban interface. Presently, Back Bay NWR maintains approximately 1.4 miles of fuel-break between forested/brushy Refuge habitats and the western edge of the residential community of Sandbridge. This fuel-break was cleared of mid-story vegetation (ladder fuels) to a width of 50 to 75 feet and is maintained by removal of vegetation. Mature trees are left in the fuel-break; without ladder fuels wildfires will be slowed and easily extinguished. The Refuge follows an approved Fire Management Plan that was completed in 2003. There is concern about the possibility of wildfire in the urban interface.

**Invasive Plant Management:** Non-native invasive plant species have taken over valuable habitat on the Refuge. Phragmites reed and Japanese stiltgrass are the non-native, invasive species most common to the Refuge. American lotus, although native, has potential to become invasive and a nuisance. These invasives greatly reduce species biodiversity outcompeting native species that are crucial sources of food for migratory birds.

**Pest Species Management:** The two pest animals with the greatest potential to negatively impact Refuge resources are the feral hog and resident Canada goose. (Some nutria are also present in the area, but are not deemed to be a problem as yet.) Non-native feral hogs root in soft wetland soils, eating the roots and tubers of waterbird food-plants, and decreasing the quantity and quality of plant material available to native animals and migratory waterfowl. Hog rooting along dike slopes increases the potential for erosion. Also, hogs will opportunistically eat birds, nestlings, reptiles, amphibians and small mammals. Present management includes a one-week feral hog hunt and selective shooting of individual animals by Refuge personnel outside the hunt period.

The resident Canada goose population has shown a gradual increase within the Refuge impoundment complex during the past 15 years. Much of this increase stems from their nesting within the impoundment complex and adjacent areas. As the population has grown to an estimated 100+ resident birds, increased grazing on impoundments' moist soil vegetation during the summer and fall was noticed, that directly conflicted with the Refuge goal of providing food for wintering waterfowl. In addition, local farmers began complaining of Canada goose depredation impacts on their agricultural crops to the west. Refuge biological staff began addressing this problem during 2001 by adding Canada goose eggs in located nests. However, this practice alone was inadequate, since local goose production continued. Recently, Refuge biologists have begun directly controlling the nesting Canada goose population by removing, when possible, nesting adults in the Refuge impoundment vicinity. Egg adding and goose removals are continuing, under the appropriate Federal permit.

A small feral horse population periodically moves through the Refuge barrier island area from North Carolina, and feeds on developing waterfowl food-plants within Refuge impoundments. They present another potential nuisance animal problem if the population increases (see below for further feral horse information).

**Feral Horses Management:** The public generally enjoy viewing horses on the Refuge, but feral horses destroy vegetation and spread non-native, undesirable plant seeds through their droppings. A fence was built by the Corolla Wild Horse Fund of North Carolina at the southern border of False Cape State Park where it abuts North Carolina. Occasionally horses get through, around, or over this fence. Volunteers round up and return horses when contacted by Refuge personnel or Sandbridge residents.

**Mosquito Control:** The City of Virginia Beach had concerns about the presence of West Nile Virus (WNV) and Eastern Equine Encephalitis (EEE) in local mosquito populations during the planning process. The Refuge shared those concerns, and cooperated with the local City Mosquito Control Biologist in mosquito monitoring and data sharing, both on and adjacent to the Refuge. To date, WNV and EEE have not been detected in mosquito populations that use the Refuge or adjacent lands.

**Sea Turtle Management Program:** The Refuge is located in the northernmost limit of the threatened loggerhead sea turtle nesting range. From May through

the end of August, Refuge staff and volunteers patrol local beaches by ATV or 4WD vehicle for sea turtle crawls. When a patrol encounters signs of nesting, they contact a Refuge biologist. Because the Refuge supports a relatively low number of nests (typically less than 9) per year, more intensive management actions can be undertaken to ensure nest success. All nests are relocated to a secluded Refuge nursery behind the primary dune, and protected from predation by placing wire cages around them. Nests are carefully monitored when close to hatching. Sea turtle hatchlings from relocated nests are transported to the beach and protected from predation as they enter the ocean. Data from the Refuge sea turtle nesting program is collected and summarized into an annual report that is shared with many other Federal and State agencies. Use of volunteers, interns and FCSP staff are critical to the success of the Refuge sea turtle management program. Some state biologists have concerns with transplanting nests. The Refuge is also concerned with how declining budgets might impact the sea turtle program.

**Wilderness Review:** The Refuge Planning Policy requires a formal Wilderness Review to determine if any lands and waters held in fee title ownership are suitable for designation as a Wilderness Area under the terms of the Wilderness Act. Some of the eligibility criteria include; lands that are 5,000 acres of contiguous land, roadless islands, or are of sufficient size to make practical its preservation and use in an unimpaired condition. The planning team determined that areas previously proposed in 1974 as suitable for inclusion as wilderness no longer meet the minimum criteria. The Wilderness Review is attached as Appendix B.

**Cooperative Farming Program:** Presently, Back Bay NWR has approximately 100 acres of upland and prior-converted wetlands in 4 tracts leased out to four local farmers for growing crops. The farmers provide direct payment or payment-in-kind in the form of Refuge habitat improvements using their heavy equipment. At issue is the relationship of cooperative farming to new Refuge policies regarding biological integrity, and also compatibility. Some agricultural lands were wetlands prior to conversion to farmland. Under present management, farmers are allowed to continue farming. The Refuge benefits because land is kept free from encroachment of undesirable plant species before possible habitat restoration begins. These areas may be subject to wetlands restoration, shrub-scrub habitat creation, or natural regeneration to forest (to close up fragmented forest habitats) when funding and personnel become available. If cooperative farmers voluntarily withdraw from the program then those areas will be revegetated with native trees and shrubs.

**Wildlife Disturbance Law Enforcement:** The Refuge maintains a proactive law enforcement program and enforces Federal, State, and local laws. USFWS Refuge Officers patrol Refuge property; primary enforcement efforts concentrate on the protection of natural resources and enforcing the Refuge-specific regulations. While the majority of violations on Refuge property are enforced through the Federal court system, there are rare occasions when a case may be transferred to the city court system for prosecution.

The Refuge manages approximately 3,500 acres of land that has not been formally identified for public use activities. This includes islands in Back Bay and tracts of land to the north and west of Back Bay. Law enforcement problems on these tracts range from trespassing, illegal hunting, dumping, and human-caused wildfires, to use of metal detectors.

**Realty/Ownership:** There is concern over encroachment onto the Refuge by adjacent property owners. This includes piers/docks where the Refuge owns the

bottom of the Bay and canals, and swimming pools and fence lines that are on our lands. Also, the Refuge is concerned about new City roads and infrastructure impacting Refuge wildlife, habitat and resources.

**Jurisdiction:** Currently, there is not concurrent jurisdiction among the various law enforcement agencies (City, State, Federal) to enforce regulations on the Refuge. This issue was raised several years ago in an effort to put all national wildlife refuges under concurrent jurisdiction; however, it was never passed by State legislators. Concurrent jurisdiction would allow increased cooperative work between the three entities and their staff. One option would be to obtain jurisdictional control over the lands and waters which surround the islands to provide protection of wildlife values.

**Off-Refuge Land Development:** The Refuge is experiencing increasing development pressure within the northwestern portion of the Back Bay watershed and immediately north of the Refuge headquarters, on the barrier island portion. These development pressures take the form of single family housing developments, a five story condominium complex and a proposed recreational mooring facility. Such pressures present conflicts to critical Refuge resources including migratory bird use, water quality, existing Back Bay recovery programs, the declining Bay ecology, and a variety of other important issues.

**Refuge Access:** The Refuge has a seasonal dike trail closure from November 1 through March 31 annually, to prevent disturbance of wintering waterfowl within the impoundments. Several groups and individuals have requested that the impoundments be open year round for recreation activities. The Refuge manages approximately five miles of beach – the “north mile” is closed to visitors, and acts as a safeguard between the high-use area of Little Island City Park and the Refuge.

**Boat/water access:** In 1939, 4,600 acres of bay waters within the Refuge boundary were set aside by Presidential Proclamation as a waterfowl sanctuary. The area is closed to waterfowl hunting to assure long term protection of waterfowl and other wetland dependent species. The Refuge has no jurisdiction over water uses of the Bay, except for the migratory bird hunting.

**Motor Vehicle Access Permit Program:** For many years, Back Bay NWR was open to vehicular beach access and use by the general public. In 1969, with visitation reaching 348,000 yearly, it became evident that the increased Refuge and beach use had resulted in environmental degradation and a serious conflict of the Refuge’s intended purpose. In 1972, the Refuge beach became closed to all unauthorized vehicular traffic. In 1973, after a final rulemaking in the Federal Register, permits were issued for vehicular beach use to property owners and businesses south of Back Bay NWR up to a point 1600 feet south of the Currituck Lighthouse in North Carolina. These permits were issued to individuals providing proof of residency and to businesses at the time of enactment requiring beach access to reach Virginia. Originally, 100 permits were issued. Permits are non-transferable and non-inheritable; therefore through attrition, only 15 residential, 5 commercial, and 9 cooperatives (i.e., utility companies, emergency responders, Currituck NWR and FCSP) presently maintain permits.

**Entrance Fees:** Back Bay NWR currently collects an entrance fee. Two seasonal fee collectors collected approximately \$50,000 in Fiscal Year 2006. The entrance station operation, staffed from April through October, provides a checkpoint to ensure appropriate resource use and protection, and to provide another source for visitor information. Funds generated from the fee collection program are used

to cover the cost of collection and to provide revenue enhancement for public use facility operation and maintenance, as well as for various habitat management projects. Fee collection is suspended for the months of November through March, annually. Some visitors have commented that they believe no entrance fee should be charged to access public lands.

**Tram Tours:** Tram tours are available at various times of the year, primarily to provide visitor access to and from FCSP, and to give visitors additional opportunities to see wildlife. Tram tours are provided daily from Memorial Day through Labor Day (weather permitting), Friday/Saturday/Sunday during shoulder months (April-May, and September-October), and twice per month during the November through March impoundment closure. The trams are currently operated by the Back Bay Restoration Foundation (BBRF) but maintained by Refuge staff. Future changes made to the tram program could be an issue to the public and partners.

**Hunting:** The Refuge, in conjunction with False Cape State Park, runs an up to seven-day annual hunt for white-tailed deer and feral hogs. Hunters are selected using a lottery system. There are eight designated hunt zones on the Refuge, including Long Island where there are only deer, and which is accessible only by boat. One hunting zone is set aside for disabled hunters. The hunt serves a dual purpose of providing public opportunity for hunting, and reducing the numbers of deer and hog, which is a necessity for proper habitat management. Requests have been made to the Refuge to open up the west and north sides to deer hunting. The Refuge is considering it, but fragmented land ownership interlaced with private property makes it more challenging. There are also advocacy groups that are against hunting altogether.

**Dog walking on the Refuge:** Currently leashed dogs are permitted in opened areas on the Refuge from October 1 through March 31. There are requests to allow dog walking on the Refuge year-round amid concerns that dog walking could be damaging to wildlife use of the Refuge, particularly within the impoundment complex.

**Horseback riding on the Refuge:** Currently horseback riding is not permitted on the Refuge but several groups have expressed their dissatisfaction with that regulation.

## Opportunities

**Establish new trails to enhance opportunities for wildlife observation, photography, and environmental education/interpretation:** Since the late 1980's when the Refuge acquisition boundary was expanded, numerous parcels have been acquired throughout the Back Bay Watershed. These new lands provide opportunities to promote outdoor experiences through a network of trails and overlooks.

**Construction of new headquarters, Visitor Center and maintenance compound:** The visitor center, headquarters office and maintenance compound are all currently located at the barrier island in Sandbridge. With the additional land base on the west side of Back Bay, it is proposed to construct a new headquarters, visitor center, and environmental education center on New Bridge Road (Tracts #244 and #141). There is concern facilities should be more accessible to the public and closer to the center of town. This location would be centrally located to all Refuge property and assets.

**Establish new and strengthen current partnerships with conservation organizations and individuals:** The Refuge relies on partnerships with several

organizations and individuals for helping with Refuge programs, biological surveys, environmental education, and other efforts.

