

Chapter 2



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Refuge visitors canoe the Wall River in springtime.

Planning Process

- **The Comprehensive Conservation Planning Process**
- **Issues and Opportunities**
- **Plan Amendment and Revision**

The Comprehensive Conservation Planning Process

Service policy establishes an eight-step planning process that also facilitates compliance with NEPA (see figure 2.1, below). Although that figure suggests those steps are discrete, two or three steps can happen at the same time. Each of the eight steps is described in detail in the planning policy and CCP training materials.

Planning Process

We began combined planning for both the Wallkill River and Shawangunk Grasslands refuges in late fall 1998. In February 1999, our planning team met for the first time. Service employees from the refuge, our Northeast Region office, our Ecological Services field offices, and employees of state agencies attended.



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The CCP planning process involves endangered species, their habitats, and people.

Our early meetings consisted of getting acquainted with the planning process and collecting information on natural resources and public use. We identified preliminary issues and management concerns, and developed refuge vision statements and preliminary goals. Figure 2.1 describes the steps of the planning process and how it integrates NEPA compliance. We also compiled a mailing list of about 3,000 names, including state agencies, organizations, elected officials, individuals, and adjacent landowners, to ensure that we would be contacting a diverse sample of interested groups as planning progressed.

In May 1999, we developed issues workbooks to solicit written comments on topics related to the management of the refuges. We recognized that not everyone could attend our Open House meetings planned later in May and in June, so the issues workbooks provided opportunities to reach a larger audience. We sent them to everyone on our mailing list, distributed them at refuge headquarters, and offered them every time refuge staff participated in a public function. We received 337 completed workbooks. The responses on protecting resources and providing public use strongly influenced our development of issues and alternatives in the draft CCP/EA.

In May and June 1999, we held seven Open Houses: two in Sparta, N.J.; two in Vernon, N.J.; two in Wallkill, N.Y.; and, one in Warwick, N.Y. We advertised them locally in news releases, radio broadcasts, and in notices to our mailing list. More than 50 people attended. We also organized several meetings with conservation partners and state agencies to share information about specific issues.

In October 1999, we released a “Fall 1999 Planning Update” to everyone on our mailing list. That update summarized the public comments we had received from meetings and issues workbooks, identified the key issues we would be dealing with in the CCP, and shared our revised refuge vision statement and goals.

Once we had finalized the key issues in October, we began to develop alternative strategies for addressing and resolving each one. We derived the fully developed management alternatives in the draft CCP from those strategies, public comments, and refuge purposes and goals. In 2000, we held follow-up meetings with conservation partners, state agencies, and the public to share our proposed alternatives. Appendix I, “Consultation and Coordination with Others,” provides a detailed summary of each public involvement activity. In January 2002, we released our “Winter 2002 Planning Update” to our mailing list. That update included a matrix highlighting our draft alternatives. Later that year, we determined that separating our planning for Wallkill River and Shawangunk Grasslands refuges would be more efficient.

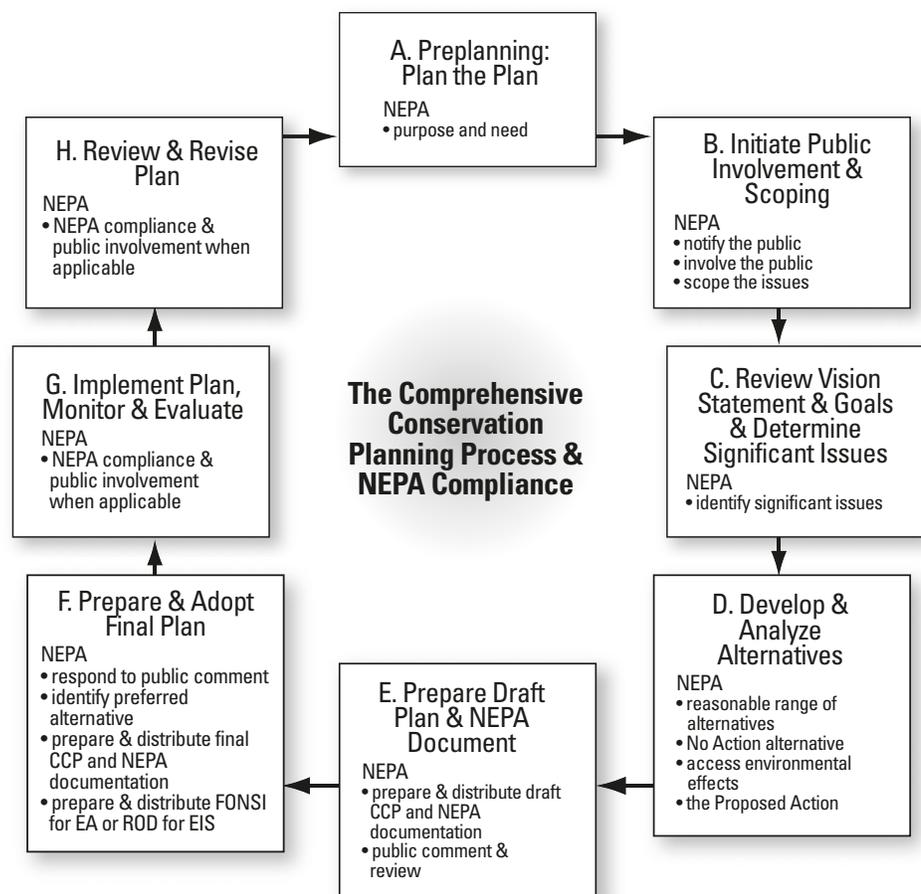
In 2003, the Director of the Service approved our Preliminary Project Proposal to consider an expansion of the Wallkill River refuge acquisition boundary by more

than 16,000 acres. We met with our land protection partners at the refuge in July 2005 to discuss lands now protected and lands in need of protection in and around Sussex County. That discussion included staff from local congressional offices, state, county and municipal offices, and representatives of the National Park Service, the New Jersey Conservation Foundation, The Trust for Public Land, New Jersey Audubon and The Nature Conservancy.

In October 2005, we distributed a Planning Update to our general mailing list and the hunter mailing list. That newsletter described where we were in the planning process, provided a timeline for completing the plan, and summarized its draft alternatives.

In February 2008, we completed and released a draft CCP/EA for a 66-day period of public review and comment. We then reviewed and analyzed all of the written and oral comments. Appendix J summarizes those public comments and our responses to them. In some cases, our response resulted in a modification to alternative B, our preferred alternative. Our modifications included additions, corrections, or clarifications, which we have incorporated into this final CCP.

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



Our Regional Director has signed a Finding of No Significant Impact (FONSI) (appendix K), which certifies that this final CCP has met agency compliance

requirements, and will achieve refuge purposes and help fulfill the Refuge System mission. It also documents his determination that implementing this CCP will not have a significant impact on the human environment and, therefore, an Environmental Impact Statement (EIS) is not required. We will make these documents available to all interested parties. Implementation can begin immediately.

We will evaluate our accomplishments under the CCP each year. More intensive monitoring is proposed for each program area. If future monitoring or new information results in the predication of a significant impact, it will require additional analysis.

Issues and Opportunities

From the issues workbook, public and focus group meetings, and planning team discussions, we developed a list of issues, concerns, opportunities, or other items requiring a management decision. We sorted them into two categories:

Key issues—These were unresolved public, partner, or Service concerns without obvious solutions supported by all at the start of our planning process. Along with the goals, the key issues formed the basis for developing and comparing the three different management alternatives in the draft CCP/EA. The key issues listed below also share this characteristic: The Service has the jurisdiction and the authority to address them.

Issues and concerns outside the scope of this analysis—These issues do not fall within the scope of the “Purpose of and Need for Action” in this plan, or they fall outside the jurisdiction and authority of the Service. We discuss them after “Key Issues,” below, but this plan does not address them further.

Key Issues

1. Which species should be a focus for management, and how will the refuge promote and enhance their habitats? In particular, what will be the management emphasis for federally listed species such as the dwarf wedgemussel, bog turtle and Indiana bat?

Congress entrusts the Service with protecting federal-listed endangered or threatened plant and animal species, anadromous and inter-jurisdictional fish species, migratory birds, and certain marine mammals, and mandates their treatment as management priorities when they occur on a refuge. Appendix A identifies federal trust resources on the refuge, as well as other species and habitats of special management concern.

Managing the refuge to support recovery goals for the federal-listed threatened bog turtle is a priority. Chapter 4 identifies and describes actions that will ensure its protection. The northern population of the bog turtle has experienced a 50-percent reduction in range and numbers over the past 20 years (USFWS 2001). The greatest threats to its survival include the loss, degradation, and fragmentation of its habitat, compounded by the increasing take of long-lived adult animals for the illegal wildlife trade. The shallow wetlands that this species prefers are easily drained or impounded to create farm ponds or reservoirs. Either situation displaces bog turtles.

Managing for this species is at a critical point, especially in northern New Jersey, where residential development is occurring at a significant rate, and 90 percent of the bog turtle habitat is privately owned (USFWS 2001). Long-term recovery is based on the protection and conservation of bog turtle population analysis sites (PAS). One of the recovery objectives of the sub-unit in our planning area is to maintain at least five PAS's in the Wallkill River watershed. Coordinated management and land acquisition and protection by federal, state, and local

agencies will be essential in achieving that objective and reversing the decline of this species.

The federal-listed endangered dwarf wedgemussel may in the future become a management priority at the refuge. The damming, channeling, high sediment loading, and increasing agricultural, domestic, and industrial pollution of rivers are the primary reasons for that species' decline throughout its range (USFWS 1993). Surveys began in August 2000 to determine whether potential habitat for this species exists in the Wallkill River and its tributaries. The surveys found none, but the presence of one of their host fish, the tessellated darter, is promising. More surveys are needed to determine with certainty whether dwarf wedgemussels are present, and the potential for their introduction. Until we know more, our ability to support recovery objectives on the refuge is limited.

The refuge first conducted mist net surveys for Indiana bats in August 2008. Surveyors found three Indiana bats, including one post-lactating female and one juvenile, which indicates the presence of a maternity colony nearby. The refuge had previously suspected the presence of Indiana bats, in part because they have been documented in several nearby locations. A maternity colony was found in the summer of 2007 in Wantage, about 2.25 to 4 miles from refuge lands; and since the mid-1990's, Indiana bats have been known to hibernate in three areas near Hibernia, N.J., about 20 miles south of the Wallkill River refuge. Also, the bats' summer focus area—where bats could potentially occur between April 1 and September 30—includes the entire refuge. Furthermore, the refuge provides riparian, forested and upland habitat types typically used by Indiana bats in summer for roosting and foraging.

The Service listed the Mitchell's satyr butterfly as an endangered species in 1992. Two well-known sites in Sussex and Warren counties recently supported the species. The confirmed sites are both fens located in areas of limestone bedrock in the same watershed, similar to habitats used by the federal-listed threatened bog turtle.

Migratory birds are also a federal trust resource. The challenge with migratory bird management lies in determining how each refuge can contribute significantly to the conservation of migratory bird species of concern. One important question we address is "Which migratory bird species and associated habitat types should be a priority for management on these refuges?" Management emphasis on certain species or species group may preclude management for other migratory bird species of concern. On the refuge, for example, managing for grassland-dependent bird nesting habitat would likely reduce the habitat potential for interior forest nesting birds. Migratory bird species associated with both habitat types are in decline throughout PIF Area 17.

Management for waterfowl is also a Service priority, and is one of the purposes for which the refuge was established. The refuge lacks high concentrations of nesting waterfowl, but is important during the spring and fall migration season.

This final CCP identifies the migratory bird species of management emphasis, associated management and land protection, and their impacts on other species of concern. Refuge goal 1 addresses our response to this issue.

2. How will the refuge manage invasive, exotic, and overabundant species?

Invasive plant species such as purple loosestrife, common reed (*Phragmites*), garlic mustard, Canada thistle, multiflora rose, reed canary grass, and Japanese knotweed threaten refuge habitats by displacing native plant and animal species, degrading wetlands and other natural communities, and reducing natural diversity and wildlife habitat values. They out-compete native species by

dominating light, water, and nutrient resources, and are particularly menacing when they affect threatened or endangered species habitats, as when purple loosestrife invades bog turtle wetland sites.

Their abilities to establish themselves easily, reproduce prolifically, and disperse readily, make eradicating them difficult. Once they have become established, getting rid of them is expensive and labor-intensive. Many cause measurable economic impacts, especially in agricultural fields. Preventing new invasions is extremely important for maintaining biological diversity and native plant populations. The control of affected areas will require extensive partnerships with adjacent landowners, state, and local governments.

We suspect that several wildlife species on the refuge are adversely affecting natural biological diversity. Native species such as deer, resident Canada geese, and small furbearing mammals such as beavers, raccoons, woodchucks, and muskrats can become problems when their populations exceed the range of natural fluctuation and the ability of their habitat to support them. In particular, issues surface when these animals directly affect federal trust species or degrade natural communities. Small mammalian predators have been known to decimate bog turtle nest sites or destroy Neotropical migratory bird nests. Although we expect some predation in a natural system, concerns arise when it prevents our meeting conservation objectives.

When deer or Canada geese forage excessively on landscaping or agricultural fields, or when beavers and muskrats affect water quality, degrade water control structures, or cause flooding where it is not desirable, they cause adverse economic impacts. When deer populations become excessive, they can also compromise human health and safety. An increase in vehicle-deer collisions or the incidence of Lyme disease raises community concerns. As adjacent lands are developed for residential or commercial use, the concentrations of deer can rise on less developed lands, like the refuge. The measures for controlling each species are potentially controversial. They may include lethal removal, visual and acoustic deterrents, and destroying nesting or den sites. Our response to this issue is addressed in refuge goals 1 and 2.

Turkey hunting is one of the most popular hunt seasons on the refuge.



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3. What hunting opportunities will the refuge provide?

The Wallkill River refuge has a rich, diverse hunting heritage, demonstrated by the number of hunters and hunter visits to the refuge. In recognition of that, the refuge has had the region identify hunting as an “area of emphasis.” The refuge has held hunts for deer, turkey, migratory birds, woodcock, and winter resident Canada geese, in their respective New Jersey state seasons. (The New York portion of the refuge is closed to hunting.) As we considered which seasons to open our hunt program, our foremost consideration was public safety. In addition, the Service will consider opening newly-acquired lands to hunting as well. We describe our final recommendation under goal 3.

Opinions on hunting vary. They cover the full spectrum from totally opposed to hunting to opening the refuge to all state seasons. A segment of the local community continues to oppose hunting, based on concerns about safety,

disturbance, harm to non-target wildlife, and the impact on visitors engaged in other priority public uses. Others opposed to hunting feel that the refuge should function as a sanctuary for all species, and that hunting is incongruous with such management.

Others support hunting only when it is needed to control and manage populations, but not as a recreational activity. Still others, including state fish and wildlife agencies, fully support hunting, and would like to see the refuge increase opportunities to conform to state hunting seasons.

4. Will the refuge be open to bear hunting?

After years of debate, the New Jersey Fish and Game Council re-established a bear hunt in 2005, but rejected a hunt for 2006 and 2007. The debate has been ongoing on whether or not to hunt bear, especially in northwest New Jersey, where most of the state's black bear population lives. The public is divided on this issue, as are the people who visit the refuge. During public scoping, some respondents expressed concerns over allowing a bear season, while others wanted us to offer one on the refuge. The draft CCP/EA proposed to open the New Jersey portion of the refuge to bear hunting concurrent with the state bear hunting seasons. The New York portion is closed to hunting. Service policy requires that a refuge submit a new hunt package, consistent with 605 FW 2, if a major change to the hunt program is proposed. A major change is defined for this purpose as a new hunting activity, adding a new species to the program, or opening a new area to hunting. In this case, the major change is adding a new species (bear) to the refuge hunt program. An opening package for hunting consists of the following elements: a Federal Register notice announcing the new regulation; a final rule published in 50 C.F.R. § 32.49.C; a new annual hunt plan; a compatibility determination; an Endangered Species Act section 7 consultation; copies of letters requesting State and, where appropriate, tribal involvement and the results of the request; draft news release; an Outreach Plan; and draft refuge-specific regulations. The draft CCP/EA and the final CCP contains many of these elements, including the NEPA document, the compatibility determination, and the Endangered Species Act Section 7 consultation. By publishing the final regulation and issuing a Finding of No Significant Impact for the final CCP we will complete two more elements of the opening package. Finally, we will revise 50 C.F.R. § 32.49.C, issue a new annual hunt plan and complete the remaining elements of the opening package before officially opening the refuge to bear hunting.

5. How will the refuge provide opportunities for compatible, wildlife-dependent uses, realizing that those uses occasionally conflict?

The Refuge System Improvement Act does not establish a hierarchy among the six priority uses of refuges; nor does it establish any clear process for determining such a hierarchy. Unfortunately, those uses sometimes conflict with each other in time, space, or the allocation of resources. One example is environmental education and interpretation programs on an area open to hunting at the same time. In the Northeast Region, however, we have established "areas of emphasis" to identify where each refuge may make its greatest contribution to the "Big 6" recreational activities associated with wildlife-dependent recreation. Wallkill's areas of emphasis are hunting and interpretation.

Some people express concerns when refuge resources are disproportionately allocated toward one use, and opportunities for other uses suffer. An additional challenge for the Refuge Manager is determining the carrying capacity of the

refuge to support these uses while still managing to provide a quality experience. Our responses to this refuge issue are addressed in refuge goals 3 and 4.

6. How will the refuge manage compatible non-priority public uses on the refuge?

Service policy provides that a use might be inappropriate based on compliance with other laws and policy, the availability of resources to manage the uses, possible conflicts with other uses, safety concerns, or other administrative factors but may nonetheless be compatible, in the sense that it may not materially interfere with the purposes of the refuge or the Refuge System's mission. Other uses, such as historic uses, might be appropriate and compatible, but may not be priority public uses or wildlife-dependent uses.

We heard from people both supporting and opposing certain non-priority public uses that have historic precedence in the area. Most frequently discussed during the release of the draft CCP/EA were horseback riding and dog walking. Although we have not done an official Appropriateness Finding for horseback riding, our experience is that horseback riding can cause significant damage to refuge resources. Therefore it is not currently permitted on the refuge. Through the CCP process we completed an Appropriate Use Finding and a Compatibility Determination for dog walking on the Liberty Loop Nature Trail and found that use both appropriate and compatible. The Appalachian Trail (AT) runs concurrent with a portion of the Liberty Loop Nature Trail. Permitting dog walking on the AT portion of the Liberty Loop Nature Trail would allow through-hikers with dogs to continue on the AT rather than forcing them to walk on public roads with limited shoulder space. More importantly, because dogs are leashed and because the trail follows a dike system that isolates the activity from the surrounding wildlife habitats, the potential impacts are minimal. We will also allow dog walking on the portion of the Liberty Loop Nature Trail that does not run concurrent with the AT because we feel this will not result in any additional impacts beyond those of allowing it only on the AT portion of the trail, and because it will allow refuge visitors to complete the loop trail. We discuss dog walking further in Chapter 4. The Appropriate Use Finding and Compatibility Determination for dog walking can be found in Appendix B.

7. What additional lands will the refuge protect or acquire?

New Jersey is the most densely populated state in the nation. One of the consequences of that distinction is the extreme pressure it places on natural resources. Previously undeveloped lands are being developed rapidly. Northern New Jersey and southeastern New York have become bedroom communities for the New York City metropolitan area. Commuting two hours to the city is now commonplace. That growth threatens natural areas. Many are becoming isolated islands of habitat, so fragmented that they can no longer support the full diversity of native wildlife and plant species. Without the protection of large, contiguous natural areas, species that require large expanses of habitat will be the first to suffer. As we mentioned above, the decline of species such as the federally listed threatened bog turtle can be attributed directly to the loss and fragmentation of its habitat.

During our public scoping process, many individuals encouraged us to expand the refuge for a variety of reasons. Many expressed concern over the rapid rate of development, the increased burden on their communities' services brought on by development, and their communities' loss of rural character. Some spoke of the direct benefits, and even the necessity, of maintaining land in its natural

state, which the refuge exemplifies. For example, they recognize that wetlands are essential habitat for wildlife, lessen the damage from flooding, and naturally break down contaminants in the environment. Also, forests and grasslands protect the quality of our drinking water, help purify the air we breathe, and provide important areas for outdoor recreation.

On the other hand, some individuals are concerned that increasing federal ownership will greatly impact property tax revenue to towns and counties. Federal lands are not taxed. Instead, the Service manages the Refuge Revenue Sharing Payments Program to help offset that loss of tax revenue.

To officially plan for a possible expansion, the refuge submitted a Preliminary Project Proposal to the Service Director in 2001, which identified approximately 16,000 acres for potential inclusion into the Wallkill River refuge in Sussex County, N.J., and Orange County, N.Y. The proposal was developed in cooperation with state agencies and other conservation groups during the initial planning phase of the CCP. The refuge received the Director's approval in 2003 to move forward with detailed planning for the proposed 16,000-acre expansion.

Although this final CCP does not propose the 16,000-acre expansion as requested in the 2001 proposal, we do propose a 9,550-acre expansion area consisting of portions of the Focus Areas identified in the original proposal. The Focus Areas were refined in response to development by private landowners or acquisition by conservation partners. We also used the regional and ecosystem plans mentioned earlier in this chapter to help prioritize our land acquisition proposals. Refuge goals 1, 2 and 3 address our responses to this issue.

8. How will the refuge cultivate an informed and educated public to support the mission of the Service and the purposes for which the refuge was established?

Community involvement in support of our Refuge System mission is both very important and very rewarding. Outreach ties the refuge to local communities, inspiring an interest in the Refuge System and in natural resource conservation and stewardship. It is important that people understand what we are doing, why we are doing it, and how we can work together to improve our communities. Our challenge lies in determining how best to reach out, raise the visibility of the refuge in the local community and "cultivate" a relationship. Some people advocate increasing the number of refuge programs open to the public while others promote refuge staff involvement in established community events, government committees, and conservation organizations. Refuge goal 4 addresses our responses to this issue.

9. How will the refuge obtain the staffing and funding necessary to complete priority projects?

Some people expressed concerns about our ability to maintain the existing infrastructure of the refuge and implement plans already in place, given the current levels of staffing and funding. They were also concerned that any new proposals in this CCP will elevate our proposed budget substantially above current allocations, thus raising unrealistic expectations. They pointed out that budgets can vary widely from year to year, because they depend on annual Congressional appropriations. Others supported our pursuit of new management goals, objectives, and strategies in the hope that the CCP will establish new

partnerships and funding sources. It was suggested that the Friends Group can help to obtain funding assistance.

We identify the levels of staffing positions and funding necessary to implement our actions over the next 15 years. Appendix E, “RONS and SAMMS,” presents the management and staffing needs. Appendix F, “Staffing Charts,” lists the essential staffing levels already approved for the refuge. Ultimately, whatever funding resources the Congress or other source allocates to the Service, we will use them better because of having an approved CCP.

10. How will we preserve, protect, and interpret cultural resources on refuge lands?

By law, we must consider the effects of our actions on archeological and historic resources. We will comply with Section 106 of the National Historic Preservation Act (NHPA) before disturbing any ground. That compliance may require a State Historic Preservation Records survey, literature survey, or field survey.

Our review of State Historic Preservation Office site files in both New Jersey and New York identified 63 archeological sites in the area. Of those, 25 lie within the refuge boundary; the other 38 lie within 3.2 miles of it. They represent both prehistoric and historic periods, and include structural remains as well as buried archeological deposits. Although minimum compliance with the Section 106 of the NHPA is assured, some people expressed an interest in seeing the Service pursue additional, in-depth site surveys, research, and restoration. Refuge goal 4 addresses our responses to this issue.

Issues Outside the Scope of this final CCP

1. Urban Sprawl

The rate of growth in Sussex County, N.J., and Orange County, N.Y., averaged about 10 percent over the past decade. Many workbook respondents and participants at our planning meetings indicated they are greatly concerned about urban sprawl, the rate and location of development, and increased habitat loss and fragmentation near refuge lands. They expressed a desire that lands be zoned agricultural or something other than residential/commercial. The authorities of the Service do not extend to local zoning. However, although we have no control over county or township zoning, we are actively engaged in working with towns to identify important wildlife habitats in need of protection.

2. Water Quality

Many respondents expressed concerns about the water quality of the Wallkill River. Many believe water quality has declined in past decades. Many expressed concerns about the use of herbicides and pesticides on agricultural fields near the river and their impacts on its water quality. Some noted that their concern is substantiated by the fact the river has the highest DDE levels of any tributary of the Hudson River.

Others expressed concerns with town wastewater treatment outputs into the river and adjacent farm dumping and remnant mining operations. The Service has no direct jurisdiction or authority to control those practices unless they are directly affecting federal trust resources. However, refuge staff will continue to work on the Wallkill River Watershed Plan, and with the Wallkill River Task Force and municipal boards and committees, to influence best management practices and restoration activities that benefit water quality and the wetlands in or near the river or its tributaries.

Plan Amendment and Revision

Periodic review of the CCP will be required to ensure that we are implementing management actions and are meeting the objectives. Ongoing monitoring and evaluation will be an important part of that process. Monitoring results or new information may indicate the need to change our strategies.

At a minimum, CCPs will be fully revised every 15 years. We will follow the procedures in Service policy and the requirements of NEPA for modifying the CCP, its associated documents, and our management activities as needed.