

US Fish & Wildlife Service  
Second Public Meeting on the Cherry Valley National Wildlife Refuge Feasibility Study  
Christ Hamilton Church, Saylorsburg, PA  
March 27, 2008, 7 PM

<b>MEETING NOTES</b>
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**MEETING OPENS**

Debra Schuler, President of Friends of Cherry Valley, opens the meeting and acknowledges local government representatives who are present.

She explains that there will be presentations from The Nature Conservancy and the US Fish & Wildlife Service. Kathy Bangert will be the facilitator.

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Bangert welcomes everyone to the second public meeting on the Cherry Valley NWR feasibility study. Yesterday's meeting at the Monroe County Conservation District was well attended, but this meeting is even more well attended. Bangert emphasizes that it is important to get public comments, because the audience knows Cherry Valley better than anyone.

Bangert gives an overview of the meeting, which will include:

- Presentations on the Cherry Valley NWR study
- Public Comment Period (can also submit written comments)
- Question & Answer Opportunity

She then introduces Sue McMahon, Deputy Chief of the NWR System in Northeast, to begin the presentations.

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Sue McMahon

Presentation on NWR System

McMahon thanks Kathy and everyone for coming out tonight, and providing thoughts and opinions on the feasibility study for a NWR at Cherry Valley.

Five years ago, the NWR in Elkins Island, Florida celebrated its centennial. It was President Theodore Roosevelt who first had the insight to create this NWR system. McMahon provides some statistics on NWR system. There is at least one NWR within an hour's drive of every major US city. The NWRs provide habitat to more than 250 endangered plants and animals.

The Northeast region for FWS encompasses 13 states and 69 refuges. One quarter of the nation's people reside here. There are two refuges in PA – Erie (focused on waterfowl and migratory birds) and John Heinz (established by an act of Congress to protect the last 200 acres of

freshwater tidal marsh and provide opportunities for environmental education for Philadelphia students).

McMahon emphasizes the importance of public use opportunities, in addition to the NWR system's primary purpose of conserving natural resources. She states the mission of the FWS, and notes that they appreciate the assistance of the conservation partners in this area.

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Carl Melberg, Refuge Planner, and leader of Cherry Valley NWR study team

Presentation on the Cherry Valley NWR feasibility study

Melberg states that he will explain:

- How the Cherry Valley NWR study act came into being
- What the next steps are

Showing the map of the study area, Melberg stresses that the purple line shows the study area, and to be clear, this is not any kind of boundary line. 30,000 acres are currently included in this study area. The team is attempting to complete study by September 30 of this year.

Melberg presents a map of refuges in the USA and in the Northeast region, and goes over criteria that must be met for an area to be included as a NWR.

Melberg emphasizes the importance of public comment and opinion on this study.

He explains some of the wildlife-dependent recreational uses that NWRs should provide – these stem out of an executive order from President Clinton in 1997.

Melberg discusses the laws/policies affecting the NWR planning process:

- NWR System Improvement Act (Clinton exec. Order)
- NWR System Policies
- NEPA

The current step of the planning process is called “public scoping” – what FWS is doing now. This step is followed by the draft report development, the completion of the report/seeking public comments, and the submission of the final report to Congress. Melberg points out that Congress decides on the basis of the report what they would like FWS to do – it is then out of their hands until Congress makes its decision.

Melberg uses a diagram to show all the groups involved in this process – he states that FWS doesn't sit in a room alone and make a decision. The final product in the process is the study document.

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Bud Cook, Senior Program Manager with The Nature Conservancy

### Presentation: What's Special About Cherry Valley?

Cook thanks everyone for coming. He says that he knows some of the attendees have been to other meetings about conservation, and that that is evidence of how much people care about Cherry Valley.

Cook provides some information on the “regional context” of Cherry Valley. Cherry Creek is an important tributary of the Delaware River. The valley is located 90 minutes from New York City and Philadelphia. All of these things show that Cherry Valley is in the path of development. Cook notes, “We can’t sit idly by if we want to preserve Cherry Valley as it is today.”

The wealth of plants and wildlife resources in Cherry Valley make it very special. There are 86 species and natural communities of concern, some of which Cook highlights in the presentation.

He notes that we also need to consider as an essential element that people and wildlife have been living here in harmony for generations. It is the families’ good stewardship of the land that has given us the treasure of wildlife we have today. Without this history, we wouldn’t be here contemplating future conservation for Cherry Valley today.

Cook gives an illustration of current efforts for land and water conservation, which include:

- responsible private landowner stewardship for generations
- land use regulations
- open space referenda
- public & private land protection
- preferential assessment
- biological inventory, monitoring, habitat restoration
- Cherry Creek Watershed Conservation Plan
- Landowner education & engagement

Cook notes that the team is looking forward to a lot of input from Monroe County and Cherry Valley residents.

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### **Public Comment Session**

Bangert goes over the procedure for making formal comments (similar to the way they were explained in the first public meeting); this time they have given each commenter a number.

- 1) Tom Morgenthaw, Board Chair, Pocono Heritage Land Trust: Morgenthaw notes that the PHLT has sent a letter to Mr. Melberg, from which he reads an excerpt. The PHLT is the owner of 135 acres of donated land in Cherry Valley, which is why they are vitally concerned with this effort. They have had a unanimous vote to support the NWR and the feasibility study. The woodland ecosystem here is remarkably intact. The PHLT joins Friends of Cherry Valley, The Nature Conservancy and other conservation groups in supporting federal involvement in the campaign to save Cherry Valley.

- 2) Jill Thatcher, Treasurer, Friends of Cherry Valley: The Friends of Cherry Valley are the residents and landowners of the valley. They got together to try to resist development pressures and try to preserve what they love about the valley. People living here for generations have been those who want to live in close harmony with the land: farmers, birdwatchers, hunters, fishers, gardeners, rabbit and bee-keepers, even future entomologists in families growing up in the valley. The Friends of Cherry Valley would be honored to have federal help to preserve the valley by designating it as a NWR. The group will continue to be good stewards of the land, whether or not we sell the land to the refuge. The landowners in the Friends of Cherry Valley are strongly in support of the NWR; and others are welcome to join the group, which engages in a variety of activities in addition to supporting the NWR.
- 3) Peter Gallagher, President, Pocono Builders Association: The association was sent a package and asked for its thoughts. Gallagher reads a letter sent in response to the plan. With great pleasure, the Pocono Builders Association shares in unanimous support for the Cherry Valley NWR. As businesspeople, developers, and landowners, the association understands the importance of preservation. The area's scenic views and habitat are important to retaining residents and attracting them to the area. The association understands that the NWR operates on a willing seller basis, and also understands that some areas are important for preservation, while others may be suitable for development. There is a place for everything, and this is the best use of this land. The Pocono Builders Association supports this project one hundred percent.
- 4) Robert Heil, Jr., Resident of Saylorsburg Township: Although he has some concerns, Heil is in general support of the NWR. He holds a B.S. in Biology and has other qualifications to speak about the habitat of Cherry Valley. He wants to point out that he thinks the list of species of concern does not include enough species. There are additional species that come above and beyond the jurisdiction of the Pennsylvania Game Commission and the Fish & Boat Commission. Heil is promoting a full natural resource inventory of Cherry Valley – this list is just the tip of the iceberg, in his opinion. He is not a botanist, but when he is out there deer hunting, he sees all sorts of plant species he cannot identify. He notes that this is where the last ice age ended, and that the area likely provides microhabitats that could support species found only here. This is the last best chance to save this last great place. As far as the springing up of “McMansions,” local government is doing as much as it can, but it is beyond the reach of many local officials. PGC, Monroe County and the Fish & Boat Commission have limited budgets and abilities. The presence of the federal government makes people sit up and listen. They have the ability to bring everyone together to do the right thing. That's what stewardship is – doing the right thing. Gifford Pinchot, who lived only 50 miles from here, had a great vision which we should use here in Cherry Valley.
- 5) Ed Cramer, Supervisor, Stroud Township: Many of you may have the question of why we are getting the federal government involved. The answer is that we need more partners and more tools to get preservation done in this county. The open space bond referendum was successful, but unfortunately that money is now gone. We [Stroud Township] were the first township in Monroe County to win a vote for a 1/4 tax increase to preserve open space, where other townships failed. Since then, two other municipalities have put through referenda and won, with larger margins. This tells us that people care about their environment. In the late 1980s, a concerned citizens group was formed to stop the

development of townhouses on a golf course – this was Mr. Cramer’s first experience in local politics, after which he went on to become a local government official. Cramer notes that Bud Cook has been the driving force encouraging the preservation of this area. The Friends of Cherry Valley was formed, and Cramer states that he has gone to Washington with Anne Fetherman and Bud Cook to get this act passed. Cherry Valley is made up of large farms, although some have been split up into smaller farms, and this is a matter of concern. Cramer recently attended a celebration at the Fetherman farm – which recently sold an agricultural easement to Monroe County, putting the county at over 5000 acres in agricultural easement. He relates a comment made by former town supervisor, Glen Beers: “Farms can grow many crops, year after year, but once you sell the farm for development, houses are the last crop they’re ever going to grow.” Cramer notes that the changing attitudes of younger generations towards farming pose a threat to the habitat and way of life of Cherry Valley.

- 6) Joseph Burns, resident of Cherry Valley, intersection of Bosset (?) Rd and Cherry Valley Rd: Burns notes some of his concerns, he has a business in an industrial area and has concerns about how the establishment of a refuge would affect the economic situation of businesses in the valley and the livelihoods of people who depend on them. Some examples include mining and resource extraction practiced by builders, etc. Burns asks for consideration of how businesses will fit into the plan, and notes that he does not want to be driven out of the area.

[Bangert interjects here that Walt Quist, Director of Realty, may be able to address this type of concern during the Question & Answer session of the meeting]

- 7) Mr. Williams, resident of Cherry Valley: Williams addresses the representatives from FWS, and asks what they are going to protect – these places are already protected. He notes his deep concerns about his hunting activities and the restrictions that will be placed on his activities by the establishment of a refuge. He believes new boundaries will be created. He said he does not understand why they need more walls, and people coming in and telling residents what they can do.
- 8) Gary Bloss, born in Stroudsburg, resident of Cherry Valley, professional landscape architect and planner: Bloss explains that he is involved with the Monroe County open space planning. He has also worked on watershed planning for the Brodhead Planning Association. Cherry Valley is full of natural resources: biological, cultural and water resources. It has high-quality streams, and is a unique and special place to live because of its geological history, and its history of farming (especially local farming, which is a critical resource into the future). Bloss talks about the benefits of organic farming (he notes that he married an organic farmer in the valley). The refuge is one of the many tools that can be used to preserve this uncommon valley.
- 9) John Earlbeck (?), resident of Sciota: Earlbeck said that he is speaking as an outdoor enthusiast – and he thinks the establishment of the NWR is a great idea to preserve the land, trees, animals that live in the area. The information he is getting suggests that this is going to be a multi-use area that people can use to hunt, fish, etc. There will be a trail system for hikers, cyclists, horseback riding, etc. He urges the study team to publicize this aspect more; he thinks it help to build the grass roots effort and would yield greater involvement.
- 10) Andy Fort, resident of Stroud Township for 43 years, and President of the Stroudsmoor Country Inn, 200 acre property on the northern border of the study area: Fort says he is

here representing his family and his 250 employees. They are generally rising in support of the project. He sees value of tourism, and preserving the area's scenic vistas. However, he must express some concerns while finalizing his position. He is very comfortable with what FWS is doing with the voluntary acquisition process and preserving market value. As he decides whether he wants to be part of the refuge area, he would like to hear from Carl and FWS, as well as local officials like Ed Cramer. He would like to get some assurances that Stroudsmoor Country Inn will not be at a competitive disadvantage, or expected to meet a higher bar, making it impossible for expansion in the future. He would like them to comment on this a little later. He wants to hear that they can coexist and prosper for a very long time.

- 11) Debbie DiPasquale, resident of Cherry Valley: DiPasquale says she is a long time resident of the valley, and many know her. She has lived here most of her life. She said she does not have much more to add to what has already been said. People can see with their own eyes how beautiful Cherry Valley is, and they have experts to tell them about the wildlife in the area. DiPasquale encourages everyone to be open to the possibilities, and do their homework. She has found no reason to distrust FWS and the NWR system. (DiPasquale has a conservation easement with TNC). She says that the audience should think about the future – not focusing only on themselves and their own rights. Current residents are really only caretakers of the land, after us it will pass on to someone else, perhaps future generations of our own family. Think about keeping it nice for them. DiPasquale was about 10 when she moved out to Cherry Valley and says that she knew then that it was a very special place. She had a dream then that she would like to own it all and keep it just the way it was. Today, she notes, it may not have been such a silly dream after all.
- 12) Sharon Keane, resident of the borough of Stroudsburg, representative who has served on Monroe 2020 project, and on the joint comprehensive planning committee: Keane notes that the designation of Cherry Valley as a NWR supports each of the conservation plans she has been involved with in a very important way, and supports what hundreds of residents have said they want at other public meetings: preservation of open space. East Stroudsburg is very built out, so this valley represents our open space. Future opportunities for scientific research and educational opportunities are also a focus of the NWR. Keane also works with the Brodhead Watershed Association, and they have been the recipient of a \$40,000 DCNR grant to study the watershed, and educate landowners about invasives and preservation of native endangered species. The area is already being used in many ways to support the local university and the residents. If this NWR is not supported, those research/educational opportunities will no longer exist. She is hoping to have the wildlife and scenic views preserved.
- 13) Adam Sabatine, resident of Bangor who uses the proposal area for a number of different nature-based activities, and member of the Lehigh Valley Audubon Association – The LVAA is in support of this, but did not know about meetings as they live just outside the study area. After last night's meeting, Sabatine corresponded with their Conservation Chair, about getting more areas included in the study area. Sabatine would offer his support for a study of the areas outlying the current study area. Also, he has been doing a birding study, and has had permission to access farms in the Cherry Valley area. He encourages residents to please send him observations for the state's bird inventory of the area.

- 14) One attendee asks whether anyone born in Cherry Valley would please stand up – eight members of audience stand. FWS notes the importance of the contributions and comments of these long-time residents.
  - 15) Heidi Secord, farmer with Cherry Valley CSA, and wife of Gary Bloss: Secord applauds the movement of the Friends of Cherry Valley and the efforts to establish the NWR study. She wants to comment on the importance of organic farming in the valley. She emphasizes that people should not be using synthetic pesticides and herbicides which hinder presence of beneficial insects in the area, as well as birds and other animals. Finally, she notes that this valley could be growing a lot of food for our area, not just food for animals, but also people.
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## **Question and Answer Session**

### Addressing Concerns Expressed

Quist takes the opportunity to address some concerns expressed during the public comment period. It is Quist's 30<sup>th</sup> year in land acquisition; he started out as wildlife biologist. He notes that he has been involved in a variety of public meeting situations like this – some questions asked in late 1970s are the same today, despite changes in people and situations. From a previous land acquisition effort that went on in New Jersey, he also learned about prior FWS acquisitions that involved condemnation. FWS's NWR system has been operating on the basis of willing sellers for many years. He wants to reinforce to people that this is the practice. If Cherry Valley becomes a NWR, FWS will be contacted by landowners who are willing to sell. If no agreement is reached, they will part ways – there is no obligation to sell. If they can come to an agreement, then the land will become part of the NWR system. Quist wants to emphasize that this is just one of the tools in the toolbox – other conservation organizations will also have a presence in the valley.

Mr. Burns talked about giving consideration to businesses located in the Valley. Quist wants to make it very clear that FWS is not going to put any additional restrictions on anyone's use of their property, beyond the restrictions already in place from county and local authorities.

Mr. Williams talked about the opportunity for hunting, and was concerned about the need for acquisition/protection, and the ability for him and his friends to continue hunting. As to the first part of the concern, fellow residents of the valley do see that there is a need for protection. Also, as land is sold privately, more properties are posted [no trespassing/hunting, etc.]. Quist points out that FWS wants to be able to provide for hunting on its properties as one means of management.

Mr. Bloss had a question about cultural resources. Quist says that he wants to assure him that these resources are considered by FWS and taken care of.

Mr. Fort put in a plug for Stroudsmoor Country Inn and expressed concern about his ability to expand his business, but Quist wants to assure him that he will not have to come to FWS and ask permission. Going back to his previous comment, there will be no additional restrictions imposed

on landowners by FWS, although local government can always make changes that would impose restrictions.

### Beginning of Question & Answer Session

- 1) **Question:** I guess this [creation of NWR] is a rather prolonged process. Looking back at the last time this was developed, how long did it take and where was it? **Answer (QUIST):** Best example would be Walkill Refuge. There was a little different process; FWS was asked by the state to create an NWR. FWS then went to the community. Overall it took a couple of years.
- 2) **Question:** This question is about leasing agricultural land. Currently, I am leasing from Stroud Township, and heard last night this will be an option. Can you expand on this? **Answer (QUIST):** Quist says he does not want to comment much about something has not been done in the region. Quist mentions conservation easements as another option.
- 3) **Question:** How will local tax base be affected [by NWR establishment], if at all? **Answer (QUIST):** When we purchase land in fee, we pay what is called a refuge revenue sharing payment. This is not in lieu of taxes, but is a percentage. The revenue raised from refuges goes into a pool to pay revenue sharing to the lowest taxing authority, either the county or the township. The money going into this pool has been decreasing due to the additional number of refuges, and the overall declining revenue. Quist says he would like to stress that although the valley will not be getting same amount of taxes, they may also not have to invest as much in capital improvements because the land will be in a natural state.
- 4) **Question:** What is the next step? **Answer (BANGERT):** This is a wonderful transition question!
- 5) **Question:** What would the impact of NWR establishment be on property value? **Answer (QUIST):** Our experience is that there are people who would gladly pay a premium for lands where it is known that the area will be included in a refuge. Certainly, he won't tell people that land acquisition in this time would be a great investment, but if there will be change in value, it will not be from the NWR, but other economic forces.
- 6) **Question:** If land is sold to the FWS, will it automatically be open to the public? **Answer (QUIST):** There is a perception that the public will allowed to access all lands and park cars all over them, etc., but this is not true. There will be management plans that will be informed by surrounding landowners, etc. Activities allowed will be appropriate to the area, and will not encourage activity that will impact adjacent landowners. [Bangert asks Ed Henry, manager of Walkill, to talk about public use there.] **(HENRY):** The situation at Walkill is very similar to Cherry Valley – it is also a valley between two high ridges. The NWR system owns about 5,200 acres at Walkill, and these are surrounded by private lands. The Appalachian Trail runs through the refuge – this is currently the only refuge where the AT runs through, but Cherry Valley could change that. Hunting is allowed on some property, but the NWR follows state hunting regulations as closely as possible. Fishing is also allowed in a pond on the property and along the Walkill River (state licenses required as appropriate). The NWR provides environmental education for the public. Another use is wildlife observation – particularly birding. There is a trail system allowing views of scenic vistas. In the winter, there is opportunity for cross-country skiing. Some areas, however, are not open to the public because the wildlife habitat

would be negatively impacted. There is also canoeing and kayaking on the Walkill River. In all, there are lots of different ways to experience the refuge, but not all of it is open all of the time. Residents from time to time express concerns to Walkill management about too much, but also too little, use of certain areas of the refuge.

- 7) **Question:** I am a resident who enjoys riding my horse at the western end of Cherry Valley – is this an activity that is often included in an NWR? **Answer (MCMAHON):** This is not one of our most prominent activities. NWR management has to do a compatibility determination for any use/activity. The compatibility determination would have to be done, and horseback riding could be permitted or could not depending on the impact for wildlife.
- 8) **Follow-up comment:** FWS may want to talk to the state about trails for horseback riding and how they manage them in their areas.
- 9) **Question:** How does FWS find money to do these projects? **Answer (MCMAHON):** Congress gives FWS money, a budget, to do acquisition. Over the last few years, our budgets have been cut due to money being allocated to disaster recovery, etc. Downsizing recently has caused 69 positions to be lost in the Northeast region, including at Walkill Refuge. However, there have been increasing budgets in last two years due to the public's support for refuges, which has translated to increased allocations from Congress. **(QUIST):** The money comes from two sources. One is the sale of duck stamps – this money is distributed back to the region. We get 10% of receipts, and the money is used to purchase land strategically. The second source is money derived from the sale of offshore oil leases and excise taxes. In 2008, our budget has increased, and we are hoping the pendulum is swinging back to allow for more land acquisition. These two funding sources are not general tax revenue – they are both dedicated funds for protection.
- 10) **Question:** I asked our local officials to speak up on whether we would be asked to meet a higher standard – I would like Ed [Cramer] to say a few words. **Answer (CRAMER):** The answer is no. The creation of the NWR will not hold landowners to a higher standard – the zoning regulations will be the same. **(SPIECHER – MCCD):** FWS presence will not affect regulations, however, current regulations will still be in place. Spiecher notes that he is a first generation Monroe County resident, but a ninth generation Pennsylvania resident. He talks about the condemnation of the house his father was raised in – it was situated in a wetland and is now at the bottom of Blue Marsh Lake. He understands why this was done, and supports the federal government's management decisions and procedures. People who visit NWRs are people who respect the rules – and will not be trespassing on your property. He notes that there might be some additional traffic, but this is not likely to be a huge increase. Finally, he remarks that FWS is very different than the Army Corps of Engineers.
- 11) **Question:** Did FWS have any conversation with Hamilton Township, as result of which they are now changing their zoning regulations? **Answer (MELBERG):** There has been no direct conversation with Hamilton Township. **(Speaker representing Hamilton Twp.):** Most of the acreage Hamilton Township is being zoned for conservation – but this has been in the works for a long time.
- 12) **Comment/Question:** I can't see how this is going to help save Cherry Valley by allowing people to sell land to FWS. Why wouldn't they [landowners] sell wetlands to FWS and then use farmland to develop McMansions? **Answer (QUIST):** We don't think we are going to be able to protect every vital nook and cranny in Cherry Valley. We will

only be a tool in the protection effort. However, we hope that as lands are identified for sale, we would like to have a role there. Things are going to happen here; when buying one piece of land, something will happen to another. However, we are working with a lot of other groups to get the conservation done.

- 13) **Follow-up question:** How much of the study area is currently under protection? **Answer (COOK):** About one quarter of the acreage is currently protected. **(QUIST):** However, this does not mean the lands will stay protected.
- 14) **Follow-up question:** I understand, though, that this land is in conservation easements for perpetuity? **Answer (QUIST):** [Seems to say he is talking about lands in private ownership that could be sold for development in future.] **(CRAMER):** Our open space fund is out of money, but there about a dozen people waiting to sell us a conservation easement when the fund is replenished. The township gets calls all the time and is sorry to have to say we are out of money, but the sellers are willing to wait. When developers say we are going to ruin the economy, that is not true. If someone wants to sell to a developer, the township or FWS is not in competition. But there are a lot of people who want to see their land preserved [and not developed].

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### Conclusion of meeting

Melberg thanks everyone for coming out tonight – there were just under 100 people attending, which is wonderful. The comments are being recorded by note takers and will be reviewed and incorporated in the study.

September 30, 2008 is the completion date for the study that FWS and the study team have set for themselves to keep the process moving and meet the public and Rep. Kanjorski's expectations. The draft report will be available for public comment, and again, comments will be incorporated as appropriate into the study.

The website for comment is on the newsletter that was sent out to the public. FWS will continue to stay in touch with people and give updates on the study's progress. We are also doing a realty feasibility study to get a cost analysis for FWS to protect the land, using a cost per acre estimate.

Ed Henry has also offered to have a dialogue with town officials to help supervisors understand what the impact of a refuge will be on the local area. There is a comment from the audience about a meeting that was held between Friends of Cherry Valley and municipal officials with Ed Henry, who was very candid with the Friends of Cherry Valley.

**Question:** When will I find out about FWS interest in my land? After the study is completed?

**Answer (MELBERG):** This would be determined after the NWR is established.

**Follow-up question:** How can a feasibility study be done without knowing how many willing sellers there are in the area? **Answer (MELBERG):** Assumptions are made about the costs of acquisition assuming willing sellers, but this can't really be known until after the study is done. It is up to landowners if they would like to sell to FWS.

Bangert encourages residents to remain if they would like to pose further questions to study team members on an individual basis, but would like to officially close the meeting in the interest of time.

**MEETING ADJOURNS**