

Chapter 1

Karen Terwilliger/TCI



Great Point Lighthouse

The Purpose of, and Need for, Action

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Introduction

The U.S. Fish and Wildlife Service (Service, we, our) acquired the land for the Nantucket National Wildlife Refuge (Nantucket NWR, refuge) in 1973 under the “Act Authorizing the Transfer of Certain Real Property for Wildlife or Other Purposes” from the U.S. Coast Guard (Coast Guard). Part of a larger sand spit known locally as “Great Point,” the refuge consists of an approximately 21-acre parcel of land at the tip of the spit that is accessible through the adjacent 1,117-acre Coskata-Coatue Wildlife Refuge to the south. The Coskata-Coatue Wildlife Refuge is owned by The Trustees of Reservations (TTOR) which is a Massachusetts-based, non-governmental organization. The Coast Guard currently maintains management of a one-acre inholding on Nantucket NWR that contains the Great Point Lighthouse. Nantucket NWR is one of eight refuges that comprise the Eastern Massachusetts NWR Complex (refuge complex), which is headquartered in Sudbury, Massachusetts.

In Massachusetts, most public and private property extends to the normal low water line, but no farther than 1,650 feet from the high water line. Therefore, when we refer to Service management responsibility for Nantucket NWR, or describe refuge shoreline management actions, we generally mean those areas above the normal low water line. The refuge encompasses its entire approved acquisition boundary (map 1-1).

Nantucket NWR is primarily a barrier beach system at the northern-most point of the Coskata-Coatue Peninsula on the eastern side of Nantucket Island (map 1-1). It is at this point that two longshore currents meet, running north, creating a rip tide that extends offshore. Nantucket Island, “the land far at sea,” is located about 25 miles south of Cape Cod in Nantucket Sound (map 1-2). Two smaller islands, Tuckernuck and Muskeget, lying just to the west of Nantucket, are also within the political boundary of the town of Nantucket. Bound by Nantucket Sound to the north and the Atlantic Ocean to the south, Nantucket Island is heavily influenced by maritime processes. Wind and wave energy, especially during storms, can alter the size and shape of the land due to sand movements. The location of the refuge on Great Point creates ever-changing coastlines and habitats through the natural processes of erosion and deposition of sand.

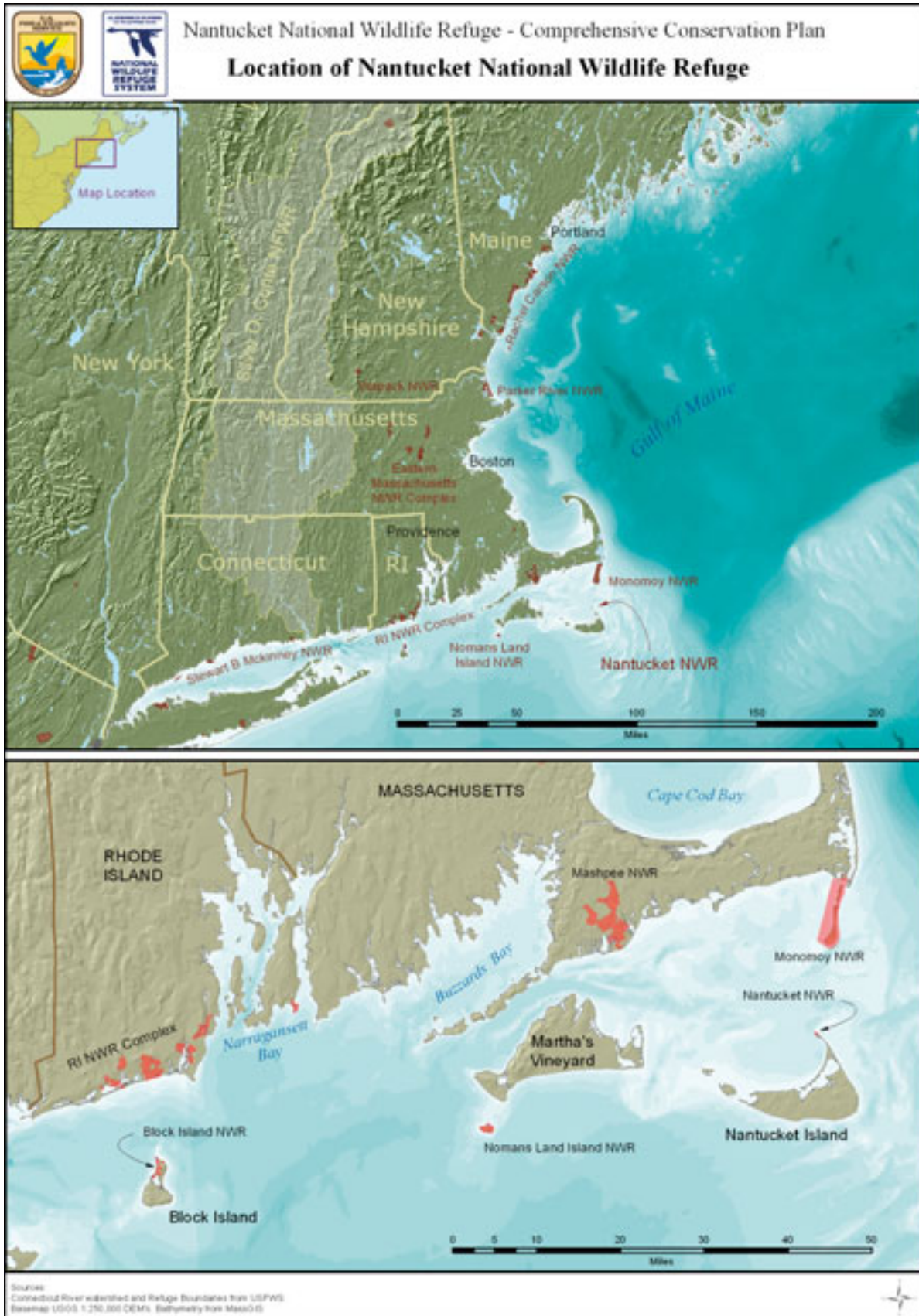
This draft Comprehensive Conservation Plan (CCP) and Environmental Assessment (EA) for the refuge includes the following two documents required by Federal law:

- A draft CCP, required by the National Wildlife Refuge System Administration Act of 1996, as amended by the National Wildlife Refuge System Improvement Act of 1997 (Public Law (PL) 105-57; 111 Stat. 1253; (Improvement Act))
- An EA, required by the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. § 4321 et seq., 83 Stat. 852), as amended

Following public review of this draft CCP/EA, our Regional Director can choose any of the three alternatives or combinations of actions proposed and analyzed herein and will decide on the components of a final CCP to guide refuge management over the next 15 years. We will use the CCP to promote understanding of, and support for, refuge management among State agencies in Massachusetts, Tribal governments, our conservation partners, local communities, and the public.

Chapter 1 explains the purpose of, and need for, preparing a draft CCP/EA, and sets the stage for four subsequent chapters and nine appendices. Specifically, it





- defines our planning analysis area;
- presents the mission, policies, and mandates affecting the development of the plan;
- identifies other conservation plans we used as references;
- lists the purposes for which the refuge was established and its land acquisition history;
- clarifies the vision and goals that drive refuge management;
- describes our planning process and its compliance with NEPA regulations; and
- identifies public and partner issues or concerns that surfaced as we developed the plan.

Chapter 2, “Alternatives Considered, Including the Service-preferred Alternative,” presents three management alternatives and their objectives and strategies for meeting refuge goals and addressing public and partner issues. It also describes the activities that we expect to occur regardless of the alternative selected for the final CCP. The range of alternatives includes continuing our present management of the refuge unchanged, striking a balance between wildlife management and visitor use, and enhancing wildlife management.

Chapter 3, “Affected Environment,” describes the physical, biological, and human environments of the refuge.

Chapter 4, “Environmental Consequences,” assesses the environmental consequences of implementing each of three management alternatives. It predicts the foreseeable benefits and consequences affecting the socioeconomic, physical, cultural, and biological environments described in chapter 3.

Chapter 5, “Consultation and Coordination with Others,” summarizes how we involved the public and our partners in the planning process. Public involvement is vital for the future management of this refuge and all national wildlife refuges.

Nine appendices, a glossary with acronyms, and a bibliography (literature cited) provide additional documentation and references to support our narratives and analysis.

The Purpose of, and Need for, the Proposed Action

We propose to develop a CCP for the refuge that, in the Service’s best professional judgment, best achieves the purposes, goals, and vision of the refuge. It contributes to the National Wildlife Refuge System’s (refuge system) mission, adheres to the Service’s policies and other mandates, addresses identified issues of significance, and incorporates sound principles of fish and wildlife science.

NEPA regulations require our evaluation of a reasonable range of alternatives, including a proposed or preferred action and no action. The no action alternative can be either (1) taking no management action, or (2) not changing current management. In this draft plan, alternative A is the latter.

The *purpose* of adopting a CCP for this refuge is to accomplish the following goals:

Goal 1. Perpetuate and enhance the biological integrity and diversity of coastal habitats on and around Nantucket Island to support and enhance native wildlife and plant communities, with an emphasis on species of conservation concern.

Goal 2. Promote awareness and stewardship of our coastal natural resources by providing compatible wildlife-dependent recreation and education opportunities in local communities on and around Nantucket Island.

Goal 3. Perpetuate and enhance long-term conservation and management of wildlife resources on and around Nantucket Island through partnerships and land protection with public and private landowners, Federal, State, and local entities.

The *need* for a CCP is manifold. First, the Improvement Act requires us to write CCPs for all national wildlife refuges by 2012 to help fulfill the mission of the refuge system. New policies to implement the strategic direction in the Improvement Act have developed since the refuge was established. A CCP incorporates those policies and develops strategic management direction for the refuge for 15 years, by

- stating clearly the desired future conditions for refuge habitat, wildlife, visitor services, staffing, and facilities;
- explaining concisely to State agencies, refuge neighbors, visitors, partners, and other stakeholders the reasons for management actions;
- ensuring that refuge management conforms to the policies and goals of the refuge system and legal mandates;
- ensuring that present and future public uses are appropriate and compatible;
- providing long-term continuity and direction for refuge management; and
- justifying budget requests for staffing, operation, and maintenance funds.

Second, this refuge lacks a master plan with strategic management direction to guide our decisions. The environment of the refuge has changed considerably since 1973. Most notably, the population on Nantucket has nearly tripled between 1970 and 2000 (U.S. Census Bureau, <http://quickfacts.census.gov/qfd/states/25/25019.html>, accessed March 2011). The economy and patterns of land use are changing, and with it, the pressures for public use and access continue to increase. We have a better understanding about the plants and animals found on the refuge than we did in 1973. New ecosystem and species conservation plans have developed that bear directly on refuge management. We also must evaluate the need for administrative and visitor facilities, including their locations, to ensure the best customer service possible. Finally, as responsible stewards of Federal lands, conveying our vision and priorities for the refuge to our partners and the public is imperative.

The Service and the Refuge System: Policies and Mandates Guiding our Planning

The U.S. Fish and Wildlife Service and its Mission

As part of the Department of the Interior (Department), the Service administers the refuge system. The Service mission is “Working with others to conserve, protect, and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people.”

Congress entrusts to the Service the conservation and protection of these national natural resources: migratory birds and fish, federally listed endangered or threatened species, inter-jurisdictional fish, wetlands, certain marine mammals, and national wildlife refuges. We also enforce Federal wildlife laws and international treaties on importing and exporting wildlife, assist states with their fish and wildlife programs, and help other countries develop conservation programs.

The Service Manual, available online at <http://www.fws.gov/policy/manuals> (accessed March 2011), contains the standing and continuing directives on implementing our authorities, responsibilities, and activities. The 600 series of the Service Manual addresses land use management and sections 601-609 specifically address management of national wildlife refuges. We publish special directives that affect the rights of citizens or the authorities of other agencies separately in the Code of Federal Regulations (CFR); the Service Manual does not duplicate them (see 50 CFR 1-99 at <http://www.gpoaccess.gov/cfr/index.html>, accessed March 2011).

*Herring gull on
refuge sign*



Amanda Boyd/USFWS

The National Wildlife Refuge System and its Mission and Policies

The refuge system, of which Nantucket NWR is a part, is the world's largest collection of lands and waters set aside specifically for the conservation of wildlife and the protection of ecosystems. More than 553 national wildlife refuges encompass more than 150 million acres of lands and waters in all 50 States and several island territories. Each year, more than 40 million visitors hunt, fish, observe and photograph wildlife, or participate in environmental education and interpretation on refuges.

In 1997, President Clinton signed into law the National Wildlife Refuge System Improvement Act (Public Law 105-57). This act establishes a unifying mission for the refuge system and a new process for determining the compatibility of public uses on refuges, and requires us to prepare a CCP for each refuge. It also states that the refuge system must focus on wildlife conservation and that the mission of the refuge system, coupled with the purpose(s) for which each refuge was established, will provide the principal management direction on that refuge. The mission of the refuge system is,

to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.

—National Wildlife Refuge System Improvement Act

Policy on the National Wildlife Refuge System Mission, Goals, and Purposes

The Refuge Manual contains policy governing the operation and management of the refuge system that the Service Manual does not cover, including technical information on implementing refuge polices and guidelines on enforcing laws. You can review that manual at refuge headquarters. These are a few noteworthy policies instrumental in developing this CCP. You may view them on the Web site <http://www.fws.gov/policy/manuals/part.cfm?series=600&seriestitle=LAND%20USE%20AND%20MANAGEMENT%20SERIES> (accessed March 2011).

This policy (601 FW 1) sets forth the refuge system mission noted above, how it relates to the Service mission, and explains the relationship of the refuge system mission and goals, and the purpose(s) of each unit in the refuge system. In addition, it identifies the following refuge system goals:

- Conserve a diversity of fish, wildlife, and plants.
- Develop and maintain a network of habitats.
- Conserve those ecosystems, plant communities, and wetlands that are unique within the United States.
- Provide and enhance opportunities to participate in compatible, wildlife-dependent recreation.
- Help to foster public understanding and appreciation of the diversity of fish, wildlife, and plants and their habitats.

This policy also establishes management priorities for the refuge system.

- Conserve fish, wildlife, and plants and their habitats.
- Facilitate compatible wildlife-dependent recreational uses.
- Consider other appropriate and compatible uses.

Policy on Refuge System Planning

This policy (602 FW 1, 2, 3) establishes the requirements and guidance for refuge system planning, including CCPs and step-down management plans. It states that we will manage all refuges in accordance with an approved CCP that, when implemented, will help

- achieve refuge purposes;
- fulfill the refuge system mission;
- maintain and, where appropriate, restore the ecological integrity of each refuge and the refuge system;
- achieve the goals of the National Wilderness Preservation System and the National Wild and Scenic Rivers System; and
- conform to other applicable laws, mandates, and policies.

This planning policy provides step-by-step directions and identifies the minimum requirements for developing all CCPs including reviewing any existing special designation areas such as wilderness and wild and scenic rivers, specifically addressing the potential for any new special designations, conducting a wilderness review, and incorporating a summary of that review into each CCP (602 FW 3).

Policy on the Appropriateness of Refuge Uses

Federal law and Service policy provide the direction and planning framework for protecting the refuge system from inappropriate, incompatible, or harmful human activities and ensuring that visitors can enjoy its lands and waters (when the refuge is open to public use). This policy (603 FW 1) provides a national framework for determining appropriate refuge uses to prevent or eliminate those that should not occur in the refuge system. It describes the initial decision process the refuge manager follows when first considering whether to allow a proposed use on a refuge. An appropriate use must meet at least one of the following four conditions:

- 1) The use is a wildlife-dependent recreational use as identified in the Improvement Act.
- 2) The use contributes to fulfilling the refuge purpose(s), the refuge system mission, or goals or objectives described in a refuge management plan approved after October 9, 1997, the date the Improvement Act became law.
- 3) The use involves the taking of fish and/or wildlife under State regulations.
- 4) The use has been found to be appropriate after concluding a specified findings process using 10 specific criteria included in the policy.

You may view this policy on the Web site <http://www.fws.gov/policy/603fw1.html> (accessed March 2011).

Policy on Compatibility

This policy (603 FW 2) complements the appropriateness policy. The refuge manager first must find a use appropriate before undertaking a compatibility review of that use. If the proposed use is not appropriate, the refuge manager will not allow it, and a compatibility determination is unnecessary. However, the refuge manager must evaluate an appropriate use further, through a compatibility determination. The direction in 603 FW 2 provides guidance on how to prepare a compatibility determination. Other guidance in that chapter is as follows:

- The Improvement Act and its regulations require an affirmative finding by the refuge manager on the compatibility of a public use before we allow it on a national wildlife refuge.
- A compatible use is one “that will not materially interfere with or detract from the fulfillment of the mission of the refuge system or the purposes of the refuge.”
- The act defines six wildlife-dependent uses that are to receive enhanced consideration on refuges: “hunting, fishing, wildlife observation and photography, and environmental education and interpretation.”
- The refuge manager may authorize those priority uses on a refuge when they are compatible and consistent with public safety.
- When the refuge manager publishes a compatibility determination, it will stipulate the required maximum reevaluation dates: 15 years for wildlife-dependent recreational uses; 10 years for other uses.

- The refuge manager may re-evaluate the compatibility of a use at any time: for example, sooner than its mandatory date, or even before we complete the CCP process, if new information reveals unacceptable impacts or incompatibility with refuge purposes (603 FW 2.11, 2.12).
- The refuge manager may allow or deny any use, even one that is compatible, based on other considerations such as public safety, policy, or available funding.

You may view this policy on the Web site <http://www.fws.gov/policy/603fw2.html> (accessed March 2011).

Policy on Maintaining Biological Integrity, Diversity, and Environmental Health

This policy (601 FW 3) provides guidance on maintaining or restoring the biological integrity, diversity, and environmental health of the refuge system, including the protection of a broad spectrum of fish, wildlife, and habitat resources in refuge ecosystems. It provides refuge managers with a process for evaluating the best management direction to prevent the additional degradation of environmental conditions and restore lost or severely degraded components of the environment. It also provides guidelines for dealing with external threats to the biological integrity, diversity, and environmental health of a refuge and its ecosystem. You may view this policy on the Web site <http://www.fws.gov/policy/601fw3.html> (accessed March 2011).

Policy on Wilderness Stewardship

This policy (610 FW 1-3) provides guidance for managing refuge system lands designated as wilderness under the Wilderness Act of 1964 (16 U.S.C. § 1131–1136; PL 88–577). The Wilderness Act establishes a National Wilderness Preservation System (NWPS) that is composed of federally owned areas designated by Congress as “wilderness areas.” The act directs each agency administering designated wilderness to preserve the wilderness character of areas within the NWPS, and to administer the NWPS for the use and enjoyment of the American people in a way that will leave those areas unimpaired for future use and enjoyment as wilderness. Our wilderness stewardship policy also provides guidance on development of wilderness stewardship plans and clarifies when prohibited uses may be necessary for wilderness preservation.

Service planning policy requires that we evaluate the potential for wilderness on refuge lands, as appropriate, during the CCP planning process (610 FW 1). Section 610 FW 4 of our Wilderness Stewardship Policy provides guidance on the wilderness review process. Sections 610 FW 1-3 provide management guidance for designated wilderness areas. You may view this policy on the Web site <http://www.fws.gov/policy/610fw1.html> (accessed March 2011).

Policy on Wildlife-dependent Public Uses

This policy (605 FW 1) presents specific guidance about wildlife-dependent recreation programs within the refuge system. We develop our wildlife-dependent recreation programs on refuges in consultation with State fish and wildlife agencies and stakeholder input based on the following specific criteria:

- 1) promotes safety of participants, other visitors, and facilities;
- 2) promotes compliance with applicable laws and regulations and responsible behavior;
- 3) minimizes or eliminates conflict with fish and wildlife population or habitat goals or objectives in an approved plan;

- 4) minimizes or eliminates conflicts with other compatible wildlife-dependent recreation;
- 5) minimizes conflicts with neighboring landowners;
- 6) promotes accessibility and availability to a broad spectrum of the American people;
- 7) promotes resource stewardship and conservation;
- 8) promotes public understanding and increases public appreciation of America's natural resources and our role in managing and conserving these resources;
- 9) provides reliable/reasonable opportunities to experience wildlife;
- 10) uses facilities that are accessible to people and blend into the natural setting;
and
- 11) uses visitor satisfaction to help to define and evaluate programs.

You may view this policy on the Web site <http://www.fws.gov/policy/605fw1.html> (accessed March 2011).

Native American Policy

Since the inception of the United States, the U.S. Government has recognized the sovereignty of American Indian Tribes by entering into treaties with them. Moreover, the Constitution ascribes the official duties of conducting relations with the Tribes to the Federal Government, not the States (Tallbear undated), and judicial decisions have upheld this relationship over time. This government-to-government relationship provides the framework for all interactions between the U.S. Government and American Indian Tribes. The U.S. Government has also recognized the Federal trust responsibility it has to, in the most general terms, assist American Indian Tribes in protecting their rights and property (Tallbear undated).

In addition, the Departments of Interior and Commerce released a Secretarial Order (#3206) regarding American Indian Tribal rights and the Endangered Species Act (ESA) that acknowledges this government-to-government relationship. Further, it states "Accordingly, the Departments will carry out their responsibilities under the Act in a manner that harmonizes the Federal trust responsibility to Tribes, Tribal sovereignty, and statutory missions of the Departments...." All branches of the U.S. Government have the responsibility to uphold the tenets of this relationship and to consider the rights, needs, and values of Native American Tribes.

The Service developed and adopted a Native American Policy in 1994. The Service's purpose in creating this policy is to "articulate the general principles that will guide the Service's Government-to-Government relationship to Native American governments in the conservation of fish and wildlife resources."

The Native American Policy of the U.S. Fish and Wildlife Service (1994) is outlined as follows:

- The Service recognizes the sovereign status of Native American governments.

- There is a unique and distinctive political relationship between the United States and Native American governments...that differentiates Native American governments from other interests and constituencies.
- The Service will maintain government-to-government relationships with Native American governments.
- The Service recognizes and supports the rights of Native Americans to utilize fish and wildlife resources on non-reservation lands where there is a legal basis for such use.
- While the Service retains primary authority to manage Service lands, affected Native American governments will be afforded opportunities to participate in the Service's decisionmaking process for Service lands.
- The Service will consult with Native American governments on fish and wildlife resource matters of mutual interest and concern to the extent allowed by the law. The goal is to keep Native American governments involved in such matters from initiation to completion of related Service activities.
- The Service will assist Native American governments in identifying Federal and non-Federal funding sources that are available to them for fish and wildlife resource management activities.
- The Service will involve Native American governments in all Service actions that may affect their cultural or religious interests, including archaeological sites.
- The Service will provide Native Americans reasonable access to Service managed or controlled lands and waters for exercising ceremonial, medicinal, and traditional activities recognized by the Service and by Native American governments. The Service will permit these uses if the activities are consistent with treaties, judicial mandates, or Federal and Tribal law and are compatible with the purposes for which the lands are managed.
- The Service will encourage the use of cooperative law enforcement as an integral component of Native American, Federal, and State agreements relating to fish and wildlife resources.
- The Service will provide Native American governments with the same access to fish and wildlife resource training programs as provided to other government agencies.
- The Service's basic and refresher fish and wildlife law enforcement training courses that are provided to other governmental agencies will also be available to Native Americans.
- The Service will facilitate the education and development of Native American fish and wildlife professionals by providing innovative educational programs and on-the-job training opportunities. The Service will establish partnerships and cooperative relationships with Native American educational institutions. The Service will also ensure that Native American schools and children are included in its environmental education outreach programs.
- The Service will actively encourage qualified Native Americans to apply for jobs with the Service, especially where the Service is managing fish and wildlife resources where Native Americans have management authority or cultural or religious interests.

- The Service will work with Native Americans to educate the public about Native American treaty and federally reserved rights, laws, regulations, and programs related to fish and wildlife.

You may view this policy on the Web site http://www.fws.gov/northeast/nativeamerican/imp_plan.html (accessed March 2011).



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Great Point Lagoon

Other Mandates

Although Service and refuge system policy and the purpose(s) of each refuge provide the foundation for its management, other Federal laws, executive orders, treaties, interstate compacts, and regulations on conserving and protecting natural and cultural resources also affect how we manage refuges. Federal laws require the Service to identify and preserve its important historic structures, archaeological sites, and artifacts. NEPA mandates our consideration of cultural resources in planning Federal actions. The Improvement Act requires the CCP for each refuge to identify its archaeological and cultural values. Many of these that are relevant to Nantucket NWR are summarized below.

The following summaries were taken, in most cases, directly from our “Digest of Federal Resource Laws of Interest to the U.S. Fish and Wildlife Service,” located at <http://www.fws.gov/laws/Lawsdigest.html> (accessed March 2011), and from our Draft U.S. Fish and Wildlife Service Tribal Consultation Guide (Monette 2009).

The Antiquities Act of 1906 as amended (PL 59-209; 34 Stat. 225; 16 U.S.C. § 431-433) is the earliest and most basic legislation for protecting cultural resources on Federal lands. It provides misdemeanor-level criminal penalties to control unauthorized uses. Appropriate scientific uses may be authorized through permits, and materials removed under a permit must be permanently preserved in a public museum. The 1906 act is broader in scope than the 1979 Archaeological Resources Protection Act (ARPA), which partially supersedes it. Uniform regulations in 43 CFR Part 3 implement the act.

The Historic Sites, Buildings and Antiquities Act (16 U.S.C. § 461–462, 464–467; 49 Stat. 666) of August 21, 1935, popularly known as the Historic Sites Act, as amended by Public Law 89–249, approved October 9, 1965, (79 Stat. 971), declares it a national policy for the first time to preserve historic sites and objects of national significance, including those located on refuges. It provides authorization to the Secretary of the Interior through the National Park Service to conduct archaeological surveys, and to designate, acquire, administer, protect and purchase properties of historic significance. National Historic and Natural Landmarks are designated under the authority of this act, which are eventually incorporated into the National Historic Register under the 1966 National Historic Preservation Act.

The Archeological and Historic Preservation Act (16 U.S.C. § 469–469c; PL 86–523,) approved June 27, 1960, (74 Stat. 220) as amended by Public Law 93–291, approved May 24, 1974, (88 Stat. 174) carries out the policy established by the Historic Sites Act (see above). It directs Federal agencies to notify the Secretary of the Interior whenever they find that any alteration of terrain caused by a Federal or Federal-assisted licensed or permitted project may cause the loss or destruction of significant scientific, prehistoric, or archaeological data. This expands the number of Federal agencies responsible for carrying out this law. The act authorizes the use of appropriated, donated or transferred funds for the recovery, protection, and preservation of those data.

The National Historic Preservation Act of 1966 (16 U.S.C. § 470–470b, 470c–470n), Public Law 89–665, approved October 15, 1966, (80 Stat. 915) and repeatedly amended, provides for the preservation of significant historical properties (buildings, objects, and sites) through a grant-in-aid program to the States. It establishes a National Register of Historic Places and a program of matching grants under the existing National Trust for Historic Preservation (16 U.S.C. § 468–468d). This act establishes an Advisory Council on Historic Preservation, which became a permanent, independent agency in Public Law 94–422, approved September 28, 1976, (90 Stat. 1319). The act created the Historic Preservation Fund. It directs Federal agencies, and any State, local, or private entity associated with a Federal undertaking, to conduct a Section 106 Review, or to identify and assess the effects of their actions on items or sites listed or eligible for listing on the National Register. Most significantly, this act established that archaeological preservation was an important and relevant component at all levels of modern society, and it enabled the Federal Government to facilitate and encourage archaeological preservation, programs and activities in the State, local, and private sectors.

American Indian [Native American] Religious Freedom Act of 1978 as amended (PL 95-431; 92 Stat. 469; 42 U.S.C. § 1996) resolves that it shall be the policy of the United States to protect and preserve for the American Indian, Eskimo, Aleut, and Native Hawaiian the inherent right of freedom to believe, express, and exercise their traditional religions, including access to religious sites, use and possession of sacred objects, and freedom to worship through ceremonial and traditional rites. Federal agencies are directed to evaluate their policies and procedures to determine if changes are needed to protect such rights and freedoms from agency practices. The act is a specific expression of First Amendment guarantees of religious freedom. It is not implemented by regulations.

The Archaeological Resources Protection Act (ARPA) (16 U.S.C. § 470aa–470ll; Public Law 96–95) approved October 31, 1979, (93 Stat. 721), largely supplanted the resource protection provisions of the Antiquities Act of 1906 for archaeological items. ARPA establishes detailed requirements for issuance

of permits for any excavation for, or removal of, archaeological resources from Federal or Native American lands. It also provides detailed descriptions of prohibited actions, thereby strengthening enforcement capabilities. It establishes more severe civil and criminal penalties for the unauthorized excavation, removal, or damage of those resources; for any trafficking in those removed from Federal or Native American land in violation of any provision of Federal law; and for interstate and foreign commerce in such resources acquired, transported or received in violation of any State or local law.

Native American Graves Protection and Repatriation Act (NAGPRA) of 1990, as amended (PL 101-601; 104 Stat. 3048; 25 U.S.C. § 3001 et seq.) establishes rights of American Indian Tribes and Native Hawaiian organizations to claim ownership of certain cultural items, including human remains, funerary objects, sacred objects, and objects of cultural patrimony, held or controlled by Federal agencies and museums that receive Federal funds. It requires agencies and museums to identify holdings of such remains and objects, and to work with appropriate Native Americans toward their repatriation. Permits for the excavation and/or removal of cultural items protected by the act require Native American consultation, as do discoveries of cultural items made during Federal land use activities. The Secretary of the Interior's implementing regulations are at 43 CFR Part 10. In the case that human remains are discovered on the refuge, NAGPRA establishes a procedural framework to follow, and this process may also be coordinated with the Commonwealth of Massachusetts and its laws and procedural framework as necessary.

The Environmental Justice program, established by Presidential Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations), requires Federal agencies, including the Service, to ensure that all environmental policies and the disposal of toxic waste do not adversely impact minority and low-income communities, including Tribes. The common concern is that these communities are exposed to unfair levels of environmental risk arising from multiple sources, often coupled with inadequate government response.

Executive Order 13007 (Indian Sacred Sites), dated May 24, 1996, establishes new requirements for the protection and preservation of Indian religious practices. Each Federal agency is required to accommodate access to, and ceremonial use of, Indian sacred sites by Indian practitioners, and avoid adversely affecting the physical integrity of such sacred sites. Each agency is required to develop and implement procedures in compliance with the Presidential memorandum of April 29, 1994, "Government-to-Government Relations with Native American Tribal Governments," including consultation with Tribal governments. The developed procedures, where practicable and appropriate, are to ensure that reasonable notice is provided about proposed actions or land management policies that may restrict future access to or ceremonial use of, or adversely affect the physical integrity of, sacred sites. Each agency is to report to the President the procedures implemented or proposed to facilitate consultation with appropriate Tribes and religious leaders and the expeditious resolution of disputes relating to agency action on Federal lands that may adversely affect access to, ceremonial use of, or the physical integrity of sacred sites.

On June 5, 1997, the Secretaries of the Interior and Commerce jointly issued Secretarial Order 3206 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act). This order provides guidance about the Federal-Tribal relationship, and its relationship to Tribal rights, trust responsibilities, and the ESA. It clarifies responsibilities when action is taken

under the ESA that affects (or may affect) Indian lands, Tribal trust resources, or the exercise of Indian Tribal rights. It further acknowledges the trust responsibility and treaty obligations of the United States toward Tribes and Tribal members, and the government-to-government relationship in dealing with Tribes. It directs that the responsibilities under the ESA are to be carried out in a manner that harmonizes trust responsibilities, Tribal sovereignty, statutory missions, and strives to ensure that Tribes do not bear a disproportionate burden for the conservation of listed species.

Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), was signed on November 6, 2000. This order is intended primarily to ensure adequate consultation with Tribal governments in developing policies that have direct effects on Indian Tribes, to respect Tribal administrative authority pertaining to these policies, and to prevent the imposition of unfunded mandates on Tribal governments. In recognition of this, the Service has created its own Tribal Consultation Guide as a tool for Service employees to better communicate with Native American Tribal governments in carrying out Service actions and policies.

The Service also owns and cares for museum properties. The most common are archaeological, zoological, botanical collections, historical photographs, historic objects, and art. Each refuge maintains an inventory of its museum property. Our museum property coordinator in Hadley, Massachusetts, guides the refuges in caring for that property, and helps us comply with the Native American Grave Protection and Repatriation Act and Federal regulations governing Federal archaeological collections. Our program ensures that those collections will remain available to the public for learning and research.

Chapter 4, “Environmental Consequences,” evaluates this plan’s compliance with the acts noted above, and with the Clean Water Act of 1977, as amended (33 U.S.C. § 1251, et seq.; Public Law 107–303), the Clean Air Act of 1970, as amended (42 U.S.C. § 7401 et seq.), and the ESA of 1973 (16 U.S.C. § 1531–1544), as amended. Finally, we designed this EA/draft CCP to comply with NEPA and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA (40 CFR 1500–1508).

Conservation Plans and Initiatives Guiding our Planning

Strategic Habitat Conservation

The Service has a goal of establishing and building capacity for science-driven landscape conservation on a continental scale. Our approach, known as Strategic Habitat Conservation, applies adaptive resource management principles to the entire range of species, groups of species, and natural communities of vegetation and wildlife. This approach is founded on an adaptive, iterative process of biological planning, conservation design, conservation delivery, monitoring and research. The Service is refining this approach to conservation in a national geographic framework. We will work with partners to develop national strategies to help wildlife adapt in a climate-changed world, with a focus on declining species populations. This geographic frame of reference will also allow us to more precisely explain to partners, Congress, and the American public why, where, and how we target resources for landscape-scale conservation, and how our efforts connect to a greater whole.

Climate Change

Secretarial Order 3289, issued on March 11, 2009, establishes a commitment by the Department to address the challenges posed by climate change to Tribes and to the cultural and natural resources the Department oversees. This order

promotes the development and use of renewable energy on public lands, adapting land management strategies to mitigate the effects of climate change, initiating multi-agency coalitions to address issues on a landscape level, and incorporating climate change priorities in long-term planning. These and other actions will be overseen by a Climate Change Response Council which is responsible for creating a Departmentwide climate change strategy.

As the principal agency responsible for the conservation of the Nation's fish, wildlife, and plant resources, the Service has drafted a Climate Change Strategic Plan and a 5-Year Action Plan to jump-start implementation of the strategic plan. These plans provide a framework in which the Service works with others on a landscape-scale to promote the persistence of native species, habitats, and natural communities. Specifically, these plans are based on three overall strategies. These are: adaptation (management actions the Service will take to reduce climate change impacts on wildlife and habitats), mitigation (consuming less energy and using less materials in administering land and resources), and engagement (outreach to the larger community to build knowledge and share resources to better understand climate change impacts). Both plans can be found at <http://www.fws.gov/home/climatechange/response.html> (accessed March 2011).

Birds of Conservation Concern 2008 Report

The Service developed this report (USFWS 2008a) in consultation with leaders of ongoing bird conservation initiatives and such partnerships as Partners In Flight (PIF), the North American Waterfowl Management Plan (NAWMP) and Joint Ventures, the North American Waterbird Conservation Plan (NAWCP), and the U.S. Shorebird Conservation Plan. It fulfills the mandate of the 1988 amendment to the Fish and Wildlife Conservation Act of 1980 (100 Public Law 100-653,

Title VIII), requiring the Secretary of the Interior, through the Service, to “identify species, subspecies, and populations of all migratory non-game birds that, without additional conservation actions, are likely to become candidates for listing under the Endangered Species Act of 1973.”



Amanda Boyd/USFWS

Piping plover

The report contains 46 lists that identify bird species of conservation concern at national, regional, and landscape scales. It includes a principal national list, regional lists corresponding to the regional administrative units of the Service, and species lists for each of the 35 bird conservation regions (BCRs) designated by the North American Bird Conservation Initiative (NABCI) in the United States, and two additional BCRs we created to fulfill the purpose of the report that include island “territories” of the United States. NABCI defined those BCRs as ecologically

based units in a framework for planning, implementing, and evaluating bird conservation.

We hope those national and regional reports will stimulate Federal, State, and private agencies to coordinate, develop, and implement integrated approaches for conserving and managing the birds deemed most in need of conservation. This is one of the plans we considered in identifying species of concern in appendix A and developing management objectives and strategies in goal 1.

North American Waterfowl Management Plan (update 2004) and Atlantic Coast Joint Venture Implementation Plan (ACJV 2005)

Originally written in 1986, the NAWMP describes a 15-year strategy among the United States, Canada, and Mexico to restore and sustain waterfowl populations by protecting, restoring, and enhancing habitat. The plan committee, including representatives from each nation, has modified the 1986 plan twice to account for biological, sociological, and economic changes that influenced the status of waterfowl and the conduct of cooperative habitat conservation. The most recent modification, in 2004, (NAWMP 2004) updates the needs, priorities, and strategies for the next 15 years, increases stakeholder confidence in the direction of its actions, and guides partners in strengthening the biological foundation of

North American waterfowl conservation. You may review the plan at <http://www.fws.gov/birdhabitat/NAWMP/Planstrategy.shtml> (accessed March 2011).

To convey goals, priorities, and strategies more effectively, NAWMP 2004 is comprised of two separate documents: “Strategic Guidance” and “Implementation Framework.” The former is geared towards agency administrators and policy makers who set the direction and priorities for conservation. The latter includes supporting technical information for use by biologists and land managers.

The plans are implemented at the regional level in 14 habitat Joint Ventures and three species Joint Ventures: Arctic goose, American black duck, and sea duck. Our project area lies in the Atlantic Coast Joint Venture (ACJV), which includes all the Atlantic Flyway States from Maine to Florida and Puerto Rico. The waterfowl goal for the ACJV is “Protect and manage priority wetland habitats for migration, wintering, and production of waterfowl, with special consideration to black ducks, and to benefit other wildlife in the joint venture area.”

In 2009, a revision of the original ACJV Strategic Plan (ACJV 2009) was completed. The ACJV 2009 plan presents habitat conservation goals and population indices for the ACJV consistent with the NAWMP update, provides status assessments of waterfowl and their habitats in the joint venture, and updates focus area narratives and maps for each State. That document is intended as a blueprint for conserving the valuable breeding, migration, and wintering waterfowl habitat present within the ACJV boundary based on the best available information and the expert opinion of waterfowl biologists from throughout the flyway. You may review the ACJV 2009 Strategic Plan at <http://www.acjv.org/resources.htm> (accessed March 2011).

The Black Duck and Sea Duck Joint Venture plans also relate to Nantucket NWR. Black ducks (*Anas rubripes*) have been documented on adjacent TTOR property and multiple species of sea ducks can be found in the nearshore waters of the refuge throughout the year, and may use refuge beaches for resting. These plans can be viewed at <http://www.pwrc.usgs.gov/bd/jv/> (accessed March 2011), and <http://www.seaduckjv.org/pdf/sdjvprospectus.pdf> (accessed March 2011).

We considered these plans in identifying species of concern in appendix A, and in developing management objectives and strategies under goal 1.

**New England/Mid-Atlantic
Bird Conservation Region
(BCR 30) Implementation
Plan (2008)**

The refuge lies in the New England/Mid-Atlantic BCR 30 (see map 3-1). BCR 30 provides important resources for migratory birds whose ranges span the western hemisphere. The habitats associated with coastal ecosystems provide the highest habitat values and critical staging areas for migratory waterfowl, waterbirds, shorebirds, and landbirds. Forested upland communities are the second most important habitats for migratory birds in this BCR. Though the plan specifically highlights the Chesapeake and Delaware Bays, the Massachusetts Cape Cod and Islands area provides crucial resources for many migrating birds as they journey from their breeding sites in the north to non-breeding sites in Mexico, Central America, the Caribbean, and South America.

Unfortunately, most of the lands in BCR 30 have been altered from their historic condition. Urban development and agriculture dominates much of the landscape. The loss or degradation of habitat (e.g., by fragmentation, agriculture, and invasive species) are the greatest threats to bird populations in BCR 30. This plan identifies the bird species and habitats in greatest need of conservation action in this region, activities thought to be most useful to address those needs, and geographic areas believed to be the most important places for those activities. This plan is meant to start a regional bird conservation initiative

of partners across BCR 30 communicating their conservation planning and implementation activities to deliver high-priority conservation actions in a coordinated manner. You may view the BCR 30 implementation plan at http://www.acjv.org/BCR_30/BCR30_June_23_2008_final.pdf (accessed March 2011). We considered this plan in identifying species of concern in appendix A, and in developing management objectives and strategies under goal 1.

North American Waterbird Conservation Plan (Version 1, 2002)

This plan (Kushlan et al. 2002) represents a partnership among individuals and institutions with the interest in, and responsibility for, conserving waterbirds and their habitats. The plan is just one element of a multi-faceted conservation program. Its primary goal is to ensure that the distribution, diversity, and abundance of populations and habitats of breeding, migratory, and non-breeding waterbirds are sustained or restored throughout the lands and waters of North America, Central America, and the Caribbean. It provides a framework for conserving and managing nesting water-dependent birds. In addition, it facilitates continentwide planning and monitoring, national, State, and provincial conservation, regional coordination, and local habitat protection and management. You may access the plan at <http://www.nawcp.org/pubs/ContinentalPlan.cfm> (accessed March 2011).

In 2006, the Mid-Atlantic New England Working Group developed the Waterbird Conservation Plan for the Mid-Atlantic/New England/Maritimes (MANEM) Region (MANEM Waterbird Working Group 2007). This plan is being implemented between 2006 and 2010. It consists of technical appendices on (1) waterbird populations including occurrence, status, and conservation needs, (2) waterbird habitats and locations within the region that are crucial for waterbird sustainability, (3) MANEM partners and regional expertise for waterbird conservation, and (4) conservation project descriptions that present current and proposed research, management, habitat acquisition, and education activities. Summarized information on waterbirds and their habitats provides a regional perspective for local conservation action. You may access the plan at <http://www.fws.gov/birds/waterbirds/manem/index.html> (accessed March 2011).

We considered this plan in identifying species of concern in appendix A, and in developing management objectives and strategies under goal 1.

U.S. Shorebird (2001, 2nd Edition) and North Atlantic Regional Shorebird Plans

Concerns about shorebirds led to the creation of the U.S. Shorebird Conservation Plan in 2000 which was updated in 2001 (Brown et al. 2001). Developed in partnership with individuals and organizations throughout the United States, the plan presents conservation goals for each U.S. region, identifies important habitat conservation and research needs, and proposes education and outreach programs to increase public awareness of shorebirds and of threats to them. You may read the plan at <http://www.fws.gov/shorebirdplan/USShorebird/downloads/USShorebirdPlan2Ed.pdf> (accessed March 2011).

In the Northeast, the North Atlantic Regional Shorebird Plan (Clark and Niles, North Atlantic Shorebird Habitat Working Group 2000) was drafted to step down the goals of the continental plan to smaller scales to identify priority species, habitat and species goals, and implementation projects. You may view the North Atlantic Regional Shorebird Plan at <http://www.fws.gov/shorebirdplan/RegionalShorebird/RegionalPlans.htm> (accessed March 2011).

We considered this plan in identifying species of concern in appendix A, and in developing management objectives and strategies under goal 1.



Karen Terwilliger/TCI

Piping plover on nest

Partners In Flight Bird Conservation Plans

In 1990, PIF began as a voluntary, international coalition of government agencies, conservation organizations, academic institutions, private industries, and citizens dedicated to reversing the population declines of bird species and “keeping common birds common.” The foundation of PIF’s long-term strategy is a series of scientifically based bird conservation plans using physiographic areas as planning units.

The goal of each PIF plan is to ensure the long-term maintenance of healthy populations of native birds, primarily non-game birds. The plan for each physiographic area ranks bird species according to their conservation priority, describes their desired habitat conditions, develops biological objectives, and recommends conservation measures. The priority ranking factors are habitat loss, population trends, and the vulnerability of a species and its habitats to regional and local threats.

Our project area lies in Physiographic Area 09 (see map 3-1), the Southern New England Region (Dettmers and Rosenberg 2000). This plan can be accessed at http://www.blm.gov/wildlife/plan/pl_09_10.pdf (accessed March 2011).

We referred to this plan in developing our list of species of conservation concern in appendix A, as well as our habitat objectives and strategies under goal 1.

Partners in Amphibian and Reptile Conservation, National State Agency Herpetological Conservation Report (Draft 2004)

Partners in Amphibian and Reptile Conservation (PARC) was created in response to the increasing, well-documented national declines in amphibian and reptile populations. Many consider it the most comprehensive effort in herpetofaunal conservation in the nation. PARC members include State and Federal agencies, conservation organizations, museums, the pet trade industry, nature centers, zoos, the energy industry, universities, herpetological organizations, research laboratories, forest industries, and environmental consultants. Its five geographic regions—Northeast, Southeast, Midwest, Southwest, and Northwest—can focus on national and regional challenges in herpetofaunal conservation. Regional working groups allow for region-specific communication. The Northeast working group has developed “Model State Herpetofauna Regulatory Guidelines” which we consulted as we developed our strategy. This document can be found at <http://www.pwrc.usgs.gov/neparc/products/modelherpregs.htm> (accessed March 2011).

The National State Agency Herpetological Conservation Report (NHCR) is a summary report (PARC 2004) sponsored by PARC that provides a general overview of each State wildlife agency's support for reptile and amphibian conservation and research through September 2004. It lists amphibian and reptile species of concern for each State. Each State report was compiled in cooperation with its agency's lead biologist on herpetofaunal conservation. That report can be accessed at <http://www.parcplace.org/documents/PARCNationalStates2004.pdf> (accessed March 2011). Its purpose is to facilitate communication among State agencies and partner organizations throughout the PARC network to identify and address regional and national herpetological priorities.

PARC intends to expand the scope of the NHCR to include other States, provinces, and territories. It will include other State agencies that are supporting herpetofaunal conservation and research, such as transportation departments, park departments, and forest agencies. The next NHCR report will integrate a list of the Species of Conservation Concern into each State's comprehensive conservation wildlife strategy (see below).

**Massachusetts
Comprehensive Wildlife
Conservation Strategy
(Revised September 2006)**

In 2002, Congress created the State Wildlife Grant Program (SWG), and appropriated \$80 million in State grants. The purpose of the program is to help State and Tribal fish and wildlife agencies conserve fish and wildlife species of greatest conservation need. The funds appropriated under the program are allocated to each State according to a formula that takes into account each State's size and population.

To be eligible for additional Federal grants, and to satisfy the requirements for participating in the SWG program, each State and U.S. territory was charged with developing a statewide "Comprehensive Wildlife Conservation Strategy" and submitting it to the National Advisory Acceptance Team by October 1, 2005. Each plan must address eight required elements, and each plan is to identify and focus on "species of greatest conservation need," yet address the "full array of wildlife" and wildlife-related issues, and "keep common species common."

The Massachusetts plan (MA DFG 2006), commonly referred to as the Massachusetts Comprehensive Wildlife Conservation Strategy (CWCS), resulted from that charge. It creates a vision for conserving Massachusetts' wildlife and stimulates other State and Federal agencies, and conservation partners to think strategically about their individual and coordinated roles in prioritizing conservation.

In addressing the eight elements below, the Massachusetts CWCS helps supplement the information we gathered on species and habitat occurrences and their distribution in our area analysis, and identify conservation threats and management strategies for species and habitats of conservation concern in the CCP. The expertise convened to compile this plan and its partner and public involvement further enhance its benefits for us. We used the Massachusetts CWCS in developing our list of species of concern in appendix A, and the management objectives and strategies for goal 1. These eight elements are:

- 1) Information on the distribution and abundance of species of wildlife, including low and declining populations as the State fish and wildlife agency deems appropriate, that are indicative of the diversity and health of the State's wildlife
- 2) Descriptions of locations and relative condition of key habitats and community types essential to the conservation of species identified in element 1

- 3) Descriptions of problems that may adversely affect species identified in element 1 or their habitats, and priority research and survey efforts needed to identify factors which may assist in restoration and improved conservation of these species and habitats
- 4) Descriptions of conservation actions necessary to conserve the identified species and habitats and priorities for implementing such actions
- 5) Plans proposed for monitoring species identified in element 1 and their habitats, for monitoring the effectiveness of the conservation actions proposed in element 4, and for adapting those conservation actions to respond appropriately to new information or changing conditions
- 6) Descriptions of procedures to review the plan at intervals not to exceed 10 years
- 7) Plans for coordinating, to the extent feasible, the development, implementation, review, and revision of the plan strategy with Federal, State, local agencies, and Native American Tribes that manage significant areas of land and water within the State, or administer programs that significantly affect the conservation of identified species and habitats
- 8) Plans for involving the public in the development and implementation of plan strategies

The State of Massachusetts submitted its CWCS in October 2005, and it was revised in September 2006. You may view it at http://www.mass.gov/dfwele/dfw/habitat/cwcs/pdf/mass_cwcs_final.pdf (accessed March 2011).

Other Information Sources

We also consulted the plans and resources below as we refined our management objectives and strategies, especially those with a local context.

Continental or National Plans

- National Audubon Society Watch List (Butcher et al. 2007); available at <http://birds.audubon.org/sites/default/files/documents/watchlist2007-technicalreport.pdf> (accessed March 2011).
- National Wetlands Research Center Strategic Plan; available at <http://www.nwrc.usgs.gov/about/5-year-plan.htm> (accessed March 2011).
- Coastal Zone Management Act of 1972; available at http://www.nps.gov/history/local-law/FHPL_CstlZoneMngmt.pdf (accessed March 2011).
- Marine Mammal Protection Act (MMPA) of 1972, as amended in 2007; available at <http://www.nmfs.noaa.gov/pr/pdfs/laws/mmpa.pdf> (accessed March 2011).

Regional Plans

- Gulf of Maine-Ecosystem Priorities (Taylor 2008); available at <http://www.gulfofmaine.org/ebm/toolkitsurvey/GulfofMaineEBMToolkitSurveyReport.pdf> (accessed March 2011).

State Plans

- Guidelines for Managing Recreational Use of Beaches to Protect Piping Plovers, Terns, and Their Habitats in Massachusetts (MA Natural Heritage Endangered Species Program (NHESP) 1993; see appendix I).

- BioMap Program (MA NHESP 2004); available at http://www.mass.gov/dfwele/dfw/nhESP/land_protection/biomap/biomap_home.htm (accessed March 2011).
- Living Waters Program (MA NHESP 2004); available at http://www.mass.gov/dfwele/dfw/nhESP_temp/land_protection/living_waters/living_waters_home.htm (accessed March 2011).
- Massachusetts Natural Communities (Swain and Kearsley 2001); available at http://www.mass.gov/dfwele/dfw/nhESP/natural_communities/natural_community_classification.htm (accessed March 2011).
- Our Irreplaceable Heritage-Protecting Biodiversity in Massachusetts; available at <http://mass.gov/dfwele/dfw/nhESP/nhESP.htm> (accessed March 2011).

Local Plans

- Coskata-Coatue Wildlife Refuge Management Plan, TTOR (2001)
- Beach Management Plan, Nantucket Conservation Foundation (1995)
- Beach Management Plan, Town of Nantucket (2005)

Individual Species Plans

- Piping Plover Atlantic Coast Population Recovery Plan (USFWS 1996); available at <http://www.fws.gov/northeast/pipingplover/recovery.html> (accessed March 2011).
- Business Plan for the American Oystercatcher (National Fish and Wildlife Federation 2008); summary available at http://www.nfwf.org/Content/ContentFolders/NationalFishandWildlifeFoundation/GrantPrograms/Keystones/BirdConservation/AMOY_Biz_Plan.pdf (accessed March 2011)
- Roseate Tern Recovery Plan (USFWS 1998); available at <http://ecos.fws.gov/speciesProfile/SpeciesReport.do?spcode=B07O> (accessed March 2011).

Refuge Establishing Purposes and Land Acquisition History

The refuge was established in 1973 under the Act Authorizing Transfer of Certain Real Property for Wildlife from the Coast Guard. At the time of acquisition, the refuge totaled approximately 40 acres in size. Since then, the acreage has changed considerably due to the natural processes of sand erosion and accretion (see the Coastal Geomorphology section in chapter 3). The refuge now totals approximately 21 acres. The official refuge establishment purpose is:

“...its particular value in carrying out the national migratory bird management program.” [16 U.S.C. § 667B (An Act Authorizing the Transfer of Certain Real Property for Wildlife, or other purposes)]

Refuge Administration

The Service administers Nantucket NWR as part of the Eastern Massachusetts NWR Complex, which also includes Assabet River, Great Meadows, Mashpee, Massasoit, Monomoy, Nomans Land Island, and Oxbow NWRs. The refuge complex headquarters is located in Sudbury, Massachusetts.

The refuge complex has 16 permanent staff. Thirteen are located at the complex headquarters in Sudbury: a project leader, a deputy project leader, a visitor services manager, a park ranger, a refuge planner, and two wildlife biologists, law enforcement officers, maintenance workers, and administrative staff. The other three permanent staff are located onsite at Monomoy NWR: a refuge manager and two biologists, with one biologist having maintenance and boat operations

Refuge Operational Plans (“Stepdown” Plans)

as part of his duties. Three additional biologists are funded on a yearly term basis. In addition, seasonal interns and volunteers assist throughout the year. Nantucket NWR had a summer biological technician for the first time in 2010.

Refuge planning policy lists more than 25 step-down management plans that generally are required on refuges. Those plans contain specific strategies and implementation schedules for achieving refuge goals and objectives. Some plans require annual revisions; others require revision every 5 to 10 years. Some require additional NEPA analysis, public involvement, and compatibility determinations before we can implement them.

The status of step-down plans on the refuge follows. This draft incorporates by reference those that are up-to-date. Chapter 2 provides more information about the additional step-down plans needed and their schedule for completion.

The following step-down plans have been completed, and apply to all eight refuges in the Eastern Massachusetts NWR Complex. An updated Fire Management Plan that will include Nantucket NWR is scheduled to be completed in 2011. Please see appendix F for general fire program direction.

- Avian Influenza Surveillance and Contingency Plan—completed in 2007
- Hurricane Action Plan—completed in 2009, updated in 2010

Refuge Vision Statement

Our planning team developed this vision statement to provide a guiding philosophy and sense of purpose in the CCP.

Nantucket National Wildlife Refuge, though diminutive in size, is an important part of a larger area aptly named Great Point. It has great value to the wildlife that uses its beaches, from coastal birds including piping plovers and terns, to mammals including gray seals. Situated at the tip of a peninsula, it is surrounded by a diverse assemblage of coastal, intertidal, wetland, and marine habitat, attracting a great diversity of fauna. It will continue to be managed as a special place for breeding, wintering, and migratory wildlife.

We will continue to provide opportunities for quality, compatible, wildlife-dependent experiences by the public. Nantucket NWR is recognized internationally as a premier fishing location, and the presence of its lighthouse provides the public with a destination that offers cultural perspective and panoramic views. Through strong partnerships, we will promote ecologically responsible use of the property, and continue to promote public awareness about the intrinsic value of dynamic coastal ecosystems.

Refuge Goals

We developed these goals after considering the vision statement, the purposes for establishing the refuge, the missions of the Service and the refuge system, and the mandates, plans, and conservation initiatives above. These goals are intentionally broad, descriptive statements of purpose. They highlight elements of the vision for the refuge that we will emphasize in its future management. The biological goals take precedence; but otherwise, we do not present them in any particular order. Each offers background information on its importance.

Goal 1. Perpetuate and enhance the biological integrity and diversity of coastal habitats on and around Nantucket Island to support and enhance native wildlife and plant communities, with an emphasis on species of conservation concern.

Goal 2. Promote awareness and stewardship of our coastal natural resources by providing compatible wildlife-dependent recreation and education opportunities, in local communities on and around Nantucket Island.

Goal 3. Perpetuate and enhance long-term conservation and management of wildlife resources on and around Nantucket Island through partnerships and land protection with public and private landowners, Federal, State, and local entities.

The Comprehensive Conservation Planning Process

Service policy establishes an eight step planning process that also facilitates compliance with NEPA (Figure 1.1). Our planning policy and CCP training course materials describe the eight steps in detail. We followed the process depicted below in developing this EA/draft CCP.

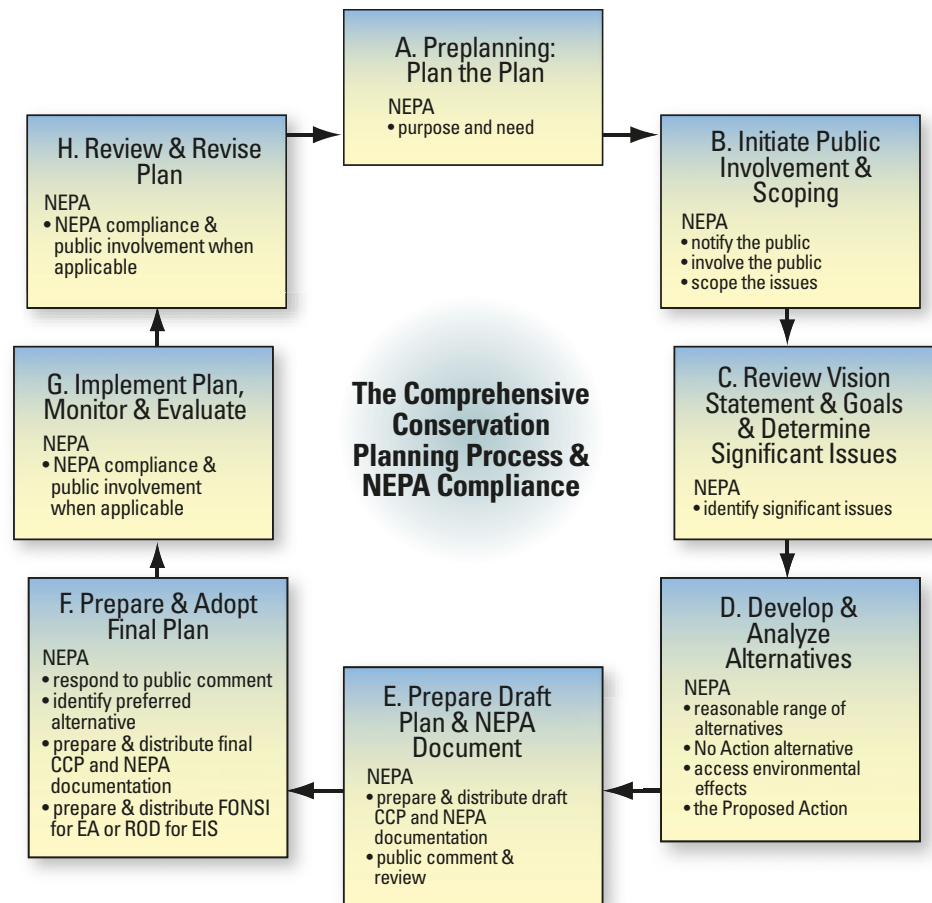


Figure 1.1. The CCP planning process.

Since 1973, we have focused on conserving lands within the approved refuge boundary, facilitating wildlife-dependent public uses, managing habitat for several focus species, such as piping plovers and least terns, and establishing relationships with the community and our partners. In 1999, we began to prepare for a CCP that would encompass all of the refuges in the Eastern Massachusetts NWR Complex. We published a Notice of Intent in the *Federal Register*, and began public scoping. By 2001, we determined that writing a plan for eight refuges was too cumbersome, and to focus on CCPs for the three northernmost

refuges in the refuge complex. The efforts for Nantucket NWR were halted at that time.

After finishing three refuge complex CCPs and initiating two others, we began to prepare to initiate a CCP for Nantucket NWR once again. In April 2008, we published a Notice of Intent in the *Federal Register* announcing the start of this CCP process for Nantucket NWR. In August 2008, we began collecting information on refuge resources, and summarized our biological inventory and monitoring information.

We convened our core team in September, which consists of refuge staff, regional division staff, and representatives from the Massachusetts Department of Fish and Game (MA DFG, MassWildlife), Wampanoag Tribe of Gay Head (Aquinnah), and Mashpee Wampanoag Tribe. We discussed management issues, drafted a vision statement and tentative goals, and compiled a project mailing list of known stakeholders, interested individuals, organizations, and agencies. We initiated all of those steps as part of “Step A: Preplanning.”

Also in September 2008, we once again engaged the public during “Step B: Initiate Public Involvement and Scoping,” by distributing a planning update newsletter to approximately 60 individuals, organizations, and agencies, announcing we were beginning the planning process and the upcoming public meeting in October.

Early in October 2008, we held both the stakeholder and public scoping meetings in Nantucket, Massachusetts, to discuss previously identified public issues and concerns, determine whether new issues existed or previously identified issues had changed, share our draft vision statement and tentative goals, describe the planning process, and explain how people could become involved and stay informed about the process. Those meetings helped us refine the partner and public concerns we would need to address in the planning process. We announced the location, date, and time of the public meeting in local newspapers, in the planning update, and on our Web site. Twenty-eight people attended the public meeting. This meeting was followed by a monthlong comment period where we continued to receive public and partner issues and concerns through email, letters, and comment form submission.

Our next planning team meeting was held in mid-December 2008 where we worked on “Step C: Review Vision Statement, Goals, and Identify Significant Issues.” We also initiated “Step D: Develop and Analyze Alternatives.” We identified key issues, decided upon our three management alternatives, and identified strategies under each alternative.

In February 2011, we distributed a newsletter summarizing the three management alternatives we analyzed in detail for the draft CCP/EA. That completed Step D.

This draft CCP/EA represents “Step E: Prepare Draft Plan and NEPA document.” We will publish a Notice of Availability in the *Federal Register* announcing our release of this draft for its 30-day period of public review and comment. During that comment period, we will also hold public meetings to obtain your comments. We expect to receive them by regular mail, electronic mail, or at the public meetings. After the comment period ends, we will review and summarize all of the comments we have received, develop our responses, and publish them in an appendix to the final CCP.

Once we have prepared the final CCP, we will submit it to our Regional Director for approval. He will determine whether it warrants a Finding of No Significant Impact (FONSI), and also find its analysis adequate to issue a decision at that same time. If so, our implementation of the final CCP can begin immediately. If he has concerns, he may require us to revise the EA or complete an environmental impact statement. We will announce his final decision by publishing Notice of Availability in the *Federal Register*, where we will also notify people of the availability of the final CCP. That will complete “Step F: Prepare and Adopt a Final Plan.”

Then “Step G: Implement Plan, Monitor and Evaluate” can begin. As part of “Step H: Review and Revise Plan,” we will modify or revise the final CCP as warranted following the procedures in Service policy (602 FW 1, 3, and 4) and NEPA requirements. Minor revisions that meet the criteria for categorical exclusions (550 FW 3.3C) will require only an environmental action memorandum. As the Improvement Act and Service policy stipulate, we will review and revise the CCP fully every 15 years.

Issues, Concerns, and Opportunities

We define an issue as “any unsettled matter requiring a management decision.” An issue 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. One of the distinctions among the proposed management alternatives is how each addresses those issues. The following summary provides a context for the issues that arose during the scoping process.

Habitat and Species Management

National wildlife refuges primarily propose the conservation of wildlife and habitats. That is our highest priority, and serves as the foundation for all that we do. Many refuges were established for a very specific purpose, such as protecting a particular species or habitat. Based on the establishing purpose for this refuge, and the discussions that took place up to the time of its establishment, the primary justifications for creating it were protecting federally listed and State-listed shorebirds, such as the piping plover and least tern, and a regionally important migratory bird area.

How best to protect, restore, and/or enhance coastal habitat and its associated species on the refuge is an important issue we address in this draft plan. We heard many opinions on specific actions or techniques to accomplish that. Many of these recommended maintaining a balance between public access and wildlife protection, as many felt their recreational enjoyment of the refuge on Great Point was in jeopardy. In particular, the presence of federally listed piping plovers and other beach nesting birds of conservation priority cause changing circumstances throughout the summer months for vehicular and pedestrian access, and these access restrictions and beach closures are a public concern. More recently, the presence of seals on the point and the increasing frequency of beach closures as a result, are a concern to beachgoers and anglers, and anglers expressed concern over seals taking their fish.

Other concerns raised were the absence of a consistent use of the refuge by beach nesting species, despite seemingly ample habitat, and how to manage dune erosion. Conducting compatibility and appropriate use determinations will help guide management decisions. Management actions can best be accomplished in partnership with adjacent land managers. The alternatives in chapter 3 analyze different habitat management priorities.

The following key issues and concerns arose concerning habitat and species management:

- How can we effectively protect, enhance, restore, or create quality wildlife habitat on the refuge that will promote nesting shorebird populations and provide adequate migratory staging grounds?
- How can we address the presence of seals on the refuge in the context of the regional population, Federal mandates, and in terms of public health and safety?
- What steps can we take to reduce the incidence of nest failures due to predation on the refuge?
- What are the most effective and efficient measures we can undertake to control dune erosion?

Land Protection

Nantucket NWR was established for its benefit as a wildlife sanctuary for migratory birds. The ability of the refuge to meet its purpose is currently limited by its small land area, and intensive public use. Protection of other lands associated with the island of Nantucket as part of Nantucket NWR would allow the refuge to better fulfill the Service mission.

Regionally, the Service currently owns four refuges in the Cape Cod/Nantucket Sound area. These are Mashpee, Monomoy, Nantucket, and Nomans Land Island NWRs. Since this is an important flyway for migratory birds, including additional land area as part of the refuge system would further the Service mission, and provide a regional continuum of protected coastal habitat available to migrating birds. Potential exists with current Coast Guard land holdings on Nantucket, as well as town of Nantucket-owned lands on Nantucket, and the neighboring islands of Muskeget and Tuckernuck. Acquiring overlays on TTOR property would help reduce the burden of management currently borne by TTOR, and provide the Service with additional resources to protect habitat for wildlife. Service land acquisition, through either fee purchase or conservation easement from willing sellers, is one of the most important tools we use to conserve important areas of wildlife habitat. By working closely with these partners to identify sensitive wildlife habitat in need of protection, we hope to take advantage of such opportunities should any of these properties become available in the future. Since Service ownership or easement offers permanent protection, it could enhance partners' lands through long-term protection to these key conservation sites.

In general, there was not much feedback regarding land protection. The few comments we did receive indicated concerns that acquisition of additional properties could mean more restrictions on public use and access, and that more properties to manage would strain already tight resources by the Service. We evaluate and address those concerns in our proposed management alternatives.

The following key issues and concerns arose about land protection and acquisition:

- How can we ensure that as Coast Guard and other Federal lands become available we have the knowledge and ability to acquire them if possible?
- How should we prioritize lands for acquisition as they become available in the future?

- How can we best work with our partners to accommodate future easement acquisitions?
- What will be our public use policies on future land acquisitions and, if the acquisition of easements on partner lands lead to potentially conflicting public use policies, how can we address those differences fairly for the best possible outcomes?

Public Use/Community Relations

Our goal is to become an integral part of the socioeconomic health and quality of life of the communities we affect. The challenge for us is to understand the visions of the respective communities and our role in them while adhering to our mission. We also need to determine how best to nurture and cultivate the mutually beneficial relationships we have developed using the resources we have available.

During public scoping, we learned that many people are only vaguely aware of the refuge, and that there was some confusion about the refuge boundaries. Many considered the entire peninsula to be TTOR land. Those that are aware of the

refuge are not necessarily knowledgeable about the opportunities and services we offer, or the impacts of our management actions. Others mentioned concerns over management actions to protect wildlife that impinge upon their use and enjoyment of the refuge. To them, allowing recreational opportunities was the best way to increase community interest and involvement in the refuge. Two common issues associated with access were continuing to allow over-sand vehicle (OSV) access and allowing dogs on the refuge. Some feedback suggested ways we might provide a stronger presence, and conduct interpretation and outreach. Others recommended integrating our management plans with TTOR and Nantucket Conservation Foundation (NCF) to share resources and provide consistency between all three land managers on the peninsula.

Finally, some who felt well informed and satisfied about refuge activities valued the contribution of the refuge to the community and their quality of life.

In response to those comments and the issues below, our alternatives evaluate a range of quality, wildlife-dependent recreational opportunities, and propose measures to promote Service visibility, community understanding and support for refuge programs.

The following are key issues or concerns that arose about public uses and community relations:

- How can we continue to provide satisfactory public access and quality wildlife-dependent experiences while meeting Federal mandates to protect nesting habitat for federally listed and State-listed shorebird species?
- What is the best approach to addressing vehicular access to the refuge to both maintain access for refuge users, while incorporating measures to effectively manage federally protected wildlife, and protect sensitive habitats?



Surfcasting on Great Point at Nantucket National Wildlife Refuge

**Issues and Concerns
Outside the Scope of
this Analysis or Not
Completely Within
the Jurisdiction of
the Service**

- How do we effectively conduct outreach to notify people of and explain our refuge policies and regulations, and how can we address non-wildlife dependent public use of the refuge?
- How can we most effectively work with our partners to continue to provide interpretive and educational opportunities on the refuge?
- What administrative facilities, such as an office, visitor contact facilities, and roads are needed to manage the refuge, what other logistic support for potential future onsite staff can we provide, and where should these be placed or located?
- How do we improve the visibility of the Service and the refuge on Great Point and in the local community?
- What other opportunities can we provide for compatible, priority, wildlife-dependent public uses?

The resolution of these issues falls outside the scope of this CCP or outside the jurisdiction or authority of the Service. These issues are only briefly addressed elsewhere, or are not addressed again in this EA/draft CCP:

- *Control the deer population to reduce the risk of Lyme disease.* Given its size (approximately 21 acres) and location on the tip of a narrow peninsula, the refuge does not support a sizable deer population and, in our opinion, does not contribute undue risks for increasing the occurrence of Lyme disease locally. In addition, an extended deer hunting season is allowed on the adjacent TTOR lands. We will provide a link to TTOR's hunt information on our refuge Web site. Given the negligible impact that we predict deer hunting and other control measures for Lyme disease on the refuge would have, we determine those measures are outside the scope of this CCP at this time.
- *What are the potential impacts on the refuge from offshore energy developments?* Although offshore energy developments could be an increasing issue in the future, particularly for potential nearshore energy development projects, without a specific proposal for which the Service has jurisdiction, evaluating the impacts from these activities falls outside the scope of this CCP at the present time. However, we will continue to review proposals where the Service has jurisdiction when they arise, and will address specific Federal concerns as appropriate and warranted.