

## Chapter 2



Stephanie Koch/USFWS

*Double-crested cormorant colony on the Refuge*

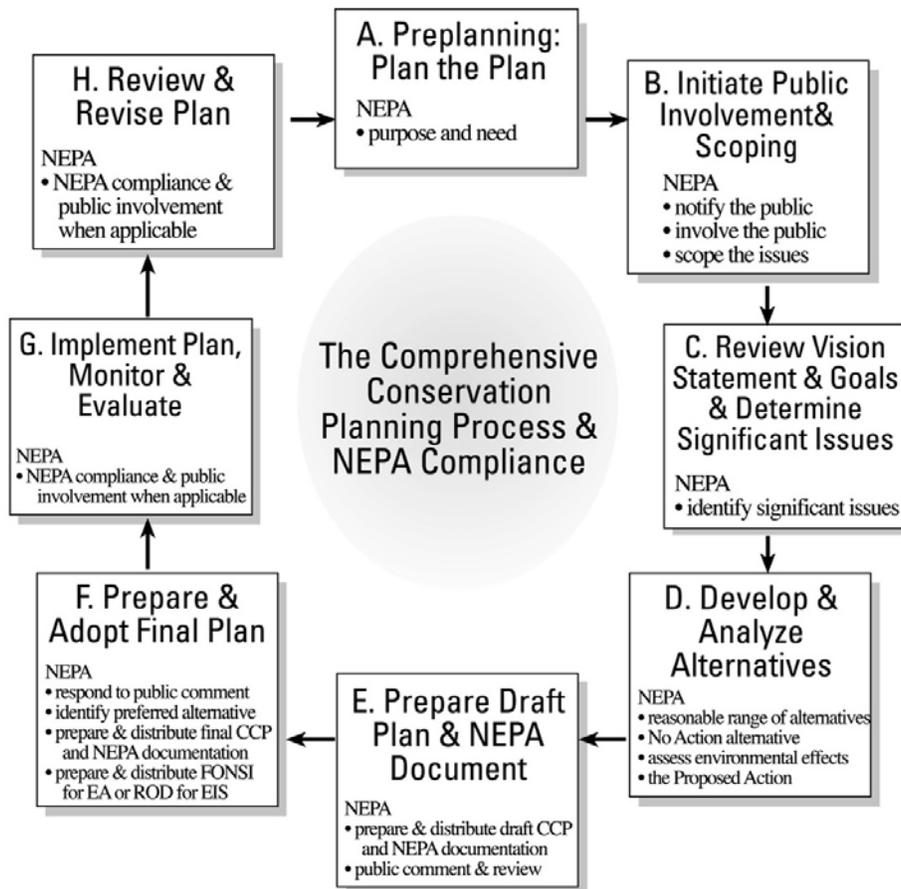
## The Planning Process

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## The Comprehensive Conservation Planning Process

Service policy (602 FW 3) establishes an eight-step planning process that also facilitates compliance with NEPA (Figure 2.1). Our planning policy and CCP training course materials describe the eight steps in detail. We followed the process depicted below in developing the EA/draft CCP.

**Figure 2.1. The NEPA planning process.**



Since 1970, we have focused on conserving lands within the approved refuge boundary, managing habitat for migratory birds, and establishing relationships with the community on Martha's Vineyard and our partners. In 1999, we began to prepare 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 complex. The efforts for Nomans Land Island NWR were halted at that time.

In 2004, we began preparations for developing a joint CCP for Nomans Land Island and Monomoy refuges by collecting information on refuge resources and convening our core planning team, which consisted of refuge complex staff, regional division staff, representatives from the Wampanoag Tribe of Gay Head (Aquinnah) (Tribe), and the Massachusetts Department of Fish and Game (MA DFG). Public scoping meetings were held in April 2005 in Chilmark, Massachusetts. We discussed management issues, and

compiled a project mailing list of known stakeholders, interested individuals, organizations, and agencies. Most of the planning effort during this period was focused on the CCP for the Monomoy Refuge. We developed a draft of the vision statement and goals and objectives for Nomans Land Island NWR, and also initiated a wilderness review. We initiated all of those steps as part of “Step A: Preplanning.”

In September 2008, we resumed this process after a delay due to the transfer of refuge personnel, and decided to split apart Nomans Land Island and Monomoy refuges into separate CCPs for efficiency. We once again engaged the public (“Step B: Initiate Public Involvement and Scoping”) for Nomans Land Island Refuge by distributing a planning update newsletter to approximately 530 individuals, organizations and agencies that announced the continuation of the planning process, and a public meeting to be held in October. We asked people if they wanted to remain on our mailing list.

Early in October 2008, we held both partner and public meetings in Chilmark on Martha’s Vineyard 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 stakeholder 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 website. Twenty-three people attended the public meeting. This meeting was followed by a month-long comment period where we continued to receive public and partner issues and concerns through email, letters, and comment form submissions.

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 May 2010 we distributed a newsletter summarizing the three management alternatives we analyzed in detail for the EA/draft CCP. That completed Step D.

The EA/draft CCP represented “Step E: Prepare Draft Plan and NEPA document.” On May 28, 2010 we published a Notice of Availability in the Federal Register announcing our release of the draft for a 30-day period of public review and comment. During that comment period, we also held a public meeting to obtain your comments. We received comments by regular mail, electronic mail, and at the public meeting. After the comment period ended, we reviewed and summarized all of the comments we received, developed our responses, and published them in Appendix J to this final CCP.

Once we prepared the final CCP, we submitted it to our Regional Director for approval. He determined that it warrants a Finding of No Significant Impact (FONSI; see Appendix K), and he found its analysis adequate to issue a decision at that same time. We will announce his final decision by publishing a 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.” That can be an “initiative, opportunity, resource management problem, threat to a resource, conflict in use, or a public concern.”

Issues arise from many sources, including our staff, other Service programs, state agencies, other federal agencies, our partners, neighbors, user groups, or Congress. One of the distinctions among the proposed management alternatives in the EA/draft CCP is how each addressed 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. This 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 purpose of this Refuge, and the discussions that took place up to the time of its establishment, the primary justifications for creating it were to protect a regionally important avian migration and feeding area.

How best to protect, restore, and/or enhance migratory bird habitat on the Refuge is an important issue we address in the CCP. Much of the Refuge's acreage is maritime shrubland habitat. Many migratory birds of conservation concern depend on this upland habitat type when breeding, wintering, or migrating. We heard a range of opinions on how to enhance these habitats, some of which can be labor-intensive and would require planting, mowing, or fire to maintain. The presence of UXO warrants particular care in determining management activities and requires further evaluation to ensure safety. The alternatives in Chapter 2 of the EA/draft CCP analyze different habitat management priorities.

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

- To what extent are Refuge species, such as the double-crested cormorant and gray seal, affecting local fisheries and what, if any, management actions to mitigate these effects could or should be taken on the Refuge?
- How will the presence of UXO affect habitat and wildlife management?
- How can we best monitor and manage for migratory and nesting avian species on the Refuge to include nest success and productivity information given restrictions in staff availability and access around the island due to safety issues?
- In what ways can we incorporate monitoring for impacts due to climate change?
- How can we effectively increase our survey and inventory efforts to account for rare plants and invertebrates present, as well as gain more access throughout the island to better quantify species abundance and richness?
- What are the most effective and efficient measures we can undertake to protect, restore, and conserve shrubland habitats on the Refuge?
- How can we best partner with the U.S. Navy to integrate our respective management plans for Nomans Land Island, coordinate schedules for burning, surveillance and cleanup operations, create a cultural resource protocol, and increase access around the island for staff?

## **Wilderness Review**

As noted in the sections, "Policy for Refuge System Planning" and "Policy on Wilderness Stewardship," we are required to review current Refuge lands and waters for their wilderness potential in the CCP planning process. We conducted an inventory of the Nomans Land Island NWR and determined that the lands and waters within the Refuge boundary meet the minimum criteria established in Section 2(c) of the Wilderness Act. Lands that meet these criteria are called wilderness study areas (WSAs).

The following key issues and concerns concerning the potential for new wilderness designations addressed in development of this CCP are:

- Is the Nomans Land Island WSA suitable for wilderness designation?
- If so, can we manage Nomans Land Island NWR to maintain wilderness values and character long-term, without jeopardizing our management to achieve the Refuge's established purposes and Refuge System mission?

### **Cultural Resource Protection**

Nomans Land Island has a richly diverse human history. Native American ancestors of the federally recognized Wampanoag Tribe of Gay Head (Aquinnah) used the island perhaps as early as the Late Archaic Period (5,000 years before present (YBP); Jacobson 2000). Its use as a summer camp up until the late 1600's is likely, as shell heaps and arrowheads have been found on the island (Snow 1975). One thought about the island's name is that it stems from its ownership by Tequenomen, one of the last Native American residents of the island. In the 1800's, European Americans lived and farmed on the island, and in the 1900's, it became a bombing range for the U.S. Navy. The island was used for both prehistoric Native American and European American burials. Stone walls and cellar holes remain from nineteenth and early twentieth century farms. The Navy left an old airstrip and remains of equipment and ordnance from their use of the island as a bombing target.



Stephanie Koch/USFWS

*Luce cemetery*

The maritime influence on the island, the unconsolidated geological deposits, and the absence of forest make it susceptible to erosion. Wind and water continue to have an effect on the cliffs and beaches of the island and these dynamic processes can reveal long-buried artifacts of past occupation. This constitutes the biggest threat to the archaeological sites on the island. The Service is required to identify and preserve historic structures and archaeological sites and artifacts, and to assess the cultural value of the Refuge in this CCP. During scoping, we heard a desire to maintain the Luce cemetery, the only known and marked cemetery on the island, free of vegetation, and to document other remnants of human habitation on the island. We also heard many comments that recommended creating a protocol to delineate the protection of these resources, including human burials. We addressed those concerns in the alternatives in Chapter 2 of the EA/draft CCP.

The following key issues and concerns arose regarding cultural resource protection and acquisition.

- How can we coordinate with partners to develop and implement a cultural resources protocol that best addresses future findings of archaeological human remains to ensure their protection, preservation and transfer to appropriate parties?
- What administrative steps (e.g., partnership agreement, Special Use Permits, Job Hazard Assessment, etc.) need to be taken to address future maintenance of the Luce Cemetery?
- Can we preserve eroding archaeological sites?
- How can we best inventory the known human habitation remains on the Refuge given limitations with respect to access, funding, and personnel, and what are the possibilities of partnering with the Chilmark Historical Commission for inventorying stone walls, cellar holes and other historical structures?

### **Tribal Relations**

The Wampanoag Tribe of Gay Head (Aquinnah) has a historical, cultural and religious interest in Nomans Land Island, or Cappaquidnet (the Wampanoag name for Nomans Land Island). In order to implement the Service's Native American Policy, this and other opportunities for closer cooperation and communication will be explored. These include recognizing the expertise of their biological and cultural resource professionals, and working together to strengthen our respective programs. The Tribe has invaluable resources in their educators and interpreters who have worked with living history museums and filmmakers. The Refuge could provide professional development and employment opportunities to the Tribe and learn Wampanoag history and increase cultural awareness through interactions with the Tribe. These and other factors are all opportunities for cooperation and implementation of our Native American Policy, and the issues related to the Refuge's unique government-to-government relationship with the Tribe are addressed in our proposed management direction.

The following key issues and concerns arose about cultural resource protection and acquisition.

- What opportunities are there to partner with the Tribe for the mutual benefit of our biological and cultural resources?

### **Public Use/Community Relations**

We are interested in increasing awareness and stewardship of our coastal natural resources, including those on Nomans Land Island Refuge, by providing interpretation and education opportunities on Martha's Vineyard. The lack of public access to the Refuge means that community relations need to be conducted in a different manner than traditional refuges. During public scoping, we learned that many people are in favor of keeping the Refuge closed to the public, given the safety issues and added benefits to wildlife. There were also some that advocated small group tours, or granting researchers more access. Some suggested ways we might conduct additional outreach. Increasing interpretation and education programs on Martha's Vineyard in cooperation with conservation partners was suggested. Others advocated the use of the media to provide updates and notification of management activities, particularly if there was any perceived impact on Martha's Vineyard.

In response to those comments and the issues below, our alternatives evaluated a range of quality visitor services opportunities for people to experience the Refuge through interpretation and education, and have proposed 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 communicate effectively with our partners and the public about the management activities we perform on the Refuge, including aerial herbicide spraying and prescribed burns, and the impacts, if any, there are for nearby residents and visitors?
- How can the status of contamination and remediation of the Refuge, and soil and water quality information, best be communicated with the public? How best can the Service provide regular updates on Refuge activities and species?
- How can we engage members of the public through increased interpretation and environmental education opportunities to provide an experience of the Refuge in other ways given the ban on public access?

## Issues and Concerns Outside the Scope of this CCP or Not Completely Within the Jurisdiction of the Service

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 CCP.

- *Conduct more studies to determine existence of depleted uranium and the impacts of contamination on residents of Martha's Vineyard.* The Navy began environmental baseline studies in anticipation of the transfer of the island to the Service beginning in 1996. In 1998, the Navy addressed questions about the existence of depleted uranium (DU) on Nomans Land Island. At that time, they indicated that while DU can be used in combat as needed, firing during peacetime was very strictly regulated and could only be fired at test ranges that had a specific permit issued by the Naval Radiation Safety Committee. Furthermore, the accidental firing of DU was subject to a special investigation and formal report to the Chief of Naval Operations. Based on information from the Navy's Radiological Support Office, the U.S. Air Force, the Department of Defense Explosives Safety Board, and historical records, no accidental firings of DU ammunition occurred at Nomans Land Island, nor had the island ever been an authorized or permitted DU test area. In fact, DU was developed after live munitions testing ceased at Nomans Land Island. Despite this, repeated speculation about the presence of DU on the Refuge continued to surface. As a result, the Massachusetts Department of Environmental Protection required that the ordnance debris removed from the island in 1998 be surveyed for the potential presence of DU. Two surveys were completed in 1998. Both concluded that there were no unusual or elevated levels of gamma radiation associated with the ordnance. Please refer to Appendix H for more information on this and other contaminants surveys conducted on behalf of the U.S. Navy.
- *Open the island up to public access, or at least to small groups for organized tours.* While it is one of the Service's highest priorities to provide opportunities for the public to enjoy these public lands, it is not within our authority to grant any public access to Nomans Land Island. The terms of the transfer agreement with the U.S. Navy stipulate that this refuge remain "administratively closed" to public access. In addition, the transfer agreement places responsibility for UXO disposal on the U.S. Navy; requiring UXO disposal to the level required to safely open the island to public access is beyond the expertise and jurisdiction of the Service. The Navy has conducted three major UXO removal operations on the island, and has adopted an operations and maintenance plan containing procedures for maintaining the safety of those personnel managing the island. The Navy is preparing a Phase III/Feasibility Study Report selecting a final remedy for UXO and other contamination issues under CERCLA (Comprehensive Environmental Response, Compensation and Liability Act of 1980) and the Massachusetts Contingency Plan. The nature of that final remedy is beyond the jurisdiction of the Service and beyond the scope of this CCP. Congressional approval of a wilderness designation by the Service, as recommended herein, may limit the mechanisms available to the Navy for site remediation. In the unlikely event that the Navy selects

a remedy that invalidates any of the assumptions or factual bases for this CCP, or the wilderness recommendation, we may need to reopen the planning process.

- *Conduct erosion control studies and/or dune rehabilitation on Refuge dune habitat.* Due to safety concerns, it will not be possible to carry out an erosion control study or consider dune rehabilitation measures given the prevalence of UXO throughout the island.
- *The island would be a good place for an anemometer or wind energy production.* The installation of any such structure is outside the scope of this analysis at this time. Generally, such uses cannot be considered due to the prevalence of UXO throughout the island and would constitute a violation of the terms of the transfer agreement with the Navy. Additionally, siting wind energy facilities on the Refuge would not be considered an appropriate use of the Refuge. However, we will continue to review proposals as they come in, and will address specific concerns as warranted. Refuge staff will work with other Service staff to recommend environmental studies to fill known data gaps, specifically with regard to impacts of wind turbines on bats and birds, as well as the proposed wilderness designation of the Refuge. Please refer to Appendix J for more information regarding the Service's response to wind energy facilitation on or near the Refuge.
- *Open nearshore waters and Refuge beaches to provide opportunities for traditional fishing.* The U.S. Navy placed access restrictions to the Refuge and the waters surrounding the island, due to public safety concerns with the presence of UXO. It is outside the scope of this CCP and the Service's authority to remove these restrictions.
- *Create a structure on-site to house Refuge staff.* The presence of UXO and the terms of our transfer agreement with the U.S. Navy preclude any construction on the island, and any on-site staff. The terms were to maintain it as an "unmanned, unstaffed" national wildlife refuge.
- *Partner with Massachusetts Audubon to create an interpretive boat tour around Nomans Land Island.* Due to Naval water restrictions around the island, this will not be possible. Changing this policy is outside of the Service's authority.