

Chapter 2



Freshwater pond on Bois Bubert Island
USFWS photo

Planning Process

- The Comprehensive Conservation Planning Process
- Issues, Concerns and Opportunities
- Issues Outside the Scope of this CCP

The Comprehensive Conservation Planning Process

An Early Planning Effort

In 1993, the Service began to evaluate the need for additional protection of Maine coastal nesting islands. In 1995, the Service's plans to prepare an EIS to study the protection of significant seabird, wading bird, and eagle nesting islands on Maine's coast was officially announced through a Federal Register Notice of Intent.

Throughout 1995, four public forums and six public scoping meetings were held in Ellsworth, Machias, Owls Head, Rockport, Brunswick, Freeport, Wells, and Augusta, Maine. The locations, dates, and times for these meetings were announced in local newspapers, as well as through special mailings. Over 250 people attended the public forums, co-sponsored by the Service and 33 additional groups interested in promoting protection of coastal islands. More than 60 people attended the scoping meetings, the purpose of which was to let people know what the Service was doing and share what we have learned about coastal nesting island wildlife and their habitats. Also during 1995, over 1,100 copies of an Issues Workbook were distributed. These workbooks asked people to share what they valued most about the islands, their vision for island protection in the future and the Service's role in that future, and any other island issues they wanted to raise. One hundred and forty copies of the workbooks were returned to us. We summarized the information and shared the results in a Project Update newsletter in May 1996.

Also in May 1996, the Service held a two-day facilitated workshop at the Bar Harbor Inn in Bar Harbor, Maine. The 24 participants included island owners, local land trusts, conservation organizations, town officials, sea kayaking companies, tour boat operators, representatives from the aquaculture industry, property rights supporters, and State and Federal agency representatives. The participants discussed the information gathered on seabird, wading bird, and eagle populations and island ownerships, as well as the results of the workbook. Work groups were formed to identify potential management actions and strategies available for protecting, managing, and restoring coastal nesting islands, and to establish a consensus action plan that workshop participants could support. During 1997 and 1998 further planning on this project was delayed pending passage of the Refuge Improvement Act and new Service planning policy. During this time, we determined that the focus of our planning should be expanded to include not only Service acquisition of Maine coastal nesting islands, but all other aspects of refuge management as well. This expanded effort would better comply with the intent of the new Service planning policy.

Our Recent Planning Effort

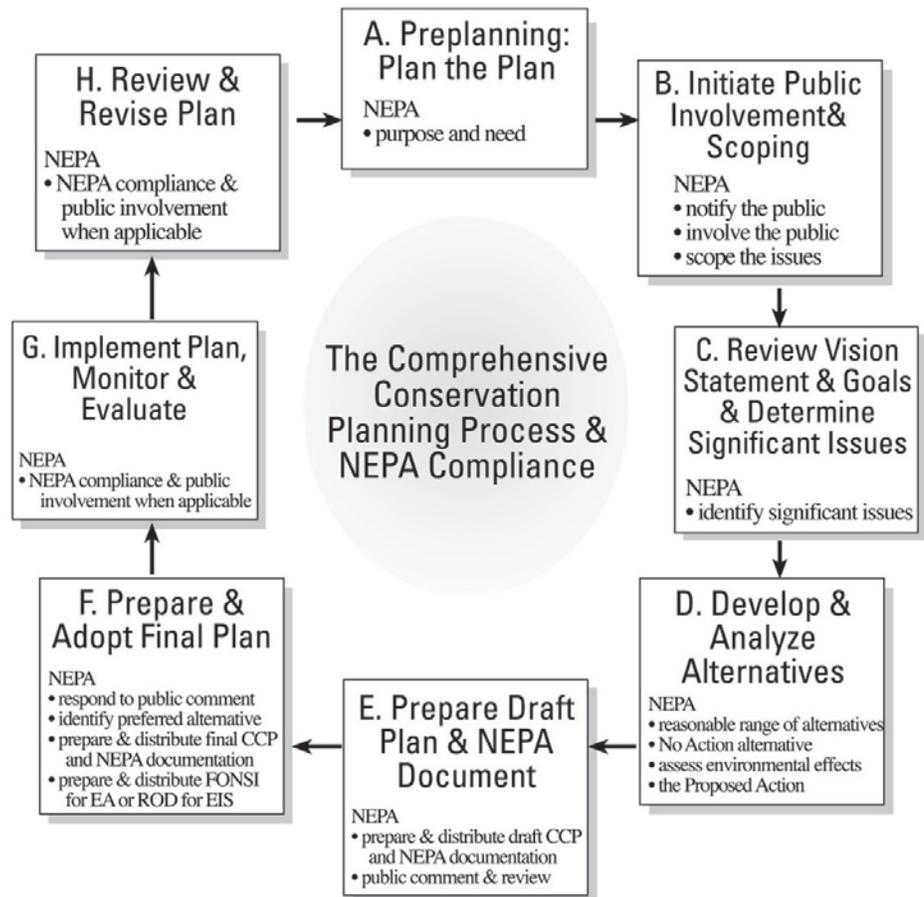
The planning process was restarted in the summer of 1999, and a new planning team was formed to produce a draft CCP/EIS. Our core planning team consisted of the Refuge staff, Regional Office planning, visitor services, and cultural resources staff, and one staff from the Maine Department of Inland Fisheries and Wildlife (MDIFW). We regularly consulted with the Regional Refuge Biological Program staff, Migratory Bird pro-

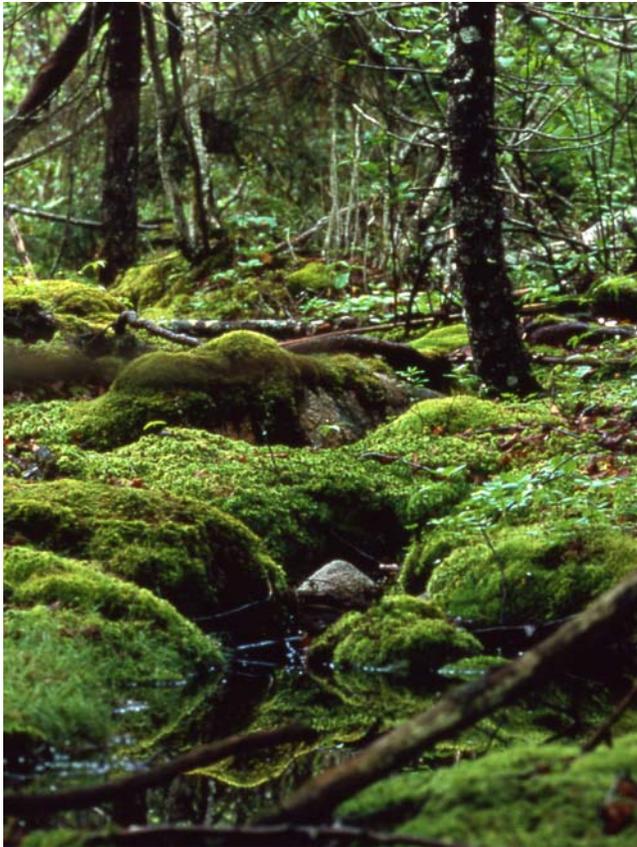
gram staff, Gulf of Maine Program Ecological Services staff, and program specialists with MDIFW.

Service planning policy establishes an eight-step process (Figure 2-1) which we followed in developing this Final CCP. Individual steps are described in detail in the planning policy and CCP training materials. As part of “Step A: Preplanning,” we developed a preliminary Refuge vision statement, goals and identified issues and management concerns. We reviewed the 1995 list of issues and concerns for the project, expanded them to include issues on existing refuge lands, and prepared to gather additional comments from the public. The revised list of issues and concerns is presented below.

During this step, we also initiated a wilderness review of existing Refuge lands. This review is the process we use to determine if we should recommend Refuge System lands and waters to Congress for wilderness designation. The wilderness review process consists of three phases: (1) inventory, (2) study, (3) recommendation. Our Refuge Planning Policy requires us to conduct a wilderness review concurrent with the CCP process and incorporate the summary of the review into the CCP (602 FW 3.4 C. 1(c)). The process we followed for this CCP is described in Appendix D.

Figure 2-1 Steps in the comprehensive conservation planning process and their relationship to National Environmental Policy Act compliance





A view from the John Hollingsworth Memorial Trail, Petit Manan Point Division
Myer Bornstein, SEMASS Photos

Next, we completed “Step B: Initiate Public Involvement and Scoping,” which provided an opportunity for the public to critique, or add to, the vision, goals, and issues for the Refuge. We held public meetings and open houses in Augusta, Milbridge, and Rockport in 2000. A newsletter shared the comments from the open houses with the people on our mailing list.

Following the public meetings, the planning team met a few times, and individual members drafted and refined elements of our management alternatives. Our next newsletter, published at the end of 2001, shared our draft alternatives with the public. At publication, we presented five management alternatives, but after further analysis, we determined that one of the alternatives was not significantly different than the others. All the significant components of this alternative were included in at least one of the other four alternatives. Therefore, we reduced our analysis to four alternatives.

During 2002, we concentrated on completing the analysis for Draft CCP/EIS “Chapter 2: Alternatives” and “Chapter 4: Environmental Consequences.”

From April 30 to July 6, 2004, we published our Draft CCP/EIS and released it for 68 days of public review and comment. We notified everyone on our project mailing list of the document’s availability and published a notice in the “Federal Register” on April 30, 2004. The document is also posted on our National Conservation Training Center Library website (http://library.fws.gov/CCPs/petitmanan_index.htm). In addition, we held four formal public hearings on the following dates and locations:

- June 1, 2004, 7-9:00 p.m., Rockland Public Library, Rockland, ME
- June 2, 2004, 7-9:30 p.m., Milbridge Town Hall, Milbridge, ME
- June 8, 2004, 7-9:00 p.m., Pine Tree State Arboretum, Augusta, ME
- June 9, 2004, 7-9:00 p.m., Falmouth Public Library, Falmouth, ME

Eighty-five people attended the public hearings: 28 in Rockland; 35 in Milbridge; 9 in Augusta; and 13 in Falmouth. Thirty gave oral testimony: 12 in Rockland; 7 in Milbridge; 4 in Augusta; and 7 in Falmouth. Some others did both. More comments arrived later by post or electronic mail.

We received a total of 594 public responses in oral testimony at public hearings, in phone calls, or in written or electronic documents. In the Final

EIS, Appendix I, there is a summary of the comments we received and our response to them. In some cases, our response resulted in a modification to alternative B, our preferred alternative. Our modifications include additions, corrections, or clarifications of our preferred actions in this Final CCP.

Our Regional Director will issue a Record of Decision (ROD), the final decision document in the planning process approving the final CCP, after:

- Our Service Director has reviewed and approved our Land Protection Plan; and,
- We have provided the final documents to interested or affected parties for a 30-day waiting period, which will start when we publish a notice in the “Federal Register” that we have prepared a final EIS and CCP.

Once our Regional Director has signed the ROD, the planning phase of the CCP process is complete, and its implementation phase begins.

Issues, Concerns, and Opportunities

From the Issues Workbook, public and focus group meetings, and planning team discussions, we developed a list of issues, opportunities, or any other item requiring a management decision. We utilized these issues to drive the analysis and comparison of alternatives in the Draft and Final EISs.

Issues were sorted into three categories:

1. Significant issues – these issues formed the basis for the development and comparison of different management alternatives. A range of opinions on how to resolve these significant issues and meet objectives generated the different alternatives presented in the Draft CPP/EIS and Final EIS Chapter 2. These issues are resolved differently among the alternatives. Significant issues are discussed in detail below.
2. Other issues to address – these issues and management concerns are also presented in Draft CPP/EIS and Final EIS Chapter 2, but are not considered “significant.” These issues are often resolved in a similar manner in all of the alternatives.
3. Issues and concerns outside the scope of this CCP – these issues do not fall within the scope of the purpose of and need for action as we described in Chapter 1. They are identified below, but will not be further addressed in this document.

Significant Issues

The following issues were generated by the planning team or brought to our attention by our State or other partners, or the public, during scoping activities. These issues generated a wide range of opinions including those in support of, to those fully against the particular activity involved. The issues matrix in Chapter 2 of the Draft CCP/EIS and Final EIS shows how we dealt with these issues through actions and strategies in the four alternatives evaluated. We provide a summary of the different opinions we heard in each discussion of significant issues below.

1. How will we protect the coastal nesting islands, given the finite number of islands suitable for seabird, wading bird, and eagle nesting?

There are a limited number of coastal nesting islands providing seabird, wading bird and eagle nesting habitat. Of the more than 4,617 Maine coastal islands, 377 are considered to be nationally significant coastal nesting islands. Only 226 of these are currently protected by either the Service, MDIFW, or the National Audubon Society, all of whom have either legislative authority or a management mission to maintain and enhance seabird, wading bird, or eagle nesting habitats. Each of these entities has ongoing seabird restoration projects which are very expensive and challenging to undertake.

Many people have expressed concern about the remaining 151 nationally significant coastal nesting islands, which do not have permanent, long-term protection and are subject to development pressures; pressures which continue to increase with the population on Maine's coastal islands. Some noted that the obvious threat is the direct loss of nesting habitat when construction occurs. They commented that residential development near nesting areas can indirectly result in disturbances during construction activities and from the influx of summer residents and their pets. Other concerns include the removal of potential bald eagle nesting trees through logging, and the harvest of other native vegetation or overgrazing by domestic animals which alters vegetation so it is no longer desirable to nesting seabirds.



Arctic terns
USFWS photo

On the other hand, we heard from some private island owners who feel they manage their islands with a conservation ethic and achieve the desirable habitat objectives. Some expressed the opinion that we “should just let nature take its course” and not intervene. Other people fear Federal ownership will result in a greatly diminished local voice in how the islands are used, and they expect the result will be additional restrictions on traditional activities on or near the islands. These respondents believe the Service will not be responsive to local concerns and that the islands will no longer be subject to local influences. Some expressed the opinion that market forces should dictate the status of land protection. Others recommended that either State agencies or national and local conservation organizations take the lead in land protection, and that the Service act only in a support role. Still, others suggested that the Service pursue conservation easements instead of fee simple purchases as a means of protection. In their opinions, this would lessen the impact on local property tax revenues. The Draft and Final EIS alternatives evaluated different levels of land protection, including the number of islands recommended for Service acquisition.

2. How will we deal with increased recreational and commercial uses promoted by others on or near coastal nesting islands?

Tourism is an important component of the State and local economies, providing many seasonal jobs, and affecting many industry sectors. A great deal of revenue is generated from the millions of visitors who come to enjoy coastal Maine in the summer. The coastal nesting islands provide an important niche in the “eco-tourism” industry, at least partly because of the wildlife viewing opportunities they provide. Commercially provided seabird viewing activities are experiencing rapid growth. The total dollar volume of sales in this activity is approximately \$1,000,000 per year, with at least 20,000 participants. Many people also regularly enjoy seabird viewing without paying a commercial venture; they motor or paddle out to islands in their own canoes or kayaks. The total dollar value attributed to this activity in coastal Maine is approximately \$525,000 per year, with at least 10,500 annual visits (Colgan, 2002).

We heard concerns about the growth of this eco-tourism industry, specifically the increased number or frequency of tour boats visiting coastal nesting islands, resulting in an increased potential for disturbing nesting seabirds, wading birds, and eagles. Yet other respondents expressed an interest in seeing this wildlife observation opportunity continue, commercially provided or otherwise. Some mentioned an increased outreach and education campaign might ensure visitors become aware of the disturbances created and seek ways to minimize it. Others recommended that the islands be off-limits and that we enforce a wide no-access zone around the islands during the nesting season to preclude boat activity.

The Draft and Final EIS alternatives considered various levels of outreach to user groups such as canoeists, kayakers, and commercial touring operations.



Seabird-watching cruise
USFWS photo

3. How will our management activities affect public access to coastal nesting islands?

Under the Colonial Ordinance of 1641-1647, as clarified by Title 12 M.R.S.A. 571 et seq., people have a right to use the intertidal zone around islands for “fishing, fowling, and navigation.” The intertidal zone is the area between mean low and mean high water. Use of the island above mean high water, however, is controlled by the property owner(s). Most people recognize that Service acquisition of nesting islands will result in a seasonal closure to protect the nesting seabirds, wading birds, or bald eagles. Opinions vary on this restriction.

Some people want increased opportunities for public access to coastal islands and would not support any additional restrictions. They believe that allowing people to experience the islands first-hand will contribute to their understanding and appreciation of these national resources. Many commented that access should especially be allowed for historic and traditional

activities, such as berry picking, waterfowl hunting, camping, and annual family picnics.

Others are concerned that increased public access will only lead to increased disturbance to nesting birds, and sensitive plant and cultural areas. Some expressed concern with the potential for increased vandalism and trespass on private property when access on adjacent Federal lands is allowed. A few suggested that the islands be off-limits year round to ensure full protection of the special resources found there. Others believe access should be allowed, but tightly controlled.

The Draft and Final EIS alternatives compared different levels of public access, including variations on the seasonal closure period and the types of uses allowed.



A view of the shore of Cross Island
USFWS photo

4. How will we manage habitats to protect threatened or endangered species or other species of management concern?

Several Federal-listed species, including the threatened bald eagle and the endangered roseate tern, are found on some of Maine's coastal islands. Several of these islands are part of the Refuge. A number of State-listed species, including several plants, are also present on these islands. Active management, to avoid habitat loss or degradation and sustain or increase populations, is one of the best ways to ensure the long-term survival of these species of concern. Several Refuge islands have active seabird habitat restoration programs in place.

The Service is responsible for protecting Federal-listed endangered and threatened species and keeping additional species off of the Federal list. In addition to these, there are other species of management concern warranting protection, including anadromous fish, certain marine mammals, State-listed and other rare or declining species as identified in Appendix B.

Many people expressed their interest in protecting these species and, where possible, increasing populations through management. Their reasons ranged from a fear of losing a species entirely to an interest in maintaining overall biological diversity on coastal islands. Some are particularly interested in increasing well-distributed populations throughout the Gulf of Maine to protect against catastrophic losses. Others expressed the view that many unique natural communities and species of plants and

animals, both terrestrial and marine, are found on coastal nesting islands. Protecting this diversity is the key to a healthy island environment. The emphasis on coastal nesting islands for seabirds, wading birds, and eagles will have direct and indirect benefits for many other species.

A few people are concerned that refuge management is focusing too much on protecting nesting habitat at the expense of the other habitat needs for a given species. They argue that it is equally important to protect the feeding, roosting, and migratory areas used by the birds. Feeding areas located on mudflats or open water may be subject to disturbance or over-harvesting of resources upon which the birds depend. Habitat in feeding areas may be disturbed or altered by dredging and dragging, deposition of sediments or dredged materials, or other activities. Others point out the need to learn more about what the birds feed on and where they feed.

Some people expressed fear that the presence of endangered or threatened species will severely restrict their ability to continue using and enjoying the islands. They do not support increased Federal acquisition of islands. Other respondents want us to “let nature takes its own course” without any intervention in managing these populations.

Several people wanted a clearer understanding of our management goals and objectives before they formed an opinion. They asked how we will decide on population goals for species of management concern, and how this translates into habitat management on coastal islands.

The Draft and Final EIS alternatives compared different objectives and strategies for managing the species of management concern identified in Appendix B.

5. How will we control the impacts of predators on species of management concern?

We identified the need to control predators at seabird nesting sites as an important management concern. Herring and great black-backed gulls are highly effective at preying on the eggs and young of several nesting sea-

bird species of concern. In addition, these two gulls often out-compete less common species, such as terns and laughing gulls, for nesting space on islands. In our current management, we generally remove nesting herring and black-backed gulls before we restore colonies of the less common seabirds. Mammals like rats, raccoons, mink, cats, and birds like owls and night-herons can also create serious predation problems on islands. Some people recognize the importance of controlling predators to help maintain and restore diversity on nesting islands. Others are concerned about lethal predator control techniques, including trapping



Great back-backed gull preys on tern
Photo courtesy of the Cornell Laboratory of Ornithology

and the use of avicides, and adamantly oppose their use on the Refuge. Some people support predator control only if there is a threat to human life.

The Draft and Final EIS alternatives compared and contrasted different levels and techniques of predator control.

6. How will we manage sheep grazing on refuge lands?

We identified the amount and timing of sheep grazing on Refuge islands a management concern. Sheep currently graze on Nash and Metinic islands, where they have grazed for over 100 years. Grazing also occurs on other islands proposed for Service acquisition in the Land Protection Plan (Appendix A). Grazing is considered a traditional and historic island activity by many people. Others, however, feel that grazing is inconsistent with the “wildlife first” mission of the Refuge System and oppose this activity on refuge lands.

Our observations on Nash and Metinic islands, and on other grazed private islands, indicate that when sheep graze too long in one area, or their numbers exceed foraging capacity, their presence can have a serious impact on nesting seabirds and their habitat. Overgrazing destroys the grasses and shrubs needed by nesting terns and eiders and forces nesting birds to use lower quality habitat elsewhere on the island. In addition, sheep can directly disturb the birds by trampling their nests and eggs, or by forcing adult birds to flush from the nest, making their eggs or young more susceptible to predation by gulls.



Grazing sheep dot the Metinic Island landscape
USFWS photo

On the other hand, our staff and sheep owners feel that grazing can be used as an effective vegetation management tool when the number of animals, time of year, and length of grazing season are properly managed. In general, the vegetation on tern nesting islands must be managed to promote shorter grasses and other herbaceous vegetation, and not allow shrub or other woody growth, such as raspberry. It is challenging to get equipment to these islands, and prescribed fire is not always a viable option. As such, sheep grazing is considered by many to be a practical solution if managed properly to meet specific objectives.

The Draft and Final EIS alternatives evaluated different levels of sheep grazing in support of seabird habitat management.

7. How will we manage non-native, invasive species on refuge lands?

Most people recognize that non-native, invasive plants and animals can displace native species, degrade wetlands and other natural communities,

and reduce natural diversity and wildlife habitat values. Non-native plants outcompete native species by dominating light, water, and nutrient resources. We are concerned that, once established, invasive plants are expensive and labor-intensive to eliminate; they are able to establish easily, reproduce prolifically, and disperse readily, making eradication difficult. Preventing new invasions is extremely important for maintaining biological diversity and native plant populations.

Fortunately, the Refuge has very few non-native plant or animal species on its mainland divisions. In these areas, monitoring is all that has been warranted to date. On Refuge islands, however, little information is available.

The Draft and Final EIS alternatives considered different levels of effort to determine the presence of invasive plant species and establish management strategies to deal with them.

8. How can we effectively monitor and inventory wildlife populations and habitat on refuge lands?

We are challenged each year by the staffing, funding, and logistical requirements of an effective resource monitoring and inventory program. We must make difficult choices regarding priorities because of limited available resources, which can vary widely between years. Unfortunately, our budget does not include a dedicated source of permanent funding for carrying out important habitat and population inventory and monitoring activities. We rely on competitive sources of funding – Challenge Grants, Cooperative Agreements, the National Fish and Wildlife Foundation, habitat funds, etc., to supplement Service funding. The uncertain availability of funding from year to year has always hampered our long-term planning.

Everyone we spoke with encouraged the continued partnership with the Gulf of Maine Coastal Program, where resource information is shared among many groups. The Coastal Program compiles and analyzes scientific resource data collected by the Service, State, and private conservation organizations. Through their analysis, they identify significant fish and wildlife habitats in need of protection, monitor population trends for certain species in the Gulf of Maine, identify existing information gaps for species of concern, and, consequently, determine future research needs. Many people feel this effort fills an important need and must be continued as an ongoing and long-term project. Others pointed out that



Roseate tern with fish
Photo courtesy of Gil Lopez-Espina

other partnerships, for examples, with universities and colleges, conservation organizations, private landowners, or aquaculture representatives may be available to support implementation of Service inventory and monitoring priorities and encouraged us to explore these possibilities.

The Draft and Final EIS alternatives considered different levels of inventory and monitoring effort and pursuit of partnerships to accomplish priority activities.

9. How will we build partnerships to protect coastal wildlife habitats and support priority wildlife-dependent uses?

We have established many valuable partnerships working to protect wildlife and habitats along the Maine coast. Partners are integral to virtually every program on the Refuge. Our partners assist us in activities including environmental education and interpretive programs, habitat evaluations, species inventories, nest site monitoring, and seabird restoration. In Chapter 3 we describe these partners and their missions in greater detail.

Due to the cyclical nature of funding for government agencies and the consistent membership support in conservation organizations, partnerships among public agencies and private organizations are vital to accomplishing Refuge goals. Many people believe the only way to protect Maine's islands is for all parties – private island owners; Federal, State and local agencies; and private industry and organizations – to voluntarily join forces, form partnerships, and pool resources to accomplish the common good. There is a great deal of support for an approach that focuses on voluntarily working together in the spirit of cooperation, combining resources, sharing information, keeping people informed, and simply being good neighbors.

Partnerships can also help us provide high-quality, wildlife-dependent, public use opportunities. Non-consumptive uses such as environmental education are especially amenable to partnerships.

The Draft and Final EIS alternatives compared different levels of effort towards pursuing partnerships.

10. How will we provide and maintain high-quality programs for the six priority public uses (hunting, fishing, environmental education and interpretation, and wildlife observation and photography)? Also, how will we manage traditional uses?

Local residents have expressed concern about the possible loss of opportunities to participate in many of the traditional activities they have enjoyed on, or adjacent to, coastal nesting islands. These include picnicking, camping, berry picking, shell fishing, fin fishing, trapping, and waterfowl hunting. They fear that any conservation or protection measures taken on nesting islands will result in additional restrictions on opportunities to pursue these activities. Others point out that these activities, when carried out during the nesting season, can disturb the birds. They believe that use

of the islands during the nesting season must be restricted or very tightly controlled.

Many people identified environmental education and interpretation opportunities as their highest priority for public use at the refuge. They expressed concern that there are both local residents and frequent visitors who are unaware of the importance of the nesting islands and the role they play in the coastal ecosystem. It is a concern to some that most people are not familiar with the less visible and more uncommon species that inhabit the islands. In order to instill a sense of wonder regarding the special habitats and populations found on the nesting islands and encourage ethical practices, many people believe that more environmental education opportunities should be provided. In particular, they want us to increase our outreach efforts to local schools and communities.

As a priority, we will continue to promote the wildlife-dependent uses (e.g. hunting, fishing, wildlife observation and photography, environmental education, and interpretation) stipulated in the Refuge Improvement Act, to the extent they are determined compatible with refuge purposes. It is only after the Refuge Manager determines that the use is compatible that we will open for any new use, or expand, renew, or extend an existing use.

The Draft and Final EIS alternatives evaluated different levels of providing compatible public use programs, emphasizing the six priority wildlife-dependent public uses identified in the Refuge Improvement Act. Appendix C includes the compatibility determinations completed for the Service's Preferred Alternative.

11. How will we manage activities that are not compatible on refuge lands?

Many people have expressed concern about the vandalism, trespass, intertidal harvesting, and other collecting occurring on Refuge islands.

They point out that a Service presence is limited on most islands during the year, and that many of these activities are undetected. A few people mentioned that only a few islands have signs or notices alerting people to allowed activities and seasons of use. Another concern identified is that people often bring pets ashore when visiting islands, which can cause serious problems to wildlife during the nesting season.

In general, it is very difficult to enforce trespass laws on islands. Also challenging is the fact that the Service does not have jurisdiction in the intertidal areas unless a Federal law is violated or Federal trust resources may be impacted. Generally, the intertidal areas are under the jurisdiction of the State.



*An illegal campsite on Schoppee Island
USFWS photo*

The Draft and Final EIS alternatives evaluated different strategies for dealing with activities already occurring on the Refuge that have been determined incompatible with Refuge purposes. The strategies included various levels of outreach and law enforcement capability.

12. How will we improve communications, raise the visibility of the Service and Refuge System, and build working relationships with local communities?

Local residents are becoming more aware of Refuge activities and benefits to their local communities. However, we are striving for even stronger ties to local communities to gain increased understanding and support for the Refuge System and our Refuge programs. Through increased communications, listening and sharing information, we believe we can make great strides toward conserving the nationally significant resources along coastal Maine.

Some people suggested regular contacts with Tribal representatives, State and local elected officials, and conservation planning efforts at State and local levels. Others would like us to be more involved in Chamber of Commerce and local community events. A Friends Group, Friends of Maine Seabird Islands, has been initiated in the mid-coast area, which shows great promise as an advocacy group for the Refuge.

Other ideas were shared to increase the Service's visibility and Refuge activities. Some people noted that not all Refuge islands have boundary, informational, or regulatory signs to make visitors more aware of the importance of the islands to nesting birds and their vulnerability to disturbance. These respondents believe that more people need to understand that the islands are closed during the nesting season solely for the protection of the birds. Others suggested that informational brochures be developed to educate people and build public support for island protection.

The Draft and Final EIS alternatives compared different levels of community involvement and ways of raising the Service's visibility.

13. What funding, staffing, and infrastructure will we need to manage a refuge that spans the coast of Maine and includes coastal islands?

Many who support Refuge management activities appreciate the logistical challenges of managing 42 islands scattered over 200 air-miles of the Maine coast. When carrying out management or law enforcement activities, we must haul boats by trailer from the Refuge offices in Milbridge or the satellite office in Rockport to public launch sites on the mainland. In good weather, it can take as long as 1 to 2 hours to reach those islands farthest out once the boat is launched. Often, in periods of high seas and fog, it is virtually impossible to reach the islands. Setting up and supplying summer base camps on the islands to support research and management activities can be time consuming, costly, and dangerous. Many islands are difficult to land on, even in good weather. A few people noted that more staff located centrally in the mid-coast area might alleviate some of this problem.



Transporting people and equipment on the Refuge is often a challenge
USFWS photo

Some people expressed their concern with the lack of law enforcement capabilities on Refuge lands. We currently have no law enforcement officers on the staff. Adequately patrolling Refuge mainland areas and widely scattered islands and responding to incidents has become an impossible task. As public use of the Refuge increases, current law enforcement difficulties will be compounded, especially during the critical nesting season, when the potential for disturbance is greatest.

The Draft and Final EIS alternatives compared different funding and staffing levels needed to support respective objectives and strategies.

14. Which lands will be studied for their wilderness potential and recommended for inclusion in the National Wilderness Preservation System?

Service planning policy requires us to review current Refuge lands for their wilderness potential during the CCP planning process. A wilderness review consists of three phases: 1) inventory; 2) study; and, 3) recommendation. A wilderness inventory is conducted first to see if refuge lands meet the minimum criteria established in Section 2(c) of the Wilderness Act. Lands that meet the criteria are called wilderness study areas (WSAs). In the study phase, we evaluate the WSA's values (e.g., ecological, recreational, cultural, economic, and symbolic), resources (e.g., wildlife, water, vegetation, minerals, and soils), and existing and proposed public uses, and analyze whether we can manage the wilderness values and character over the long-term.

Basically, we determine if the WSAs are suitable for wilderness designation. The inventory and study phases are incorporated into the CCP process. In the recommendation phase, we forward the suitable recommendations on to our Director. Our Director must concur with the wilderness study findings and suitable recommendations before they are forwarded or reported through the Secretary of Interior and the President of the United States, to Congress for final approval.

We conducted an inventory and study of existing Refuge lands and determined that 13 islands met the minimum criteria for wilderness. These islands were then grouped into eight WSAs. At this stage, the issue thus becomes whether we can manage for wilderness values and character long-term, without jeopardizing our management to achieve each affected refuge's establishment purposes and the Refuge System mission.

We have heard mixed support for wilderness designation. Some people were simply unsure how this would affect current management of Refuge islands; namely, how such a designation would impact public use and access. Several other people supported wilderness designation for as much



Birch Point Trail on Petit Manan Point Division
USFWS photo

refuge land as possible to prevent land uses, such as timber harvesting or grazing, that they believed could potentially degrade natural values. Others felt that wilderness designation would actually harm the character of coastal Maine by attracting additional visitors to the islands. Some of these same people felt that the Service could manage for wilderness character while not officially designating it as such. In addition, we heard from others who expressed concern that designation could impact commercial or recreational opportunities on adjacent lands.

The Draft and Final EIS alternatives ranged from proposing none to all eight WSAs for inclusion into the National Wilderness Preservation System. The Final EIS, Chapter 4, analyzed the consequences of each alternative's proposal. Our final recommendation is presented in Appendix D.

Other Issues to Address

1. How will refuge activities affect the local economy and tax base?

Many people expressed the opinion that refuge lands affect the local economies primarily by increasing the potential for eco-tourism (see issue #2, "Increased recreational and commercial uses on or near coastal nesting islands").

Some people are concerned that refuge lands reduce the local tax base, since the Federal government does not pay property taxes. They believe this places an additional financial burden on town residents who own land and pay taxes on their property. They note that, in addition to Federal lands, those owned by the State and some land trusts are tax-exempt, which has a cumulative impact on the tax base. On the other hand, others noted that Refuge Revenue Sharing payments to towns help offset, and sometimes more than compensate for, these tax losses.

A few people value the open space protection provided by refuges and believe the tangible and intangible benefits to the community are much greater when these islands are protected and kept as open space. They noted that open space benefits local economies by raising property values, lowering infrastructure needs, and maintaining lower costs for community services compared to developed areas.

The Draft and Final EIS alternatives had differing impacts on the local economy which were described in Chapter 4: Environmental Consequences.

2. How will we protect historic resources on refuge lands?

Some people expressed their interest in protecting the lighthouses and associated structures. A few people represented national organizations dedicated to this preservation effort. Eight refuge islands have lighthouses:

Libby, Petit Manan, Egg Rock, Matinicus Rock, Two Bush, Franklin, Pond, and Nash islands. Except for the Nash Island light, these lighthouses have been automated. The U.S. Coast Guard maintains the aids to navigation within the lighthouses.

All the lighthouses except Two Bush are on the National Register of Historic Places. However, the Service is responsible only on Libby Island, Egg Rock, and Matinicus Rock for maintaining the lighthouse to natural historic preservation standards. The Service is also responsible for maintaining these standards on the Petit Manan Island lightkeepers house and outbuildings. The historic lighthouses on Franklin, Pond, and Petit Manan Islands are the responsibility of the Coast Guard.

Historically, we have lacked adequate funding to maintain all the lighthouses and historic structures found on these islands. Without adequate funding and the assistance of lighthouse Friends Groups or other agencies and organizations, it will be difficult, if not impossible, for us to meet these legislated responsibilities.

While the Draft and Final EIS alternatives included a requirement to maintain the registered historic lighthouses to minimum standards, the alternatives compared different levels of promoting their use and enjoyment.

3. How will we promote volunteer opportunities and a Friends Group?

At public scoping meetings, we heard a lot of interest in volunteer opportunities and initiating a Friends group for the Refuge. We began a formal volunteer program in 2000 and currently have 25 volunteers. Volunteers help with administrative, biological, and public use activities. In the fall of 2002, a Refuge Friends Group, Friends of Maine Seabird Islands, officially formed in the mid-coast area. Their community outreach efforts have tremendously benefited the Refuge.

The Draft and Final EIS alternatives evaluated different levels of support for volunteers and establishing other Friends groups in downeast Maine.

4. How can we provide technical assistance to others interested in managing for wildlife and habitats?

The need to provide technical assistance to interested island owners, land trusts, and private organizations was identified by many as an important issue. Those who own coastal nesting islands aren't always certain of their significance and what needs to be done to maintain the values that make the islands so special for wildlife. The Service's Gulf of Maine Program helps provide technical assistance and routinely identifies and distributes information about potential sources of funding. Many people feel this fills an important need and should be continued. Our staff could complement this effort by providing technical assistance more specifically on habitat management techniques.

The Draft and Final EIS alternatives evaluated different levels of providing technical assistance.

Issues Outside the Scope of this CPP

These issues were brought up by the public or by the planning team during the scoping process. In some instances, the Service does not have any, or only limited, regulatory or jurisdictional authority over the issue. Other issues may be covered under other Service programs, initiatives, or planning projects. Some of the concerns implicit in these issues were addressed in Draft and Final EIS, Chapter 4: Environmental Consequences. However, all of these issues are considered outside this document's stated purpose and need for action and, thereby, do not fall within its scope of analysis.

1. How will we affect aquaculture operations adjacent to coastal nesting islands?

Aquaculture is important to the local and State economies in Maine. In Chapter 3, we provide a summary of the current state of Maine's aquaculture industry.

Many people expressed opinions on the benefits of this industry to local communities and the coastal ecosystem. Some people are concerned that Service ownership of islands will adversely impact present and future aquaculture operations by imposing restrictions. Industry supporters are particularly concerned about increased Service acquisition of islands coupled with the Federal-listing of wild Atlantic salmon as an endangered species in several Maine rivers. In their opinion, Federal acquisition will only continue to reduce the economic viability of an industry impacted by the salmon listing.

Some respondents suggested that aquaculture pens are beneficial as they can provide feeding, roosting, and loafing sites for birds. Fish-eating birds are commonly seen "pirating" fish reared in the pens. Other people, however, are concerned that the noise and activity from aquaculture operations at off-shore facilities may disturb nesting birds on nearby islands. In addition, they feel that disease control, feeding, and waste products at facilities cause pollution.

Some people were not opposed to aquaculture operations per se, but they believe care should be taken to select suitable sites away from known bird nesting islands. Finally, there are some people who do not believe there is any impact on the ecosystem.

The aquaculture issue is complicated and by no means inconsequential; however, we do not believe it warrants a detailed analysis within the context of this CCP. The industry is faced with many challenges, none of which are the direct result of Refuge programs. These challenges include a combination of health and environmental problems, such as infectious salmon anemia, the Federal-listing of Atlantic salmon as an endangered species, competition from foreign producers, and the lengthy lease process.

A prospective aquaculture operator must undergo both a State and Federal review and permitting process prior to obtaining the necessary leases. The State review is generally initiated first. Both the Maine Department of



Aquaculture pens at Libby Islands, 1994
USFWS photo

Marine Resources (DMR) and Department of Environmental Protection (DEP) review and decide on whether to issue State permits. In addition, the Maine DEP has been delegated authority by the Federal Environmental Protection Agency (EPA) to insure operations comply with the Clean Water Act. Unless a Federal-listed species is involved, the Service may not be consulted at this stage.

The Federal permits in Maine are then reviewed and approved by the U.S. Army Corps of Engineers (ACOE). When a permit application is submitted, the ACOE shares the permit application with the Service's Ecological Service's Maine Field Office for a review and recommendation. This review is required under the Fish and Wildlife Coordination Act and the Endangered Species Act. The Service does not have jurisdiction or management authority over coastal waters or the intertidal zone unless, as noted above, it is determined that a Federal-listed species may be impacted. Typically, the Maine Field Office recommendation is for the aquaculture facility to be located no closer than 1/4 mile from a Refuge island or other Federal-owned island, although this can vary depending on the size of the island and the species which might be impacted. This recommendation by the Maine Field Office is

non-binding. If a Federal-listed species, such as a nesting bald eagle, is documented near the prospective site, then the Maine Field Office would initiate a detailed review and recommendation process as required under Section 7 of the Endangered Species Act. The Refuge Program staff is not the authority responsible for this process; however, they will consult with the Field Office upon request.

The January 2004 report by the Governor's Task Force on the Planning and Development of Marine Aquaculture in Maine provides a wealth of information on the history and status of aquaculture in Maine and includes a total of 95 individual recommendations for improving the development of the industry while considering impacts on other uses and the environment (www.maine.gov/dm/aquaculture/aqtaskforce/finalreport.htm). One recommended best management practice is to insure that facilities do not unreasonably interfere within 1,000 feet of "important ecological, recreational, scenic, cultural, or historic" local, State, or Federal lands. Proposed amendments to current state lease decision criteria (sec. A-6.12 MRSA§ 6072, sub-§7-A) include:

7.A. Decision...

“(D) The lease will not unreasonably interfere with significant wildlife habitat and marine habitat or with the ability of the lease site and surrounding marine and upland areas to support existing ecologically significant flora; and

(F) The lease does not unreasonably interfere with public use or enjoyment within 1,000 feet of a beach, park, or docking facility owned by the Federal government, the State government, or a municipal government agency or certain conserved lands. For purposes of this paragraph, “conserved lands” means land in which fee ownership has been acquired by the municipal government, State Government or Federal Government in order to protect the important ecological, recreational, scenic, cultural, or historic attributes of that property”

In addition to the Governors task Force Report and proposed State rule changes for aquaculture leases, other management implications could arise from the Draft Recovery Plan for Maine Atlantic Salmon which was issued by the National Oceanic and Atmospheric Administration (NOAA) and the Service on June 18, 2004 for 90 days of public comments. This plan identifies 9 actions as necessary for the full recovery of the “Gulf of Maine Distinct Population Segment” including... “(3) reduce the risk from commercial aquaculture operations.”

The following reasons influenced our decision to not undertake a detailed analysis on impacts to aquaculture operations from implementing this Refuge CCP. First, the purpose of this CCP is to develop strategic management direction for our Refuge Program staff to implement on refuge lands. It does not provide direction for other Service programs, nor are we attempting to modify the current lease review process, or impose jurisdiction where we have no authority, as in State waters.

Second, there is a lot of uncertainty with predicting the locations and extent of future aquaculture facilities. This uncertainty restricts and compromises our ability to conduct a meaningful impacts analysis. In our past experience, we have been more concerned with the proximity of finfish operations to Refuge islands because these facilities and associated activity have more potential to disturb nesting birds. However, future locations for finfish facilities are the most difficult aquaculture operation to predict (Horne-Olson, pers com). Contributing to this uncertainty is the pending release of the final Atlantic Salmon Recovery Plan, which will address aquaculture issues, and establish actions necessary to de-list the species from the Federal Endangered Species list.

Third, it is our expectation that the release of the final Governor’s Task Force report, and a decision on the proposed State rule changes on aquaculture leases by the State, coupled with the pending Federal recovery plan, will provide the basis for public meetings on improving the governance and implementation of aquaculture in Maine. For example, recommenda-

tions on improving the lease process, establishing minimum buffer widths, implementing seasonal restrictions, and use of new technologies should all be discussed through this forum. It is through these public hearing processes that the Service may best be able to affect aquaculture practices to the benefit of natural resources.

Finally, the management direction in this Final CCP include resource monitoring at aquaculture sites in close proximity to Refuge islands with sensitive seabird and bald eagle nesting and feeding areas (Objective 4.3). The monitoring would be done in cooperation with State agencies, our research partners, and industry representatives. The information obtained would provide us with a more informed basis for analyzing future impacts.

Given the reasons noted above, and the purpose of this Final CCP, we determine it was not warranted to conduct a detailed impact analysis on the relationship of proposed Refuge management to the aquaculture industry in Maine.

2. Will we use eminent domain (condemnation) to take privately owned coastal nesting islands?

The Service, like all Federal agencies, has been given the power of eminent domain which allows it to condemn and acquire lands for the public good. Some island owners fear that the Service will condemn and take their islands without their consent. They also fear that if this happens they will not be adequately compensated for the real value of their island. Others believe the Service should use all of the tools at its disposal, including eminent domain, to conserve and protect coastal nesting islands.

Service policy is to acquire property only from willing sellers, at market value. None of our alternatives include the use of eminent domain. Therefore, we believed it did not warrant further analysis.

3. Will we take away or regulate private property owners' rights?

Some people believe the presence and involvement of the Federal government will result in the loss of some of their rights as property owners, ultimately affecting their ability to use their land as they see fit. This would effectively reduce the value of their land by preventing them from placing it in its "highest and best use." They believe that, even if the Federal government doesn't directly regulate or restrict their rights, local or State governments may pass new regulations because of Service interest in the nesting islands. Others feel very strongly that restricting property owners' rights to sell their land to anyone, including the Federal government, infringes on their individual rights. We have no authority in this planning process to restrict private property rights, or to manage private lands, nor have we ever expressed an interest in doing so unless under a partnership agreement. None of our Draft and Final EIS alternatives considered regulation of private property by the Service and, therefore, it does not warrant additional discussion.

4. How will we affect lobstering and other commercial fisheries near coastal nesting islands?

Lobstering and other forms of shell or fin fishing are important components of both local and State economies. The industry provides important jobs in local communities, and many believe it is a mainstay of the traditional culture of coastal Maine. Anything that threatens the viability of the industry is a concern to most people we spoke with. As with aquaculture operations, some people are concerned that Service ownership of islands will adversely impact present and future lobster operations by imposing restrictions. Other people support the industry, but request that the Service work closely with industry representatives to ensure that the fisheries vital to seabirds, wading birds, and bald eagles are not over-harvested.

Similar to what we presented in the aquaculture discussion, the Service has no jurisdiction over commercial fisheries, unless it is determined that Federal trust resources may be impacted. At this time, we determined this issue is outside the scope of this document. It did not make sense for us to evaluate new catch limits, new technologies, or other strategies given our limited ability to directly influence an outcome. This topic will not be addressed further in the CCP, except where we identify the need to initiate efforts to determine if there are potential impacts on Federal trust resources (Objective 4.2 and 4.3).

5. Will we affect existing local and State land use regulations?

There are a variety of local and State land use regulations regarding development on islands. Some towns do not have effective regulations or enforcement to conserve natural resources on coastal nesting islands. Many people are concerned that the lack of consistency in the enforcement of existing regulations threatens nesting islands. They fear that variances may be granted that will result in adverse impacts on important island

habitats and that current regulatory tools cannot adequately protect nesting islands. Others complain that these regulations unduly hinder their ability to make effective use of islands they own.

The Service does not have the authority to alter State and local land use regulations, although we can provide input through partnerships and technical assistance. Proposing changes to local and State land use regulations are outside the scope of this document and will not be addressed further.



Bald eagle chicks.
USFWS photo