

Appendix J. Land Protection Plan

Chesapeake Marshlands National Wildlife Refuge Complex

I. Introduction and Purpose

The U.S. Fish and Wildlife Service prepares Land Protection Plans (LPPs) to inform the public about Service proposals to protect land, and how that may affect them. The process provides an opportunity for public input and, more specifically, for landowners' comments, if they desire. LPPs confirm our interest in various protection methods on certain lands to their owners.

This LPP outlines various actions to meet the habitat objectives of alternative B, "Conservation Biology for Trust Species Diversity," our preferred management alternative for the Chesapeake Marshlands National Wildlife Refuge Complex in its draft Comprehensive Conservation Plan (CCP) and Environmental Assessment (EA). This LPP addresses two areas: the Blackwater refuge and the Nanticoke River corridor. Figure 1, "Current and proposed protected areas," below, outlines the Blackwater refuge protection areas in red and the Nanticoke River protection areas in orange. Protection priorities and acquisition boundaries or protection areas have been identified for both in relation to other state and private conservation lands. This plan will guide the Service in future actions that are necessary to protect wildlife resources and the ecological integrity of the Blackwater Refuge and its proposed eastern expansion area along the Nanticoke River. The National Environmental Policy Act (NEPA) allows all interested parties the opportunity to express their viewpoints and concerns on proposed federal actions. The comment period associated with the release of the draft Environmental Assessment and Comprehensive Conservation Plan affords landowners, local officials, and the public an opportunity to suggest land conservation alternatives or additional lands for protection.

This LPP does not diminish the rights of any landowner; nor does it constitute an offer to purchase land or any interest in land. It will provide the Service with general guidance in making future decisions on cost-effective wildlife protection techniques, and also will inform the public of the various protection methods that could be employed. The Service is only one agency in a comprehensive, coordinated protection strategy involving state natural resource agencies and private partners. Each agency or organization can work within its own policies, procedures, and time frames to protect habitat. That approach also gives landowners their choice of protection method and the agency with which to negotiate. Any fee title purchase will be subject to normal constraints, such as availability of funds, the type of funding, and the willingness of the landowner to negotiate. Landowners will be provided copies of this plan to inform them of the conservation plan, our policies, priorities, and the protection methods being considered. The draft CCP and EA and this LPP will be subject to periodic revisions, based first on the public comments they receive, and later, on our evaluations of our progress in achieving their goals.

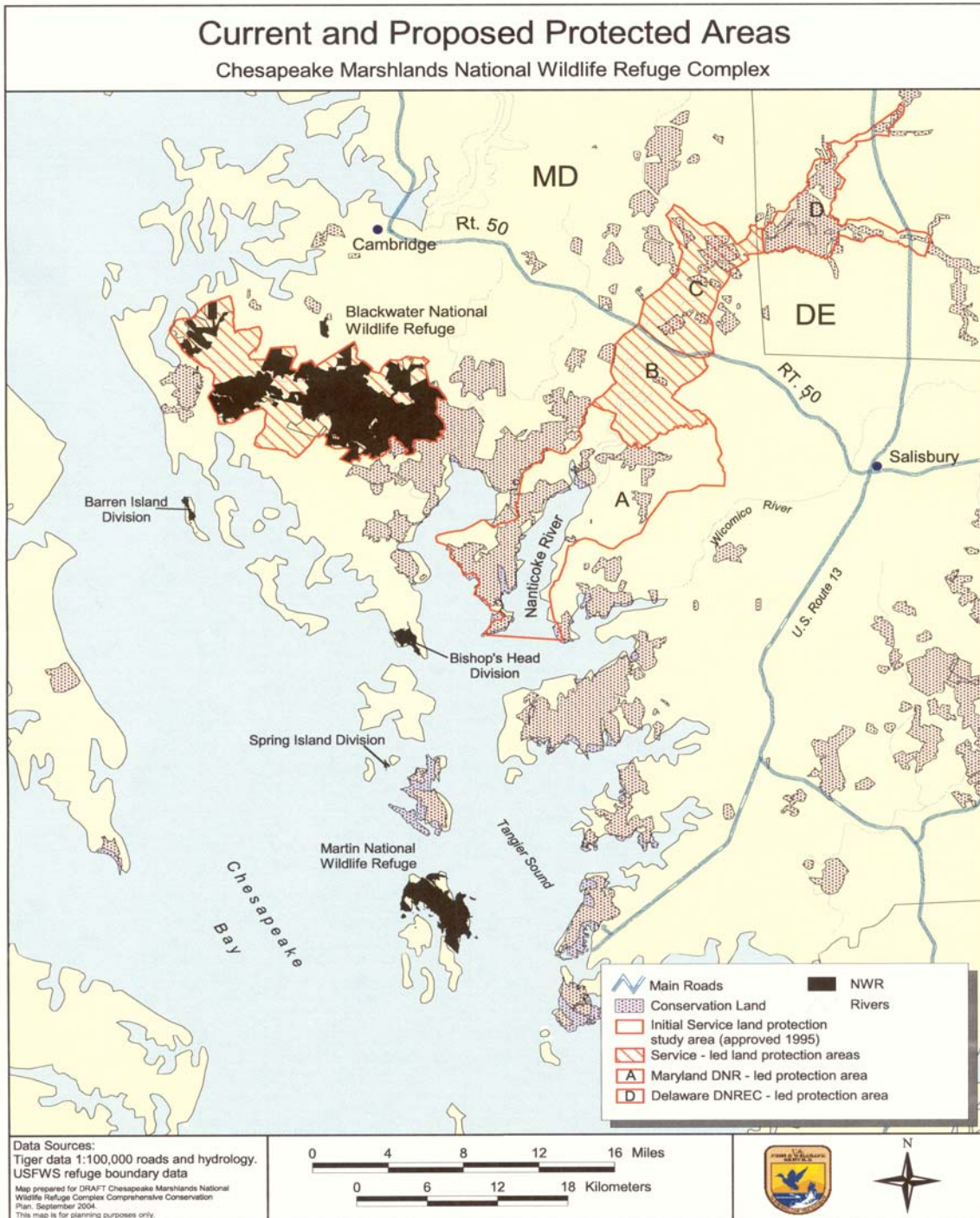


Figure 1. Current and proposed protected areas

II. Project Area Description

The Chesapeake Marshlands National Wildlife Refuge Complex comprises refuges and their divisions located in Dorchester, Somerset, and Hartford Counties, Maryland, and Accomack County, Virginia: Blackwater Refuge, Susquehanna Refuge, Martin Refuge, Barren Island Division, Watts Island Division, and the Bishops Head Division, including Spring Island. This Land Protection Plan concentrates on lands within the study areas of the PPPs approved in 1995. The Blackwater and Nanticoke watersheds are priority areas in the Governor's initiative plan to assist in the cleanup and protection of Chesapeake Bay. The Blackwater/Fishing Bay/Nanticoke wetland complex is the largest in the state of Maryland and, possibly, the largest contiguous assemblage in the Chesapeake Bay. The Refuge Complex provides critical habitat for more than 270 rare, threatened, or endangered species. Twenty-five of those species are considered globally rare. Sixty-eight percent of the wetland habitat types now being protected are decreasing.

Blackwater National Wildlife Refuge (NWR) is strategically located in southern Dorchester County, Maryland. The refuge was originally authorized for establishment as a waterfowl sanctuary by the Migratory Bird Conservation Commission on December 3, 1931. However, the Blackwater NWR wasn't officially established until January 23, 1933, when 8,240.99 acres were acquired in fee title from the Delmarvia Fur Farms and two other properties and conveyed to the federal government. The refuge is important to waterfowl primarily during migration and wintering periods and is one of Chesapeake Bays most productive estuarine assets that supports a wide diversity of aquatic and emergent plant communities. These plant communities in turn provide critical habitat for small fish, crabs and young seed oysters. Blackwater refuge was designated as a "Wetlands Complex of International Importance" for waterfowl by the RAMSAR Convention in 1993. Blackwater NWR consist primarily of brackish marsh and forested swamp, both declining wetland types. Tidal and non-tidal freshwater wetlands, and upland islands are other habitat types. Today, the refuge encompasses 29,389 acres within its existing approved boundary. Blackwater Refuge has 20 remaining inholdings [parcels within its existing, approved boundary (see figure 2)], totaling approximately 3,864.75 acres as determined by GIS. The Service will pursue the protection of all remaining inholdings, using all of the available strategies described in section VII, "Land Protection and Acquisition Methods."

In recent years, the refuge has become very important for the federally listed threatened bald eagle and the endangered Delmarva fox squirrel. The refuge's forest, dominated by loblolly pine and deciduous forest stands, provide unique and important habitat for a variety of migratory birds, including Neotropical species. The loblolly pine forest supports the nation's largest naturally occurring concentration of Delmarva fox squirrels. Forest lands in and around the refuge and Nanticoke River protection area are crucial in the recovery of the Delmarva fox squirrel. Due to the abundance and diversity of wildlife populations and habitat types, the quality of the refuge programs and facilities, and its proximity to Washington, D.C. and Baltimore, the refuge is used regularly to demonstrate many Service activities and Chesapeake Bay problems.

The Refuge Complex also provides important habitat for one or more life cycles of eight anadromous fish species and nine estuarine interjurisdictional species. Trust fish species include the shortnose sturgeon, Atlantic sturgeon, American shad, hickory shad, Atlantic croaker, Atlantic menhaden, alewife, striped bass, American eel, and blueback herring. The populations of five of the aforementioned species are decreasing. Refuge waters provide the most important soft crab and peeler crab production area in Chesapeake Bay and the second most significant nursery for blue crab larva.

The proposed Nanticoke River watershed expansion area is located in Dorchester, Caroline, and Wicomico Counties, Maryland. Preliminary Project Proposals (PPP) for the boundary expansion of the Blackwater National Wildlife Refuge, and expansion eastward to include the Nanticoke River area were approved by the Director in July 1995. The Nanticoke River was originally approved as a new refuge in July 1994 but later revised and complexed with Blackwater with subsequent approval in 1995.

The Nanticoke is one of the last relatively pristine major watersheds on Maryland's lower southwestern Eastern Shore. The Nanticoke River is characterized by low lying marshlands, wooded swamp, floodplain forest, loblolly pine stands and floodplain agricultural fields. The total project area contains 96,000 acres of tidal and nontidal marshes and wooded swamps, and a third of all Maryland's tidal wetlands. The area represents the least developed major river valley segment in the state and is characterized by the largest unbroken pine forest left on the Delmarva peninsula, which borders the river corridor. These forest lands are key to the recovery of the endangered Delmarva fox squirrel. The project is listed on the Nationwide Rivers Inventory because of its undeveloped nature. The river is an essential wintering area for black ducks and canvasbacks. Also, habitat types support active bald eagle nesting sites and are suitable for the Delmarva fox squirrel population recovery. The area is recognized for its biological diversity, includes the largest concentration of nesting bald eagles north of Florida on the Atlantic Coast, and the Nanticoke River is a "ERES" or Exceptional Recreational and Ecological Resource. The river serves as a major spawning and nursery habitat for striped bass and other important anadromous fish species including alewives and blueback herring.

Protecting lands along the Nanticoke River would contribute to the resource conservation of a variety of international, national, and regional initiatives, including RAMSAR, IBA, NAWMP and the "National Wetlands Priority Conservation Plan." The Nanticoke River is listed in our "Emergency Wetlands Resources Act Regional Concept Plan" (USFWS) and is a landscape project supported by The Chesapeake Bay Estuary Program. Protecting these lands also supports the objectives of the "Management Plan for Canada Geese in Maryland" and the "Chesapeake Bay Waterfowl Policy and Management Plan," and complements the Chesapeake Bay Foundation Save The Bay's Lands Program. The project area is located within both the Delaware and Maryland portions of the Atlantic Joint Venture Area.

The State of Maryland has designated the Nanticoke River as a Wild and Scenic River; the Nature Conservancy has designated the lands within the river protection area as a Bioserve and

a “Last Great Place.” The Nature Conservancy developed the “Nanticoke River Bioreserve Strategic Plan” (1998), which outlines the biological significance of the watershed and its threats. More than 23 Natural Heritage sites lie within the project, which also represents the largest contiguous forest remaining on the Delmarva Peninsula.

The protection and improvement of habitats in the Eastern Shore area are seen to be critical steps in the North American Waterfowl Management Plan, which specifically recommends protection of 53,500 acres and the improvement of an additional 5,000 acres in the Blackwater-Nanticoke protection area.

III. The Refuge Land Acquisition Program and Policies

The Service has a long-standing policy of working with private landowners, using a wide variety of land protection strategies, including conservation easements and management agreements. That policy is to initiate negotiations only with willing sellers. The inclusion of a landowner’s property within an approved land protection boundary does not mean that the landowner must sell to the Service. Private lands remain in the control of their owners. The boundary identifies important resource areas of interest to the Service, is based primarily on the biological value of an area and its wildlife habitats, rather than on its land ownership patterns, and gives us the approval necessary before we can negotiate with willing sellers.

Once the CCP and LPP have proceeded through the NEPA public review process and have been approved, we will ask all of the landowners within the approved protection boundary whether they are interested in selling their land. If a landowner expresses an interest in selling, then a professional real estate appraiser will appraise the property to determine its market value. The Service is required by law to offer fair market value for lands to be acquired, based on their highest and best legal use. That appraisal is reviewed to ascertain that the price it offers accurately reflects the sale prices of comparable properties in the vicinity.

The Service is a willing buyer and a cash payer. Conservation easements and cooperative management agreements will also be available to landowners, if they desire. We strive to minimize or eliminate any adverse impact on landowners from the land protection process. Therefore, we also pay for title search, mortgage pre-payments penalties, mortgage releases, boundary surveys, deed recordings, relocation and moving costs, if applicable, and other expenses incidental to the transfer of title.

Concepts for the Refuge Land Acquisition Program

The Service establishes new national wildlife refuges and expands existing refuge boundaries to fulfill the mission of the National Wildlife Refuge System and the purposes of the refuges in that system.

The Service acquires land only when other means, such as zoning or regulation, of achieving program goals and objectives are not appropriate, available, or effective.

When lands are to be acquired, the minimum interest necessary to reach management objectives is to be acquired or retained. Alternatives to fee title (full) ownership by the Service include conservation easements, leases, or life-use reservations. If fee title is required, full consideration will be given to extended use reservations, exchanges, or other alternatives that will lessen impact on the owner and the community.

The Service respects the rights and interests of private landowners. Emphasis is placed on working with willing sellers and private land remains in the control of the owner until such time as the owner decides to sell the property. As a result, the lands within a given project boundary that are of greatest interest to the Service because of their biological importance are not necessarily the first to be made available by willing sellers.

The Service is required by law to offer fair market value for lands to be acquired. The Service must offer to buy the whole property when acquisition of only a portion of the property would leave the owner with an uneconomic remnant. The Service strives to minimize or eliminate any adverse impact on the landowner due to the acquisition process.

Land Acquisition Authority

No land shall be purchased by the Service except under a law authorizing such purchase. Lands may be protected under the authority of several legislative directives including the Migratory Bird Conservation Act of 1929, as amended, "...for use as an inviolate sanctuary, or for any other management purpose, for migratory birds."

Migratory Bird Hunting and Conservation Stamp Tax of 1934, as amended, for the purpose: "...as Waterfowl production Areas" subject to "... all the provisions of such Act (Migratory Bird Conservation Act) ...except the inviolate sanctuary provisions..."

Fish and Wildlife Coordination Act of 1934, as amended, for the purpose: "...shall be administered by him (Secretary of the Interior), directly or in accordance with cooperative agreements...and in accordance with such rules and regulations for the conservation, maintenance, and management of wildlife, resources thereof, and its habitat thereon,..."

Fish and Wildlife Act of 1956, as amended, for the purpose: (1). "... for the development, advancement, management, conservation, and protection of fish and wildlife resources...,..."

(2). “...for the benefit of the United States Fish and Wildlife Service, in performing its activities and services. Such acceptance may be subject to the terms of any restrictive or affirmative covenant, or condition of servitude, if such terms are deemed by the Secretary to be in accordance with law and compatible with the purpose for which acceptance is sought.”

Refuge Recreation Act of 1962, as amended, for one or more of the following the purposes:

“(1) incidental fish and wildlife-oriented recreational development, (2) the protection of natural resources, (3) the conservation of endangered species or threatened species”....“ the Secretary ...may accept and use...donations of...real...property. Such acceptance may be accomplished under the terms and conditions of restrictive covenants imposed by donors....”

Wilderness Act of 1964, as amended, the purpose of the acquisition is: “wilderness areas...shall be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness, and so as to provide for the protection of these areas, the preservation of their wilderness character, and for the gathering and dissemination of information regarding their use and enjoyment as wilderness....”

Endangered Species Act of 1973, as amended for the purpose: “to conserve (A) fish or wildlife which are listed as endangered species or threatened species...or (B) plants....”

Emergency Wetlands Resources Act of 1986, for the purpose: “the conservation of the wetlands of the Nation in order to maintain the public benefits they provide and to help fulfill international obligations contained in various migratory bird treaties and conventions....”

North American Wetlands Conservation Act of 1989, for the purpose: (1) to protect, enhance, restore, and manage an appropriate distribution and diversity of wetland ecosystems and other habitats for migratory birds and other fish and wildlife in North America; (2) to maintain current or improved distributions of migratory bird populations; and (3) to sustain an abundance of waterfowl and other migratory birds consistent with the goals of the North American Waterfowl management Plan and the international obligations contained in the migratory bird treaties and conventions and other agreements with Canada, Mexico, and other countries.

An Act Authorizing the Transfer of Certain Real Property for Wildlife, or Other Purposes, as amended. Land also may be acquired for its “particular value in carrying out the national migratory bird management program.”

Funding for Land Acquisition

Funds for the acquisition of national wildlife refuge lands or interest in lands are derived primarily from the Land and Water Conservation Act and the Migratory Bird Conservation Act.

Funding for the Migratory Bird Conservation Act comes primarily from the sale of Federal Duck Stamps. The Land and Water Conservation Act funds are composed of certain user fees, proceeds from the disposal of surplus federal property, the federal motor boat fuel tax, and oil and gas lease revenues. About 80 to 90 percent of the fund now derives from Outer Continental Shelf oil and gas leases. The North American Wetlands Conservation Act also authorizes appropriations and earmarks proceeds from certain migratory bird hunting violation fines and accrued interest from Pittman-Robertson Act funds to implement the North American Waterfowl Management Plan. These are all dedicated funds whose dollars are congressionally mandated to be spent specifically for wetland and land acquisition and conservation.

IV. Threats to the Resource

The Chesapeake Bay Program Scientific and Technical Committee released a report in February 2003 entitled “Chesapeake Futures: Choices for the 21st Century.” Among its key findings, it states that “the Bay watershed is on a trajectory to lose two million acres of farm and forest land to sprawl development by 2030.” Sprawl is known to produce several times the amount of polluted runoff as do forests, pastures, or even cluster development.

Several major threats, most notably habitat alteration and destruction, are imminent to the Blackwater Refuge and Eastern Shore in general. Maryland has lost approximately 1.2 million acres of its historic wetlands—a 73-percent loss. The loss of coastal and estuarine wetlands adversely affects both wildlife and human populations of the Bays. The destruction and degradation of forest associated with land clearing for agricultural use; subsequent commercial and residential development or urban sprawl; saltwater intrusion; runoff of herbicides, pesticides, and fertilizers pose increasing threats to existing watersheds and related wildlife resources. In addition, the loss of marsh and submerged aquatic vegetation due to a combination of sea level rise, land subsidence, and erosion due to nutria are other major problems. Salt water intrusion in the Upper Blackwater River has become so acute that anadromous fish species and some freshwater fish species cannot successfully spawn.

The major threats to the Nanticoke River watershed are the draining of wetlands and cutting of timber for the conversion to agricultural lands. Silt and chemical runoff from farming and timbering operations can also have a pronounced impact on the water quality of the river. The continued loss of an already limited forested land base and wetland habitats on the Eastern Shore restrict the management effectiveness of the refuges and the long-term ecological health of Chesapeake Bay as well. Acquisition of suitable habitats to maintain and enhance the recovery of wildlife species populations and biodiversity is needed to counter habitat losses. Protection of these lands will also help ensure the long-term protection of water quality and preservation of ecological integrity of these watersheds.

Another significant problem faced by waterfowl, fish and shellfish resources in the past 25 years is the wide-spread deterioration of shallow-water habitats and marshes around Chesapeake Bay. Deterioration of aquatic habitats is caused by pollutants, suspended sediments, contaminants, and saltwater intrusion. The principal impacts has been a reduction in valuable food for wintering waterfowl and other wetland dependent species and reduction in spawning and nursery habitat for aquatic organisms. An estimated 28.8 million pounds of nitrogen is produced annually from 830 livestock farms contributing to nitrogen loading of the Bay and shallow water environs. To a large extent, the quantity and quality of our water and wetland resources on refuges will dictate the condition of our Trust resources in the Chesapeake Bay.

V. Proposed Action

In our preferred alternative B, “Conservation Biology for Trust Species Diversity,” we will protect 31,314 acres by the most appropriate of the methods described below in section VII, “Land Protection and Acquisition Methods.” The U.S. Fish and Wildlife Service is mandated by Congress and bound by international treaties and statutory obligations to protect and conserve waterfowl and other migratory birds, endangered and threatened species, anadromous fishes, certain marine mammals, biodiversity, and rare or declining habitat types for future generations to appreciate and enjoy. Protecting lands and waters is important to the implementation of all refuge management actions and the National Wildlife Refuge System. Although the Service can manage those lands within refuge boundaries quite well, it cannot control the degree of threat to the refuge or habitat resource outside the approved boundary. Land protection is the principle strategy to achieve refuge management objectives for endangered and threatened species, migratory birds, Neotropical songbirds, and biodiversity. Its primary goal is to create the most complete network of protected lands in the Chesapeake Bay watershed.

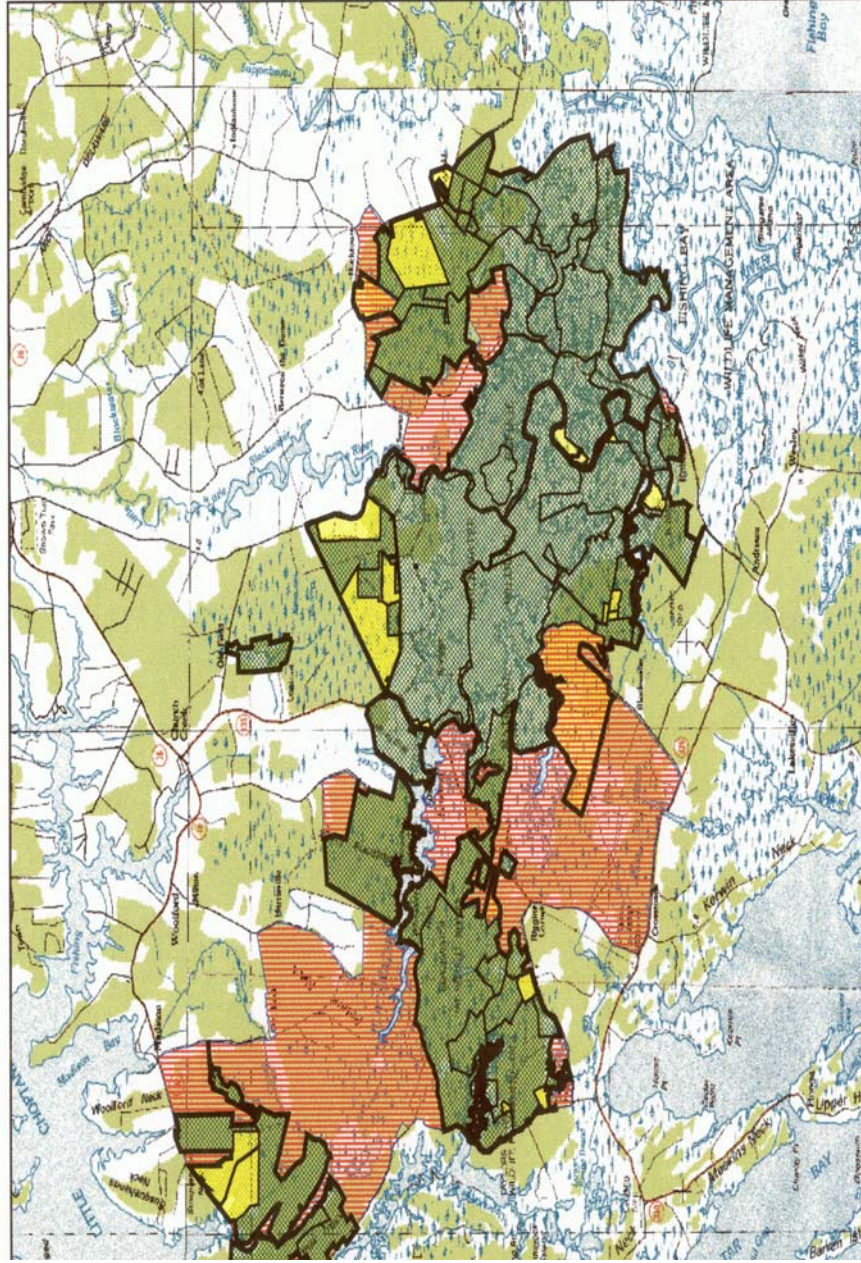
In the process of developing land protection strategies and the CCP, we identified several specific goals and objectives that will require additional land protection on the part of the Service: goals that will not only protect Service public trust resources but lead to accomplishing recovery tasks and other national and regional goals and objectives. Thus, the Service will seek opportunities to conserve, manage, and protect lands through a combination of acquiring land; easements; forging partnerships with adjoining landowners and land trusts; and, developing agreements with other entities having title or other land rights and interests in targeted areas of the watersheds. Blackwater Refuge has 20 inholdings totaling approximately 1,475 acres [parcels within its existing, approved refuge boundary (see figure 2, “1995 Approved Acquisition Boundary,” below)]. In July 1995, the Director approved a Preliminary Project Proposal (PPP) enabling the refuge to study the likelihood of protecting an additional 17,500 acres at Blackwater NWR. Figure 2, below, shows that study area in vertical red lines. We have already acquired 2,186 of those acres by categorical exclusion. The Service will pursue the protection of all remaining inholdings, using all of the available strategies described in section VII, “Land Protection and Acquisition Methods.” Priority acquisition of forest lands

Appendix J. Land Protection Plan

would occur in or near the core areas defined as providing optimal breeding habitat for forest birds. The Service will continue strategic land acquisition to reduce the patchiness of existing forest and increase total forest acreage. We will continue to identify key lands within the protection areas that will produce the largest strategic gains toward achieving our management goals and objectives outlined below.

U.S. Fish & Wildlife Service

**Blackwater National Wildlife Refuge
Maryland**



Refuge Land St

- Inholding
- Owned or Proposed
- Approved boundary



Produced in the Div
Hadley, Massachusetts
Base Map: USGS
UTM Zone 18, NAD
Map Date: 9/2004



Figure 2. 1995 proposed expansion boundary

Refuge management objectives that require additional land protection include

- providing sufficient habitat necessary to support breeding populations of 12 globally rare and regionally significant migratory birds;
- providing sufficient forest habitat necessary to delist the Delmarva fox squirrel and bald eagle;
- protecting and restoring regionally significant submerged aquatic vegetation (SAV) habitats;
- protecting and restoring the largest colonial and wading bird rookeries in the Bay; and
- implementing the recovery of globally rare and endangered species and habitat

The Refuge Complex, encompassing more than a third of the Bay's tidal marshlands in Maryland, plays a critical role in supporting the regionally renowned Chesapeake Bay Watershed partnership and in protecting the diversity of living resources that the Chesapeake 2000 Agreement was developed to protect. In a regional context, the Refuge Complex is interconnected to the Bay's living resources and the importance of protecting the entire natural system. Thus, management actions on the Complex are integrated and coordinated throughout the region to assist in achieving the following goals of that agreement.

1. Restoring, enhancing, and protecting the finfish, shellfish, and other living resources, their habitats and ecological relationships to sustain all fisheries and provide for a balanced ecosystem;
2. Preserving, protecting, and restoring those habitats and natural areas vital to the survival and diversity of the living resources of the Bay and its rivers;
3. Achieving and maintaining water quality necessary to support the aquatic living resources of the Bay and its tributaries and to protect human health;
4. Developing, promoting, and achieving sound land use practices which protect and restore watershed resources and water quality, maintain reduced pollutant loading for the Bay and its tributaries, and restore and preserve aquatic living resources; and
5. Promoting individual stewardship and assisting individuals, community based organizations, local government and schools to undertake initiatives to achieve the goals and commitments of the agreement.

The proposed eastern Nanticoke River Division expansion would encompass approximately 16,000 acres. The original focus area encompassed 96,000 acres. During the many years of scoping meetings with our state and NGO partners, the Nanticoke River protection area was

divided into four separate sections or zones shown in figure 3, “Nanticoke River Land Conservation Focus Area,” below. The State of Delaware is assigned the upper reaches or section D, and the State of Maryland section A in the lower reaches of the river adjacent to the Fishing Bay Wildlife Management Area. The Service, The Nature Conservancy, and The Conservation Fund will concentrate on two major protection areas, B and C, located north and south of U.S. Route 50 (see figure 3). Those two areas encompass 32,000 acres of upland and wetland habitat. Fee title acquisition, easements, and MOUs will be used to protect these important lands. Partnerships are available to greatly minimize, by as much as 50 percent or more, the amount of fee title purchase required. Priority will be given to parcels of land more than 50 acres in size that abut the mainstem of the river and parcels that provide connections to other conservation lands or publicly held areas. Parcels lying inland of those immediately abutting the river, although no less important to long-term refuge management, will be accorded a lower priority ranking.

This land protection proposal, in addition to enhancing refuge management objectives, will act to further develop landscape linkages between Service lands and state wildlife management areas. Several smaller disjunct units of conservation lands are also located in the vicinity of the refuge and managed by the state or private conservation organizations, i.e. Chesapeake Bay Foundation, Audubon, or under easement as part of the Maryland Environmental Trust Program. Thus the potential for additional landscape linkages and partnerships are very high.

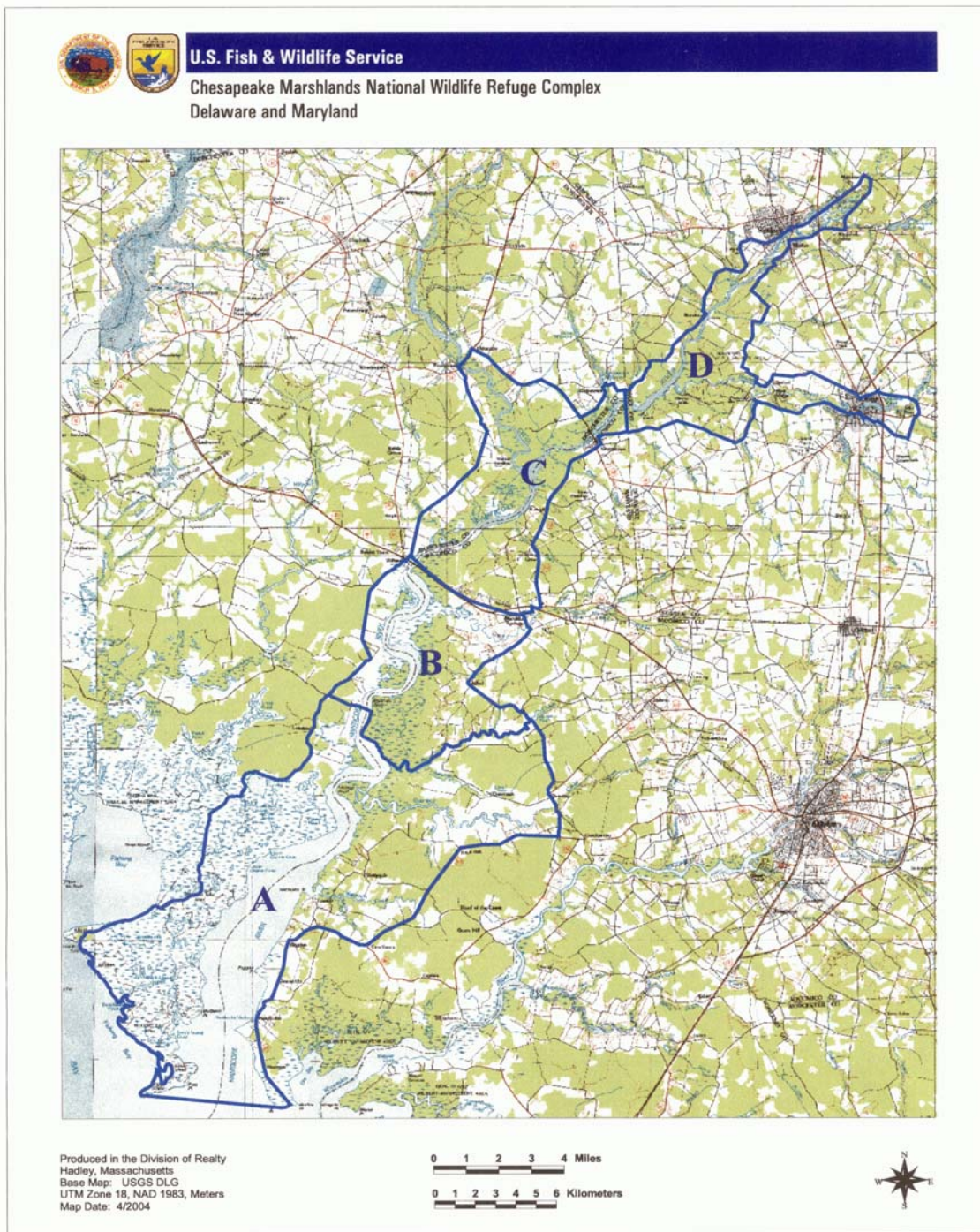


Figure 3. Nanticoke River proposed expansion boundary

VI. Protection Options Considered

The draft CCP/EA evaluates protection options for the following management alternatives.

Alternative A. No Action or Current Management

Alternative A would not involve the Service in the creation of a new refuge at Nanticoke River nor in the major expansion acquisition at Blackwater NWR. The existing refuge boundary would remain unchanged. We would pursue opportunities as they arise to acquire the 1,475 acres of inholdings from willing sellers within that boundary. Surrounding lands would remain in private ownership, and remain subject to development. Opportunities to restore or enhance habitat would be lost or restricted. No other concerted effort would be made or planned to preserve any lands, although some easements or donations involving state agencies or not-for-profit conservation organizations are possible.

Alternative B. Conservation Biology for Trust Species Diversity (Preferred Alternative)

Alternative B will enable the Service to pursue the protection of the land immediately surrounding the Blackwater NWR: the 17,500 acres approved in our 1995 PPP, of which we have already acquired 2,186 acres by categorical exclusion. We will continue to identify key lands within the protection area that would produce the largest strategic gains toward achieving the management goals and objectives outlined in the draft CCP. The priority acquisition of forest lands would occur in or near the core forest areas that provide optimal breeding habitat for forest birds. We will acquire inholdings from willing sellers as opportunities arise. We will start to protect the 16,000 acres described in the approved PPP for the Nanticoke River watershed, and continue to assist partners in developing a landscape protection plan for the region.

Alternative C. Maximum Public Use with No Habitat Management

The primary objective in alternative C would be to protect the 31,314 acres identified in alternative B, approved for consideration as an expansion area in the 1995 PPP. We would continue to assist partners in developing a landscape protection plan and the “Delmarva Conservation Corridor Plan;” participate in implementing the “Chesapeake 2000 Agreement;” work with local, state, and regional government acquisition and easement initiatives on strategic partnerships to maximize and coordinate land acquisition and protection.

Acquisition and Management by Others

Land protection would depend on the land acquisition and management interest and capabilities of other state resource agencies and non-governmental conservation organizations, e.g., the Trust for Public Land, Audubon, The Nature Conservancy, The Conservation Fund, Eastern Shore Conservation Trust, and Chesapeake Bay Foundation. Private organizations generally have

limited interest or capabilities in owning and managing lands on a long-term basis. They do, however, assist the Service and other agencies at times by acting as interim owners or holders until government acquisition funding is approved. The Maryland Agricultural Lands Preservation Foundation and the State Heritage Program work to protect farm lands and “ecological significant areas,” respectively. However, the agricultural easements do not provide permanent protection unless the property is placed in an agricultural district. In 2001, the Chesapeake Bay Foundation announced a Nanticoke watershed initiative that seeks to work with communities along the river to restore degraded wetlands and riparian buffers, and to conduct education and outreach to promote environmental awareness and support for project assistance.

VII. Land Protection and Acquisition Methods

The Secretary of the Interior is authorized to acquire full or partial interests in land via direct purchase, donation, exchange, cooperative agreement or permit, lease, or transfer. The same methods are also available to private non-governmental conservation organizations. These protection methods provide the land conservation agencies and organizations as well as the landowner the flexibility needed to maximize conservation benefits. A brief description of each method follows.

Purchase or Fee-title or Fee-Simple Acquisition

Basic Service policy is to acquire land only when other means, such as zoning or regulation, of achieving program goals and objectives are not appropriate, available, or effective. When lands are to be acquired, the minimum interest necessary to reach management objectives is to be acquired or retained. If fee title is required, full consideration will be given to extended use reservations, exchanges, or other alternatives that will lessen impact on the owner and the community. Donations of desired lands or interests will be encouraged [cf. 341 FW 1].

Conservation Easements

This method of protection allows land to remain in private ownership while the Service controls the management of the land. An easement is voluntary: the landowner retains the deed, less some specific rights. To meet the refuge goal of providing long-term protection for biological resources, any conservation easement the Service acquires must (1) preclude the destruction or degradation of habitat, and (2) allow the Service to adequately manage the use of the area. Usually, that means the purchase of development rights of the property in perpetuity. Easement transactions are recorded in the deed. The Service will use conservation easements where they are cost-efficient or when owners do not wish to sell in fee title. The purchase of development rights generally costs 70 to 80 percent of the cost to purchase the land.

Once purchased, an easement is a legal restriction on the use of a property, and is binding even if the ownership changes. For this reason, conservation easements generally decrease the value of land and decrease tax revenue. Under the Tax Deductions for Conservation Easements Act (1980) [26 U.S.C. 170; Section 6 of P.L. 96–541], a taxpayer may take a deduction for a “qualified real property interest” contribution to a charitable organization exclusively for conservation purposes protected in perpetuity. In no case where the donor retains the mineral interest in the land may the minerals be extracted by surface mining methods. It should be understood that the acquisition of development rights would only meet some, but not all of the purposes for which the refuge is established. Numerous other land uses, such as clear-cutting, applying pesticides, and constructing roads, could still be allowed, but would conflict with many refuge purposes and goals.

Examples of some typical restrictions that can be negotiated in conservation easements follow.

Development Rights.—Both commercial and residential development rights, all types of surface disturbance, including sand and gravel mining, the construction of buildings or roads, pipelines, power lines, or other infrastructure.

Disturbance of Vegetation.—Clearing or burning of any vegetation, including logging or clear cutting, or other activities such as grazing, impoundment of water, the application of herbicides or other chemicals, and agricultural operations or other practices that could impact vegetation or wildlife.

Excessive Public Use.—A prohibition on human use and activity at times and in places where they may disturb wildlife or habitat.

Water Quality and Quantity Protection.—The use of water, placement of wells or impoundments, use of chemicals, or other uses that adversely impact or alter natural water levels, quality or quantity.

Landowner compensation for conservation easements is usually a one-time, up-front payment, and is based on a percentage of the appraised fair market value of the land. It will vary according to the restrictions imposed or rights granted to the Service. Easement properties often are more difficult for the Service to administer than fee-title properties because of their additional monitoring, coordination, and administrative requirements. Agricultural and conservation easements have been used by the Maryland DNR and Farmland Preservation Program.

Donation

A citizen or private organization may wish to make a gift of land or interest in land to the Service for conservation purposes. Aside from the cost factor, these acquisitions are no different from purchases. Donated land would be appraised for tax purposes; the owner is entitled to a tax deduction based on the value of the property donated.

Exchange

Under the Federal Land Policy and Management Act, the Fish and Wildlife Act, and the National Wildlife Refuge System Administration Act, the exchange of public lands for private lands is authorized. The Federal Land Policy and Management Act, allows for the withdrawal of lands from the public domain. Inherent in the exchange concept is the requirement to get dollar value for dollar value. Exchanges are attractive in that they usually do not require funds for purchase or increase federal land holdings. Such transactions however can be very labor intensive and time consuming to complete.

Transfer

Under the Federal Property and Administrative Services Act, excess real property of other federal agencies may be transferred to the Department of Interior for the Service and into the refuge system. Specifically, the Transfer of Certain Real property for Wildlife Conservation Purposes Act (16 U.S. C. 667b-667d)—The Act of May 19, 1948 as amended, provides that, upon a determination by the Administrator of the general Services Administration, real property no longer needed by a Federal agency can be transferred without reimbursement to the Secretary of the Interior if the land has particular value for migratory birds, or to a State agency for other wildlife conservation purposes. In recent years, many military base closures and associated excess lands have been transferred into the refuge system. For example, the U.S. Coast Guard has transferred excess lands to the Service for inclusion into several of our national wildlife refuges.

Cooperative Agreement or Permit

Sometimes the Service will enter a Memorandum of Understanding or cooperative management agreement which allows the agency the right to manage the land according to the principles of wildlife management. Certain “rights” are permitted to allow the Service to carry out its functions and responsibilities regarding the protection of our nation’s wildlife resources.

Lease

A written instrument or hereby the possession of land and/or an improvement is given by the owner to another person or agency for a specific period (usually 5 to 10 years), according to specific conditions and for a specific rent. The rights revert back to the owner at the termination of the lease. The property remains on the tax rolls during the term of the lease.

This method does not offer permanent long-term protection, and is generally not cost effective, given limitations on use and amounts of funding available. For these reasons this option was dismissed from further consideration. However, the Service can promote and facilitate habitat restoration programs offered by the Natural Resources Conservation Service, the Farm Services Administration, and our own Partners for Wildlife Program within the project area. The Refuge

will assist interested landowners with existing programs that provide funding, materials, and technical assistance to restore permanent riparian buffers and other vegetated habitats, such as the Conservation reserve program and Wetland Reserve Program.

Condemnation

Like all government agencies, state, country, city or town, the Service has the power of condemnation or eminent domain. However, the Service has a long-standing policy of working with willing sellers, and has not been involved in an adversarial condemnation for many years. In certain circumstances, when the Service and the willing seller cannot reach an agreement on the value of the property, or when the rightful owner of a property cannot be determined, the condemnation process may be used to determine fair market value or to clear title. In those “friendly condemnations,” the Service will only initiate the condemnation process at the request of the willing seller or a municipality. All expenses incurred are paid by the Service. Eminent domain can also be used to prevent uses which would cause irreparable damage to the resources that the unit was established to protect. However, eminent domain can only be used with prior approval by the House and Senate Appropriations Subcommittee.

The Service does not have to purchase specific tracts within a rigid time frame. Donations of land or easements can be accepted at any time. Land is purchased from willing sellers as funds become available.

VIII. Coordination

This proposal was developed in cooperation with the Maryland DNR, Delaware Department of Natural Resources and Environmental Control, The Nature Conservancy, The Conservation Fund, Chesapeake Bay Foundation, and local and regional land trusts.

On July 14, 1994, refuge staff and the Maryland Department of Natural Resources co-hosted the first long-range partnership planning meeting to begin defining the role of the Service as a partner with others in protecting natural resources in the Blackwater River and Nanticoke River watersheds.

On July 25, 1995, we received approval from our Washington Office to begin detailed planning to protect Federal trust resources within these watersheds, including the Chesapeake Island Refuges, and to establish what we then called the “Nanticoke River Unit” of the Blackwater NWR, now the Nanticoke protection area. That approval launched one of the most extensive collaborations ever among the Service, refuge partners, and the public in Region 5 to identify and protect valuable ecosystem resources.

On March 14, 1996, the first meeting of watershed partners convened at Blackwater NWR. Participants included representatives from The Nature Conservancy, The Conservation Fund, the Maryland Department of Natural Resources, the Eastern Shore Land Conservancy, the Lower Shore Land Trust, and Region 5 Land Acquisition Biologist, Chief of Realty and Geographic Assistant Regional Director. Subsequently, seven additional intra- and interagency meetings were held during 1996 and 1997 to identify trust resources in the watershed and the future role of the Service and Refuge System in their protection. The signing into law of the National Wildlife Refuge System on October 9, 1997 ushered in a new phase of that planning in the form of refuge comprehensive conservation plans (CCPs). During April and May 1998 the Service held 20 public scoping and open house meetings to obtain additional public input to help guide the refuge management planning process.

The Refuge Complex programs enjoy tremendous popular and political support. Program partnerships have developed in many ways, and exist in every arena of refuge management including land conservation. Our opportunities for partnerships presently encompass a variety of some forty-four agencies and organizations. Exceptional opportunities exist to connect acquired lands in the Nanticoke River protection area to existing public holdings. This land conservation plan complements the Chesapeake Bay Commission (2001) commitment to “permanently preserve from development 20 percent of the land in the watershed by 2010.”

IX. Socioeconomic and Cultural Impacts

We anticipate no significant adverse socioeconomic or cultural impacts from the proposed land protection and acquisition. The counties and towns will benefit from increased refuge revenue sharing payments, savings on the cost of community services by maintaining open space, increased property values, increased watershed protection, increased revenues to local businesses from refuge staff, and visitors, maintenance of scenic values, and maintenance of rural character and sense of place.

Blackwater NWR is the largest tourist attraction in Dorchester County, generating a reported \$15 million from annual ecotourism. This attraction is based on the abundance of waterfowl, eagles, and other water birds and wildlife that tourists can readily observe, study, and photograph. Very few places provide the opportunity to enjoy these priority public uses like the refuge's Wildlife Drive. Other, less obvious sociological benefits to society arise from knowing that there are still places available where wild creatures can remain wild and free with their life needs properly satisfied, such as the aesthetic benefits of watching a flock of 20,000 waterfowl against a setting sun over the Bay.

The Refuge Complex will continue to promote the six priority, wildlife-dependent, recreational uses of the Refuge System, including hunting, fishing, wildlife observation and photography, and environmental education and interpretation, where they are compatible with the management

purposes of each refuge. The refuge currently has a deer hunt program, a wildlife trail system, wildlife observation sites, and environmental education program and stations. The visitor center at Blackwater is currently under going significant expansion and a new visitor contact station is proposed for Route 50 near the Nanticoke River. Opportunities for public access and uses will be expanded to the new lands as appropriate.

The natural resources of the Chesapeake Bay and waters surrounding and within the Refuge Complex make a substantial contribution to the economic health of the State of Maryland and the Nation. Protecting, restoring and enhancing these habitats will provide opportunities to support, and over the long-term, maintain or even restore the economic vitality of the region and quality of life for residents and visitors alike. Land and water conservation will also provide for the continuation of the cultural heritage of Maryland's watermen by generating an estimated \$275 million in direct expenditures for recreational fishing and \$1 billion in expenditures and 18,000 jobs related to Chesapeake Bay boating activities.

The Dorchester County Department of Tourism estimates that Blackwater NWR visitors annually spend \$15 million in the county, and have a tremendous impact on local restaurants, hotels, retail merchants and other businesses. About 10 percent of all Dorchester County residents derive their income from natural-resource-related jobs that are affected directly or indirectly by the refuge. Both Dorchester and Wicomico counties will realize additional economic benefits from the additional public use planned in alternative B. The existing and future staffing and operational budget of the refuge complex will contribute significantly to the local economy through the purchase of goods and services.

Land protection, particularly by fee title purchase or conservation easements, is unlikely to adversely affect land values within the county or region. The demand for residential living opportunities and employment or retirement opportunities within the region will continue with or without additional acreage enrolled in the land protection strategy envisioned herein. Structures are rarely purchased or are avoided when drawing project boundaries. Therefore, most of a community's real property value remains on the tax rolls even after acquisition has been completed.

The Refuge Complex contributes to the economy of the counties by keeping land in permanent open space. This benefit has been documented in numerous studies throughout the continental United States. The benefits of open space also has been documented in "Cost of Community Services Study (COCS)" for Northampton County, Virginia (Adams, et al. 1999) and a similar, more recent study by the American Farmland Trust, "Cost of Community Services: Making the Case for Conservation" (2002), which analyzes 15 years of COCS studies conducted around the country. These studies involve 20 states from New England to Washington State, and include the Carroll, Cecil, and Frederick Counties, Maryland. A COCS is a case study analysis of the net fiscal impacts of different land uses. These studies are based on real budgets for a specific community. The analysis shows what services private residents receive in return for the taxes they pay to their local community.

These studies repeatedly show that open space costs towns less than residential or commercial development. The reason being is because such development, requires certain town services including schools, utilities, police and fire, emergency services, and solid waste removal. Although residential and commercial development increases a town's tax base, the expenses incurred by the town for increased services far outweigh the taxes generated by residential and commercial uses. This scenario generally leads to significant property tax increases which subsequently places an insurmountable tax burden on low and fixed income households. Senior citizens especially are impacted by such tax increases.

It is possible that the reduction of developable land will cause property values of similar properties outside the protection areas to increase marginally as the same level of demand will have to be satisfied by a relatively smaller supply of vacant land. However, since acquisition is based on "willing sellers" and uncertain annual funding appropriations, any change will be gradual. Other elements of the land protection strategy will provide economic and regulatory incentives to landowners interested in retaining the conservation value of their land, or retaining it in a wildlife-compatible economic enterprise. Some landowners may wish to parcel, areas of the land where conservation programs apply and omit other areas; that is their prerogative. We expect that this will represent only a small percentage of the available lands within the protection areas.

Therefore, we do not expect property values to change significantly inside the protection area. There could be some problems in land protection efforts because of the roll-back of tax exemptions. The counties would have to make a formal decision on a case-by-case basis, guided by state law. Preliminary inquiries by the Service, however, have indicated that this would not be a problem as land use would essentially remain the same. Any lands the Service acquires in fee ownership would be removed from the tax rolls.

To offset that fiscal impact, the Refuge Revenue Sharing Act of 1935, as amended in 1978, provides for payments to offset the loss of tax revenues. Refuge revenue sharing payments for the counties compare favorably with or exceed current tax rates. No refuge revenue sharing payments are made on land acquired by less-than-fee title method. Each county's payment is based on the greatest of the following: 75 cents per acre; three-quarters of 1 percent of the fair market value, or 25 percent of the net receipts collected from the Service's fee lands in that county. Also, Congress may appropriate the funds necessary to offset the difference between the net receipts available and the amount due to the units of local government. The amount of payments on lands now classified for agricultural and timber could range from 40 percent to 60 percent higher than the actual taxes now assessed. Land subject to refuge revenue sharing is reappraised every 5 years. The appraisals set the fair market value of the land.

Refuge revenue sharing does not apply to less-than-fee acquisition or conservation easements. However a conservation easement has its own tax advantages namely, (a) reduced estate taxes (reducing the value of the land by selling or donating development rights automatically cuts estate taxes), (b) obtain current income tax deductions for at least a portion of the value of the

gift, and (c) lower land value results in lower annual real estate or property taxes. In order to secure a current income tax deduction, an easement gift must be for conservation purposes and the land has to have some significant conservation qualities. A conservation easement is usually deductible, up to a maximum of 30 percent of a person's adjusted gross income. Any conservation easement must preclude the destruction or degradation of habitat and allow refuge staff to adequately manage uses of the area for the benefit of wildlife.

Federally owned lands demand few services, only minimal road care, and make an attractive neighbor. Developers and officials often argue that by adding ratables to the local tax base, their proposed development will reduce local property taxes. However, they neglect to mention or analyze that cost to the community of providing services toward that development. Taxes must be raised to pay for services. It must be realized that the profit to a municipality for a piece of property is the income received from taxes minus the cost of services. Services include schools, roads, garbage removal, fire protection, water supply, sewage disposal, health and welfare, utilities, and local administration. Raising taxes has and is forcing farmlands in Maryland and especially on the Eastern Shore along Route 50 into the real estate marketplace.

Cumulative, long-term benefits that would result from Service land protection include the

- Maintenance of the rural character of the region and sense of place
- Contributions to the local and regional economy from expenditures relating to the operation and management of the Refuge Complex and from refuge visitor expenditures for goods and services obtained in the local area.
- Contributions to the protection of the Chesapeake Bay ecosystems and watersheds of the Nanticoke and Blackwater Rivers
- Maintenance of wetland functions such as food production, recharge areas and flood protection
- Protection of endangered, threatened and rare species, especially the American bald eagle and the Delmarva fox squirrel
- Protection of waterfowl species, waterbirds, and other species of special concern that are dependent on these wetlands

Refuge lands would increase protection for cultural resources in the area. Under private ownership, the landowner is responsible for protecting and preserving cultural resources in the protection areas. Residential and commercial development may destroy archeological artifacts, historical data, and research opportunities. Research investigations conducted on private lands may be discontinued at any time at the discretion of the owners. Conversely, the Service's land protection and acquisition strategy will enhance cultural and historic resources by providing

direct protection and management of the lands. Cultural sites within refuge boundaries would be protected against vandalism. Our interpretative and environmental education programs will continue to promote public understanding and appreciation of the area's rich cultural resources. Appropriate surveys will be conducted on a tract by tract basis as needed. Alternative B proposes several initiatives including development of an ambitious Refuge Complex-wide inventory and monitoring plan, the implementation of several surveys following national and regional protocols, the development of GIS, and the development and funding several research endeavors.

The National Historic Preservation Act (P.L. 89–665) requires that any actions by a federal agency which may impact archaeological or historic resources be reviewed by the State Historic Preservation Officer (SHPO), and that identified impacts be avoided or mitigated. Service policy is to preserve these resources in the public trust avoiding impacts wherever possible.

The Archaeological Resource protection Act provides a strict application and permitting process for scientist wishing to conduct archaeological research on federal property, and mandates severe criminal and civil penalties for vandalism or unauthorized collection of material from sites on federal lands or waters.

X. Acquisition Priorities

This LPP confirms our interest in various protection methods for certain lands to their owners. We emphasize that all transactions will be completed on a willing-seller basis only, regardless of the rankings or prioritization shown below. As a result, the lands within a given project boundary that are of greatest interest to the Service because of their biological importance are not necessarily the first made available by willing sellers. In some cases lands within a project boundary as described within this report and the EA/CCP may never become available for purchase.

Nanticoke River Proposed Expansion Area

Figure 4, “Land Acquisition Priorities for the Nanticoke River Corridor,” below, shows the current public land holdings along the Nanticoke River in sections B and C. The current pattern of public ownership provides a unique opportunity for landscape connectivity or linkage to ensure the long-term health of endemic and migratory species populations.

The land purchase prioritization for Nanticoke River is based in part on the following criteria or attributes for each tract. A total of 81 tracts of 50 acres or more were analyzed. The tracts were ranked by the number of attributes or criteria they possessed. The attributes considered included

- Percent Decreasing Wetland Types

- Percent Land Cover/Land Use: natural cover as opposed to actual land use
- Human Land Use Analysis: actual use
- Number of occurrences of rare, threatened, and endangered species
- Number of occurrences of Chesapeake Bay lowlands ecoregional target species
- Presence or absence of bald eagle nests
- Presence or absence of Delmarva fox squirrel
- Adjacent to protected lands
- Water frontage on the Nanticoke, Marshyhope Creek, Barren Creek, Rewastico Creek, etc.
- Size of parcel (acreage)

The criteria or attributes above help determine the biological and ecological significance of a particular land tract. We chose to use these attributes to help prioritize the land parcels because we do not have the same management experience along the Nanticoke River that we do with the Blackwater. These attributes are most conducive to our management objectives as outlined in the CCP. In addition, other criteria including existing and potential threats to the resource; resource or public use management potential; and existing commitments to purchase or protect lands are considered. Often the Service actions are of necessity opportunistic, given the uncertainties associated with annual funding appropriations and availability of willing sellers.

Figure 4, “Land Acquisition Priorities for the Nanticoke River Corridor,” below, shows land parcels sequentially numbered in priority in both Dorchester and Wicomico Counties (sections B and C combined). Those priorities will guide Service land acquisition. However, due to factors such as the cost of each parcel, its availability (willing seller or already on the open market), and the appropriation of acquisition monies, land in some of the lower priority numbers may be acquired before land numbered higher.

Our first priority will be to accept five parcels, three in Dorchester County and two in Wicomico County, now held by TNC for the Service. Those parcels are identified in figure 4, which also shows the location of state and private NGO land holdings and easements. The potential also exists for executing MOUs on state-held lands. The state is not prepared to manage for the long term in all cases, so opportunities exist for current holdings to be managed by the Service in accordance with Refuge System policy. Parcel 186, the Taylor property, consisting of 414 acres, and Parcel 120, consisting of 197 acres, are two such properties.

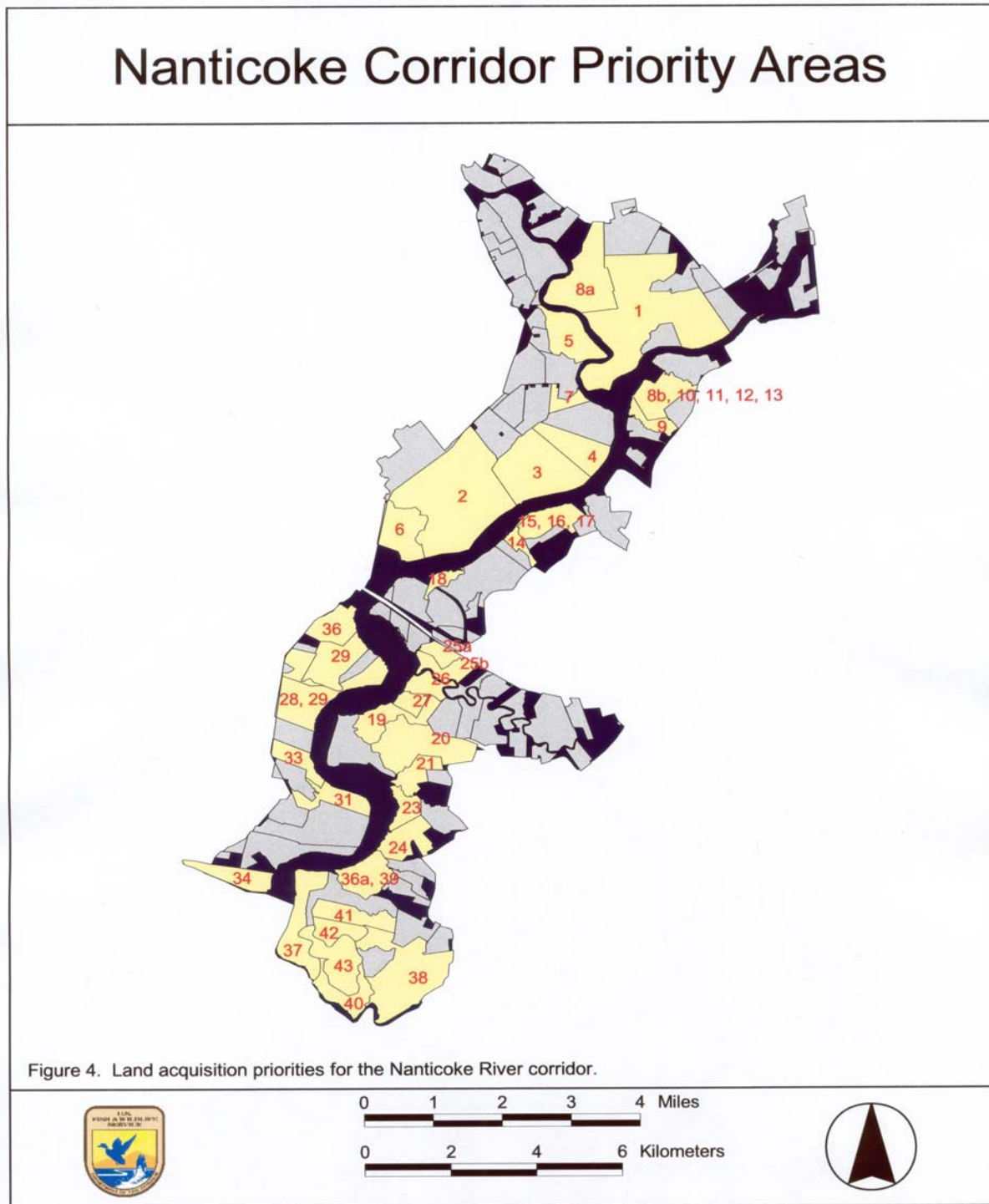


Figure 4. Land acquisition priorities in the Nanticoke River corridor

Following the aforementioned purchase and transfer of parcels from TNC, the following tracts are considered priority 1, based on their environmental attributes listed on page [xxv](#) above, and their proximity to the river.

1. The Boy Scout Camp. 1396.25 acres with frontage on the river. Method of acquisition would be an MOU and conservation easement for immediate management
2. Ms. Margaret Webb. Potential easement with TNC and The Rural Legacy Program. Conservation easement and MOU contemplated
3. Tideland Enterprise LTD, Map 57, Parcel 2, 603.15 acres. Fee Title
4. Charles Phillips. Map 57, Parcel 1, 260.73 acres. Fee Title
5. Case, R.P. Map Parcels 2 and 13, 290 acres. Fee Title
6. Fletcher, T., Parcel 289.72 acres. Fee Title

All of the above six properties have large marshland frontage on the river as well as satisfying other ranking criteria or attributes as listed above. The Fletcher property also sits on Chicone Creek which is a state designated Natural Heritage Area.

7. Parcel 5 located on Marshyhope Creek and between TNC holdings (Spear and Gisrdano?)
- 8a. Willis Robinson. Map 47 Parcel 17, 341.75 acres on Marshyhope Creek abuts BSC to the northwest, Dorchester County
- 8b. Parcel 4 private owner (unknown)
9. Bailey, S., Map 2, Parcel 2, 50 acres
10. Bruner, J., Map 2, Parcel 4, 112.10 acres
11. Booth, T. and E., Map 2, Parcel 5, 30 acres
12. Adams, T., Map 5, Parcel 139, 1.14 acres
13. Bruner, J., Map 2, Parcel 6, 10-acre long narrow strip
14. Donofrio, Map 5, Parcel 99, 50 acres
15. Graham, D.W., Map 5, Parcel 88, 55 acres

Appendix J. Land Protection Plan

16. Graham, D.W. Map 5, Parcel 87, 68 acres
17. Graham, D.W., Map 5, Parcel 90, 17 acres
18. Charles Phillips. Map 5, Parcel 18, 57.19 acres. Fee Title
19. Roy Calloway. Map 8, Parcel 320, 240 acres
20. Carey. Map 17, Parcel 79, 156.13 acres (469.77 acres)
21. Sehman. L.B., Map 17, Parcel 53, 42 acres
22. W. Grason Winterbottom. Map 8, Parcel 182, 105.96 acres and 137.47 acres
23. Joe Truitt. Map 16, Parcel 9, 114 acres
24. Lyn B. Thomas. Map 16, parcel 2, 224 acres
- 25a. Richardson, B., Map 8, Parcel 8, 81.88 acres
- 25b. Richardson, B., Map 8, Parcel 13, 125 acres
26. BMS.LLC, Map 7, Parcel 2 , 99.68 acres on Wicomico Creek
27. Granuzzo. A. and J., Map 8, Parcel 6, 80.19 acres
28. Creighton, R. and James Windsor, Jr., Map 66, Parcel 7, 397 acres
29. Outten Farms LTD. Partnership (two parcels), Parcel 5, 105.80 acres and Parcel 19, 314 acres (414.80 acres total)
30. Spear, James, Map 66, Parcel 17, 85.50 acres
31. Bogg, H., Map 75, Parcel 19, 181 acres
32. Willey, E. I., Map 75, Parcel 2, 120 acres
33. Webb, Albert et al. Map 75, Parcel 20, 129.75 acres Hollands Crossroads
34. Sellers, R. Sr. Map 83, Parcel 3, 194.83 acres
35. Sevey, J. and J., Map 75, Parcel 17, 42 acres

- 36a. Chambers, M., Map 16, Parcel 7, 250 acres
36. Henry Legg. Map 66, Parcel 16
37. Wells, P., Map 25, Parcel 1, 270.50 acres
38. Bartoshesky. Map 25, Parcel 20, 667 acres
39. Lewis, E. Map 25, Parcel 13, 236 acres
40. Harcum, A., Map 25, Parcel 6, 186.40 acres
41. Steven Ashcraft. Map 25, Parcel 3
42. Delgrosso. Map 25, Parcel 2, 119.50 acres
43. Charles Meeks, and Taylor, J.W., Edwards, J.M., Map 25, Parcels 4 and 5, 102 and 197.50 acres, respectively

Blackwater Refuge

Land acquisition priorities for Blackwater Refuge are based on 70 years of management experience. As a result, the management objectives and strategies, unlike Nanticoke River, are more clearly known. The resources and associated needs are well known. The goals of our forest management plan and development of forest cores for forest interior dwelling birds, Delmarva fox squirrels and bald eagles were explicitly known.

The process for identifying what lands are wanted is based on migratory waterfowl, Neotropical bird species, endangered and threatened species, and biodiversity. All land is located in Dorchester County. Collectively, these tracts currently represent the highest priority acquisitions in the future of Blackwater NWR, and significantly support the Chesapeake Executive Council's Bay agreement and its strategies for wetland protection. These properties affect existing Refuge purposes, objectives, and management activities; would directly protect and preserve critical habitat for several federal and state listed endangered species; and would contribute significantly to the objectives of the Chesapeake Bay/Susquehanna Ecosystem Teams Watershed, North American Waterfowl Management Plan's Atlantic Coast Joint Venture, the Blackwater-Nanticoke Focus Area Plan, and the Management Plan for Canada Geese in Maryland. The following list of land parcels are sequentially numbered in priority order. Actual acquisition however, is always subject to willing sellers so in reality the sequence indicated would probably not be realized. Landowners are also advised that this list carries no obligation on their part to negotiate with the Service.

Appendix J. Land Protection Plan

1. Blackwater Hunt Club (formerly the Bugg property). This is the largest remaining inholding and, because of its central location, is crucial in future refuge management and protection. Its 899 acres encompass palustrine forested wetlands and impoundments.

2. Hoffman, W., Map 72, Parcels 2 and 5, consisting of 221 and 198 acres respectively, or 220 acres total (previously NEPA approved inholding)

Also, previously approved NEPA inholdings

Map 49, Parcel 15, 1.25 acres

Map 61, Parcel 5, 924.59 acres

Map 70, Parcel 16, 5 acres

Parcel 21, 6.62 acres on Key Wallace Drive

Parcel 25, 19.84 acres

Map 71, Parcel 12, 64.7 acres and Map 62, parcel 24, 277.62 acres

Map 71, Parcel 37, 2.5 acres on Key Wallace Drive

Map 71, Parcel 41, 280 acres

Map 77, Parcel 26, 37 acres

Map 77, Parcel 9, only interested in 20 acres north of road

Map 79, Parcel 3, 69 acres

Map 79, Parcels 4 and 5, 16.8 and 8.08 acres respectfully

Map 87, Parcel 85, 40 acres

Map 113, Parcel 55, 4.45 acres

Total: 1474.95 acres

3. Map 60: nine parcels lumped together from same area

Dorchester Lumber Co., Parcel 45, 124 acres

Glatfelter, Parcel 46, 57 acres

Dorchester Lumber Co., Parcel 24, 125 acres

Mills, Parcel 59, 100 acres

Smith, Parcel 61, 95 acres

Lukenbach, Parcel 47, 95 acres

Besely and Rogers, (forest/lumber company) Parcel 32, 909 acres

Besely and Rogers, Parcel 63, 153 acres

Besely and Rogers, Parcel 3, 796 acres

Total: 2454 acres

4. Map 78: 10 parcels lumped together from same area (white oak swamp habitat)

Blackwater Hunt Club, Parcel 2, 1,405 acres

Golden Hill Hunt Club (Crist), Parcel 28, 1,091 acres

Spicer, Parcel 19, 410 acres

The Braves Hunt Club, Parcel 25, 71 acres
Spicer and Associates, Parcel 6, 763 acres
Leroy Bradshaw, Parcel 18, 59 acres
Thomas Spicer, Parcel 78, 220 acres
Thomas Spicer, Parcel 11, 104 acres
Phillip Gootwee, Parcel 15, 314 acres
Spicer, Parcel 13, 50 acres
Total: 4487 acres

5. Storm (formerly, the Bugg property) Map 78, Parcel 27, 88 acres of forested wetlands
6. Cooper, Henry, Map 70, Parcel 18, 15 acres (next to Hanson Standley)
7. Condon, Robert, Map 78, Parcel 11, 57 acres

Map 77:

8. Riggins, Clifford, Parcel 3, 42.5 acres
9. Dwyers, Parcel 14, 92 acres
10. Newcome, Norman, Parcel 31, 57 acres?
11. Newcome, Ronald Lee, Parcel 24, ?? acres
12. Spicer, Parcel 30, 0.5 acres
13. Spicer Investment Partnership, Parcel 41, 308 acres
14. Bronughas, (north piece), Parcel 9
15. Applegarth, H., northern piece of Parcel 36, 80 acres
16. Walker, P., Parcel 23, 7 acres
17. Kahl, Wylie, Parcel 13, 59.25 acres
18. Keene, Leola, Parcel 5 (Small parcel on other side of road)
19. Standly, H. Marie, Parcel ??, 15–20 acres
20. Spicer, Rebecca, Map 68, Parcel 47, consisting of 511.75 acres
21. Baltimore Rod and Gun Club, Map 59, Parcel 136, 17.15 acres
22. Vozar, I. and M., Map 59, Parcel 105, 55.31 acres
23. Bradley, L., Map 59, Parcel 98 (northern portion only), 75.29 acres

Map 50:

24. Trophy Rod and Gun Club, Map 50 Parcels 139 and 142, 48 acres and 23 acres
25. King, Map 50, Parcel 19, 16 acres
26. Burton, Wm., Parcel 231, 10 acres

Appendix J. Land Protection Plan

- 27. Dorchester Lumber Co., Parcel 108, 205 acres
- 28. Besely and Rogers, Parcel 21, 55 acres
- 29. Dorchester Lumber Company, Map 60, Parcel 58, 90.75 acres
- 30. Brown, Map 60, Parcel 29, 473 acres

Map 61:

- 31. Herbert, Parcel 8, 56 acres
- 32. Pohl, Parcel 9, 54 acres
- 33. Pohl, Parcel 2, ...acres
- 34. Blackwater Hunt Club, Parcel 17, 91 acres
- 35. Dorchester Lumber Co., Parcel 47, 38 acres

Map 71: Little Blackwater River near the Refuge Office

- 36. Young, Parcel 8, 196.75 acres
- 37. Mende, Parcel 34, 150 acres
- 38. Sewart, Parcel 36, 179 acres
- 39. Quidas, S.and R., Parcel 31, of 23 acres
- 40. Sewart, C. H., Parcel 13, of 31 acres
- 41. Willey, Guy, Parcel 42, 16 acres (crescent-shaped parcel)

Map 72:

- 42. Willey, Robert, Parcel 11, of 122 acres
- 43. Blackwater Farms, Parcel 1, 164 acres

44. Blackwater Farms, Map 62, Parcel 11, of 272.25 acres

45. Luthy Farms, Map 63, Parcel 3, consisting of 294.67 acres

Map 79: Two 15-acre sites on Blackwater Road will give FWS access to closed-off road.

- 46. Carter Ward, J., Parcel 12, consisting of 15 acres abutting Dragon Swamp
- 47. Burton, G., Parcel 11, 15 acres

Works Cited

Adams, Melissa, Julia Freedgood and Jennifer Phelan. May 1999. Cost of Community Service Study for Northampton County, Virginia. American Farmland Trust: Northampton, Mass. 14pp.

Dahl, Thomas E. 1990. Wetlands losses in the United States 1780's to 1980's. U.S. Department of the Interior, Fish and Wildlife Service, Washington, D.C. 13pp.

Freedgood, Julia et. al., 2002. Cost of Community Services Studies: Making the Case for Conservation. American Farmland Trust. 78pp.

Chesapeake Bay Commission and The Trust for Public Land. 2001. Keeping Our Commitment: Preserving Land in the Chesapeake Watershed. 28pp.

Additional information on Service land acquisition and its realty program can be found at <http://realty.fws.gov/lap.html>

Back to Volume 2 titles