

Appendix B

Summary of Public Comments Received on the Draft CCP/EA and Their Disposition

The draft CCP/EA was released for 45 days of public review and comment in June 1999. Over 170 people attended the three public meetings held in July at the following location: Middle Township Building in Cape May County; Galloway Township Library in Atlantic County; and Stafford Township Municipal Building in Ocean County. We also received over 1,600 individual comment letters. There were a great many duplicate comments received, since many people sent copies to both the Forsythe Refuge headquarters in Oceanville, New Jersey and our Regional Office in Hadley, Massachusetts. A summary of the public comments received and the disposition of the concerns expressed in those comments follows.

Comment: Most commenters thought that the proposed closure of Holgate beach to motorized vehicles was outside our authority. They questioned whether we had the authority to close the beach based upon the States ownership and jurisdiction of riparian lands below the mean high tide line.

Response: The Holgate Peninsula above mean high tide has been owned by the Service since June 30, 1960, and was designated part of the Brigantine Wilderness Area under Public Law 93-632 on January 3, 1975. We not only have the authority to close Holgate beach above mean high tide to motorized vehicles, but are specifically directed to do so by the Wilderness Act of 1964.

The land below mean high tide in New Jersey is owned by the State. In the Draft CCP/EA, we proposed coordinating the closure with the New Jersey Tidelands Council. During the three public meetings held on the Draft document, we specifically stated that it was our intent to request a license from the Tidelands Council to close Holgate beach below the mean high tide line as well. This request has been dropped from Alternative B, our Proposed Action in the Revised Draft CCP/EA.

Comment: Several commenters questioned whether we had the authority to close Holgate beach to motorized vehicles under the provisions of the Wilderness Act. Others stated that the original designation of Holgate as a Wilderness Area was inconsistent with the mandate and intent of the Act. They believed the high volume of boat traffic and close proximity of Holgate to a major urban area like Atlantic City would make it difficult, if not impossible, for Refuge visitors to obtain a “wilderness experience,” as defined by the Act.

Response: We not only have the authority to close the Wilderness Area at Holgate, including all the land above mean high tide, to motorized vehicles, but we are specifically directed to do so by the Wilderness Act of 1964. When Congress designated our lands on Holgate Peninsula as part of the Brigantine Wilderness Area, they determined that this designation was consistent with the mandate and intent of the Wilderness Act of 1964. While circumstances in the vicinity may make it difficult, if not impossible, for Refuge visitors to obtain a “wilderness experience,” as defined by the Act, this does not give us the authority to disregard the Act’s specific prohibition against motorized vehicle use within wilderness areas.

Comment: Many commenters also noted that closing Holgate beach to motorized vehicles would significantly reduce fishing opportunities on Forsythe Refuge. They felt this action would be inconsistent with our mandates under the National Wildlife Refuge System Improvement Act of 1997, which identifies

fishing as one of six wildlife-dependent priority public uses of the Refuge System that should be given priority consideration over other uses of refuges.

Response: While closing the area above mean high tide to motorized vehicles will reduce the fishing opportunities currently available on the Holgate Peninsula, it will not close the area to fishing. Those interested in fishing the Peninsula would still be able to do so on foot or by driving and parking their motorized vehicles below the mean high tide line. In fact, the potential introduction of a water ferry to the tip of the Peninsula, as included in Alternative B, our Proposed Action in the Revised Draft CCP/EA, would provide new opportunities to fish the Holgate for those who do not own suitable motorized vehicles or boats.

Comment: Other commenters supported the closure of Holgate beach to motorized vehicles. They were primarily concerned that the current vehicular use of the beach caused water, air and noise pollution. Furthermore, they believed that motorized uses were not appropriate in designated Wilderness Areas.

Response: We agree, and have included the proposed year-round closure of the Holgate Peninsula above mean high tide to motorized vehicles in Alternative B, our Proposed Action in the revised Draft CCP/EA.

Comment: Many commenters requested that both Forsythe and Cape May Refuges provide more environmental education opportunities and improve public access by providing additional interpretive trails. They also requested that additional user-friendly maps and signs be placed throughout the Refuges.

Response: We agree. In Alternative B, our Proposed Action in the Revised Draft CCP/EA, we have substantially expanded our environmental education offerings and increased the amount of interpretation that we would provide, including additional interpretative trails and signage.

Comment: Several commenters were concerned that the proposed location of the new Barnegat Division office and visitor contact station would not provide the public with a suitable wildlife-oriented experience because of the commercial nature of the area.

Response: While we concur with those commenter's observations regarding the commercial nature of the area in question, we selected this site along U.S. Route 9 because we own the land and wished to keep our new structure within an area that was already developed and had good access to a major traffic corridor. This will allow us to protect the habitats within the Refuge from further fragmentation, while allowing us better access to a larger segment of the public. From this location we will be able to direct our visitors to the many trails and other facilities found in more remote parts of the Refuge.

Comment: Many commenters requested that at-large or Refuge-wide hunting be allowed at both Forsythe and Cape May Refuges in all areas deemed appropriate. They were concerned about the diminishing number of areas around the Refuges that provided hunting opportunities for the public. In particular, several people requested that upland game hunting opportunities be provided. They referenced the National Wildlife Refuge System Improvement Act of 1997, which includes hunting as one of six wildlife-dependent priority public uses of the Refuge System that should be given priority consideration over other uses of the refuges. A few people commented that hunting was not an appropriate use on a National Wildlife Refuge.

Response: In response to the concerns of these commenters, we added a third alternative, Alternative C, in the Revised Draft CCP/EA. This Alternative would provide opportunities for Refuge-wide hunting at both Refuges. At Forsythe we would expand deer hunting opportunities by including the State fall and winter

bow and regular six-day firearms seasons, and open most of the Refuge to both upland game and migratory game bird hunting. At Cape May we would provide opportunities for upland game and migratory game bird hunting Refuge-wide. The entire Refuge is already open for deer hunting. Additional opportunities for hunting would also be provided on newly acquired lands at both Refuges.

Alternative B, our Proposed Action in the revised Draft CCP/EA, while not providing Refuge-wide hunting, would significantly increase hunting opportunities at both Refuges. At Forsythe we would expand the area currently opened to permit deer hunting and initiate a universally accessible permit deer hunt, initiate upland game hunting in the Oak Island Unit of the Brigantine Division, and expand the area open to migratory game bird hunting. At Cape May we would open about 45% of the Refuge to upland game hunting and expand the current migratory game bird hunting area into that same 45% of the Refuge. The entire Refuge is already open for deer hunting. Additional opportunities for hunting would also be provided on newly acquired lands at both Refuges.

While hunting must be given priority consideration over other public uses, it does not take priority over the other five wildlife-dependent priority public uses (fishing, wildlife observation and photography, environmental education and interpretation) identified in the Improvement Act. We believe that Alternative B, our Proposed Action in the Revised Draft CCP/EA, would help us best achieve Refuge purposes, vision and goals; fulfill the Refuge System mission; maintain and, where appropriate, restore the biological integrity, diversity and environmental health of both Refuges and the System; address the key issues and mandates; and is consistent with the principles of sound fish and wildlife management.

Comment: The State of New Jersey, Division of Fish and Wildlife, requested that additional acreage within both Forsythe and Cape May Refuges be opened up to provide opportunities for hunting. They believed the Service's safety concerns could be addressed by requiring that all hunters be in compliance with State fish and game regulations.

Response: Alternative B, our Proposed Action in the Revised Draft CCP/EA, would significantly increase hunting opportunities at both Refuges. At Forsythe we would expand the area currently opened to permit deer hunting and initiate a universally accessible permit deer hunt, initiate upland game hunting in the Oak Island Unit of the Brigantine Division, and expand the area open to migratory game bird hunting. At Cape May we would open about 45% of the Refuge to upland game hunting and expand the current migratory game bird hunting area into that same 45% of the Refuge. The entire Refuge is already open for deer hunting. Additional opportunities for hunting would also be provided on newly acquired lands at both Refuges.

Comment: Other commenters requested additional trapping opportunities at both Forsythe and Cape May Refuges. They identified trapping as a necessary and important wildlife management tool.

Response: We agree that trapping is an important wildlife management tool. It is often used on refuges to control predators and to manage populations of small mammals that impact refuge habitats and facilities such as dikes. Alternative B, our Proposed Action in the Revised Draft CCP/EA, includes additional opportunities for trapping at both Forsythe and Cape May Refuges. At Forsythe we would expand the areas open to trapping and at Cape May we would open about 25% of the Refuge to trapping of muskrat, raccoon and fox.

Comment: Many commenters supported our land protection proposals and wanted us to continue to acquire additional properties located near or around both Forsythe and Cape May Refuges. They supported our efforts to both increase habitat protection and provide additional public use opportunities.

Response: Under Alternative B, our Proposed Action in the Revised Draft CCP/EA, we would acquire 12,300 acres of privately owned lands within our currently approved acquisition boundaries at Forsythe Refuge, and 7,600 acres of privately owned lands within our currently approved acquisition boundaries at Cape May Refuge. We also have identified 17,000 acres of focus areas at Forsythe Refuge, 11,500 acres of which we are proposing to acquire, and 4,900 acres of focus areas at Cape May Refuge, 3,600 acres of which we are proposing to acquire. These lands are located outside our current approved Refuge acquisition boundaries and represent lands with habitats that are important to a number of federal trust species. They also encompass watersheds that are important to protect from future development to ensure that we have adequate water quantity and quality for Refuge wetlands and provide habitat corridors for the movement of wildlife between various state, local and federal conservation lands.

Comment: Several commenters thought that the proposed two-year beach closure during the nesting season at the new Two Mile Beach Unit was unnecessary. They were concerned that the closure threatened their long-standing use of the beach, including being able to walk the beach to reach Cape May Inlet. Several suggested that fencing could be placed above the mean high tide line as a protective measure and that the proposed beach closure should only be enforced if birds actually began to nest at the site.

Response: In light of our mandates as a Federal Land Management Agency, we believe it is important that the beach be available for undisturbed breeding, nesting, feeding, preening, and loafing by an assortment of migratory birds. Under the provisions of the National Wildlife Refuge System Improvement Act of 1997, compatible wildlife-dependent recreational use and all other compatible uses are secondary to the "... conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitat..." We do not believe that placing fencing above the mean high tide line will adequately protect these birds, as the adults and young do much of their feeding at the wrack, or daily high tide line. Nor do we believe that closing the beach only if birds actually began to nest at the site is adequate.

The U.S. Coast Guard LORAN Support Unit is prepared to follow our lead on closing that portion of the beach still under their jurisdiction. They also are prepared to close public access to the jetty on the north side of the Cape May Inlet.

Under Alternative B, our Proposed Action in the Revised Draft CCP/EA, we would allow pedestrian access to the beach from about October 1 through March 31 each year. No vehicles would be allowed on the beach at any time. We would also allow pedestrian access to other parts of the Two Mile Beach Unit all year.

Comment: Several commenters expressed a desire to see the existing buildings at the new Two Mile Beach Unit used for a variety of purposes such as housing for researchers or as a fishing clubhouse. Others commented that we should demolish all the existing buildings and then restore the land to native vegetation.

Response: Under Alternative B, our Proposed Action in the Revised Draft CCP/EA, we would maintain two existing buildings for Refuge office, storage and maintenance purposes, and one for use as a visitor center with displays, exhibits, and regular programs. We would remove all other buildings on the site, all of which are located within the one hundred year floodplain, in compliance with the directives of Executive Order 11988, Floodplain Management. This will allow us to restore the heart of the upland habitat at the Two Mile Beach Unit, in compliance with our mandate under the National Wildlife Refuge System Improvement Act of 1997, which calls for the "... conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitat..."