

## Appendix K

Erin Victory/TCI



*Arrowwood, a common Refuge shrub*

# **Finding of No Significant Impact (FONSI)**

---

# Finding of No Significant Impact

## Nomans Land Island National Wildlife Refuge Comprehensive Conservation Plan

In May 2010, the U.S. Fish and Wildlife Service (Service) published the Environmental Assessment and Draft Comprehensive Conservation Plan (EA/Draft CCP) for Nomans Land Island National Wildlife Refuge (Refuge). The approved Refuge boundary covers approximately 628 acres of maritime island in the Atlantic Ocean, approximately 3 miles southwest of Martha's Vineyard. This Refuge is part of the Eastern Massachusetts National Wildlife Refuge Complex (Refuge Complex) located in Sudbury, Massachusetts. The Nomans Land Island Refuge EA/Draft CCP evaluates three alternatives for managing the Refuge over the next 15 years. It carefully considers their direct, indirect, and cumulative impacts on the environment and their potential contribution to the mission of the National Wildlife Refuge System (Refuge System). The EA/Draft CCP restates the Refuge's purposes, creates a vision for the next 15 years, and proposes four goals to be achieved through plan implementation. Alternative C is identified as the Service-preferred alternative. Chapter 2 in the draft plan details the respective goals, objectives, and strategies for each of the three alternatives. Chapter 4 describes the consequences of implementing those actions under each alternative. The draft plan's appendices provide additional information supporting the assessment and specific proposals in Alternative C. A brief overview of each alternative follows.

Alternative A (Current Management): The Council of Environmental Quality regulations on implementing the National Environmental Policy Act (NEPA) require this "No Action" alternative, which we define as current management. Alternative A includes our existing programs and activities and serves as the baseline against which to compare the other alternatives. Under Alternative A, we would continue to passively manage Refuge lands with a minimal Service presence. Habitat management would primarily consist of relying on natural processes and using prescribed burns, conducted by the U.S. Navy to assist in the removal of unexploded ordnance, which also helps us maintain shrubland habitat. Other habitat management would be limited to invasive species treatment as needed, and as staffing and funding allow. We would continue to work with our partners to conduct a limited biological monitoring and inventory program. The Refuge would continue to be closed to the public, but designated paths would be maintained for administrative access. Administration of off-site visitor services, land protection, biological and law enforcement activities would be handled by existing staff from the Eastern Massachusetts NWR Complex, as funds and staffing permit.

Alternative B: In Alternative B, we would take a more active role in management for focal species whose habitat needs benefits other species of conservation concern in the region. In particular, we would emphasize habitat for priority bird species of conservation concern in the BCR 30 and PIF Physiographic Area 09 plans, MA Comprehensive Wildlife Conservation Strategy (CWCS), Birds of Conservation Concern 2008, and other conservation plans at State and national scales. Habitat management would include prescribed fire every 7-12 years to maintain shrubland habitat, and annual invasive species monitoring and treatment as needed. The introduction of New England cottontail on the Refuge is under consideration and would be evaluated based on the feasibility of managing such a population on the Refuge. Our biological monitoring and inventory program would be focused on breeding landbirds, nesting shorebirds and waterbirds, pollinators, and undertaking a more complete inventory of Refuge resources. Our cultural and archaeological program would be enhanced through partnerships to include regular vegetation clearing of the Luce cemetery, establishment of a cultural resources protocol, interpretation of cultural resources, and consultation with the Wampanoag Tribe of Gay Head (Aquinnah) on Refuge cultural and ceremonial matters. The Refuge would continue to be closed to the public; however, we would focus on making improvements to our off-site visitor services through an increase in interpretative programming and displays, greater public outreach, and contribution to existing partner environmental education programs. For example, we propose to partner with the Aquinnah Cultural Center to add a trail and spotting scope to view the Refuge from Martha's Vineyard and provide a kiosk with Refuge information. These

increases in management activities would be facilitated by coordinating with the U.S. Navy to add trails for greater access, an increase in Refuge staff, and continuing to collaborate with the Tribe, the U.S. Navy and all of our conservation partners.

Alternative C (the Service-preferred alternative): This alternative includes an array of management actions that, in our professional judgment, works best toward achieving the purposes of the Refuge, our vision and goals for those lands, the Refuge System mission, and the goals in State and regional conservation plans. Under Alternative C, we emphasize managing habitats for priority focal species as necessary; otherwise natural processes would be the primary mechanism at work on Refuge habitats. Consistent with the results of our wilderness review, we recommend pursuing designation of the Refuge as a unit of the National Wilderness Preservation System (NWPS). This would require that all management actions undergo minimum requirements analysis (MRA) before being authorized. We would manage our habitats consistent with that mandate. Shrubland and vegetated dune habitat would be prioritized for management activities that would maintain or increase suitability for migrating landbirds and breeding shorebirds and waterbirds. In addition, we would evaluate the possibility of introducing New England cottontail to the Refuge's shrubland habitat. Nomans Land Island NWR would remain closed to public access, and off-site visitor services would be expanded compared to current levels as staffing and funding allow. This would include the proposed trail and spotting scope at the Aquinnah Cultural Center. Cultural resources protection and interpretation would also increase somewhat from current management, and we would consult with the Wampanoag Tribe of Gay Head (Aquinnah) to address Refuge cultural and ceremonial matters.

We distributed the EA/Draft CCP for a 36-day period of public review and comment from May 28 to July 2, 2010, and held a public meeting on June 23, 2010, in Chilmark, MA. We received 24 unique letters and oral comments representing individuals, organizations, and State agencies. Appendix J in the final CCP includes a summary of those comments and our responses to them.

After reviewing the proposed management actions, and considering all public comments and our responses to them, I have determined that the analysis in the EA is sufficient to support my findings. I am selecting Alternative C, as presented in the EA/Draft CCP with the minor changes listed below, to implement as the final CCP. Changes we made in the final CCP are:

1. We became more aware of additional partnership opportunities on Martha's Vineyard and have modified the final CCP to reflect these opportunities (pages 4-7 through 4-8). We also inserted language in the Rationale to Objective 2.2 (page 4-30) that these partnerships would potentially provide additional resources to increase our visitor services capacity from what is proposed.
2. We added language to Chapter 4 in the final CCP (page 4-11) stating that, although it would not be possible to clean up the island to pre-bombing conditions, we would continue to work with the U.S. Navy, and Federal and State regulators for the 5-year site reviews. If, at some point in the future, there is a major advance in technology that would allow the extraction of unexploded ordnance without massive ground disturbance or impact to wildlife, then additional cleanup might warrant further consideration at that time.
3. We included language in our Habitat Management and Protection summary in Chapter 4 of the final CCP (page 4-14) and biological rationales (Objectives 1.1 (page 4-19) and 1.2 (page 4-24)) to work with the MA Natural Heritage and Endangered Species Program to evaluate the appropriateness of altering the frequency of prescription burns to incorporate rare plant management, and for tern restoration efforts.
4. We added language to several sections in Chapter 3 and Chapter 4 in the final CCP to incorporate more life history information and to refine our biological objectives and management actions for piping plover (pages 3-33; 3-35; 4-21; 4-23; and 4-24). This is due to the presence of a breeding pair on the island for the first time in 30 years.
5. We corrected capitalization and other typographical and grammatical errors.

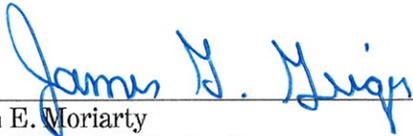
I concur that Alternative C, with the above changes and in comparison to the other two alternatives, will: best fulfill the mission of the Refuge System; best achieve the Refuge's purposes, vision, and goals; best

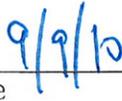
maintain and, where appropriate, restore the Refuge's ecological integrity; best address the major issues identified during the planning process; and is most consistent with the principles of sound fish and wildlife management. Specifically, in comparison to the other two alternatives, Alternative C would make an important contribution to conserving Federal trust resources of concern in southern New England coastal habitats through wilderness designation and the possible introduction of New England cottontail. It also provides the most reasonable and effective improvements to off-site visitor services and cultural resource programs with minimal impacts to wildlife and habitats. The plans to increase collaboration with partners to enhance biological, cultural and visitor services programs are reasonable, practicable and will result in the most efficient management of the Refuge and best serve the American public. This Finding of No Significant Impact includes the EA by reference.

I have reviewed the predicted beneficial and adverse impacts associated with Alternative C that are presented in Chapter 4 of the EA/Draft CCP, and compared them to the other alternatives. I specifically reviewed the context and intensity of those predicted impacts over the short and long term, and considered cumulative effects. Socio-economic, natural and cultural resource, and visitor impacts would be generally positive or negligible over the long term. Regarding socio-economic impacts, no additional Service land acquisition is planned, so there would be no negative effects on local property tax revenues. In addition, refuge revenue sharing payments would continue. While we would continue to close the Refuge to public access due to safety concerns, our plans to work with partners on their lands to develop visitor programs and facilities that raise awareness of the Refuge, may provide a minimal net benefit to the local economy over the next 15 years. This is based on the fact that labor and materials purchases would be from local vendors to the extent possible, and visitors are expected to make local purchases in conjunction with their visit.

Regarding natural resources, minor impacts are expected to soils and vegetation from any monitoring, management, unexploded ordnance cleanup activities and access improvements; however, the long-term impacts would be limited in scope and scale to the existing paths and any future areas on which the U.S. Navy is able to conduct cleanup activities. Importantly, the wilderness designation would complement the natural processes philosophy of Alternative C and minimize any ecological impacts to comply with the Wilderness Act of 1964. Further, no wetlands are impacted by the proposed actions. Prescribed burning seeks to simulate natural succession on the mosaic of 400 acres of coastal shrub. It may have some short-term, temporary impacts to soils and water quality during management activities, but would provide long-term benefits to habitat diversity and species of conservation concern. Some wildlife would be temporarily disturbed or displaced during burning work, but no major impact to local populations of any species is predicted. No conflict among user groups, or with Refuge neighbors, is predicted.

In summary, my evaluation concludes that implementing Alternative C would not result in any concerns with public health or safety, nor result in adverse implications to any unique cultural or natural characteristics of the geographic area, including wetlands or federally listed species. I have considered how the proposed actions would interact with other past, present, or reasonably foreseeable future actions to determine there is no major cumulative impact. I find that implementing Alternative C adheres to all legal mandates and Service policies, and will not have a significant impact on the quality of the human environment, in accordance with Section 102(2)(c) of NEPA. Therefore, I have concluded that an Environmental Impact Statement is not required, and this Finding of No Significant Impact is appropriate and warranted.



  
Date

Acting

Marvin E. Moriarty  
Regional Director, Region 5  
U.S. Fish and Wildlife Service