

Marvin Moriarty  
Northeast Regional Office  
U.S. Fish and Wildlife Service  
300 Westgate Center Drive  
Hadley, MA 01035-9589

November 7, 2005

Dear Regional Director Moriarty:

I am writing on behalf of Public Employees for Environmental Responsibility (PEER) to convey our deep concerns relative to the continuing agricultural operations at Prime Hook National Wildlife Refuge. While farming activities have been going on for some time at the Refuge, recent decisions and the continuing violations of Service policy and law are bringing this matter to a head.

PEER is requesting that the Refuge halt any future current agricultural/economic activity until the Refuge comes into compliance with the Refuge Improvement Act of 1997, among other statutory requirements.

In order to legally continue farming, Prime Hook NWR should have a written CD (Compatibility Determination) document that specifically finds farming to be compatible with its wildlife resources. It should also have developed operational Refuge interim goals and objectives until its Comprehensive Conservation Planning (CCP) development but it did not. Further, when a switch from conventional crops to the use of totally Genetically Engineered crops was made in 2001, minimally an Environmental Assessment should have been done for this action, but was not. Intensive farming using genetically modified organisms (GMOs) is an action that triggers review under the National Environmental Policy Act. Moreover, it is clearly stated in the Integrity Policy that the use of GMOs would not be allowed unless the Director documented its need and then authorized it specifically for that Refuge. We know of no such authorization.

The Refuge has yet to develop operational habitat goals and objectives or any Habitat Management Plan, so it is unable to determine whether the farming operations undermine or enhance its habitat goals. It is difficult to see how intensive agricultural cultivation of genetically modified corn and soybeans benefits wildlife. Even if one granted some benefit from the planting of a cover crop for four months per year, this benefit is certainly not enough to offset the poor soil fertility and degrading environmental health of surrounding wetlands and the water table due to high inputs of fertilizers and pesticides.

To add insult to injury, the Refuge is now in the process of adding acreage to the agricultural operation. In 2001, the Refuge took 150 acres (3 fields each about 50 acres in size) out of the farming program to participate in a regional Grassland Bird study. After the study concluded at the end of 2003, the refuge continued to monitor these early successional habitats as the local birding public acquired unique birding opportunities.

While many hoped to continue collecting data on these natural plant communities and subsequent bird use, the local corporate farmers have demanded these fields back. It is my information that the Refuge Manager, with the blessing from the Regional and Washington Offices, has acceded to these demands.

It seems incredible to the public that on a 10,000-acre National Wildlife Refuge large that research can not continue on a mere 150 acres to further science-based management decisions about the validity of farming. The Refuge Manager and Regional Office managers claim that they have buckled to the farmers' pressure because they want to bring the farmers to the "CCP table" but the truth of the matter is that the farmers have no right or legal claim to National Wildlife Refuge lands.

Prime Hook is National Wildlife Refuge, not a national soybean patch. Any farming program should benefit wildlife. If it does not benefit wildlife and destroys wildlife habitats then it should be discontinued.

The National Wildlife Refuge System's stated goal to administer a network of lands and waters for the conservation, management and restoration of the fish and wildlife and plant resources and their habitats for the benefit of present and future generations of Americans. However, laws such as the Refuge Improvement Act (1997) and subsequent Service policies and directives are being completely ignored for the complete benefit of local farmers at the expense of wildlife on federal lands at tax payers' expense.

The Fish and Wildlife Service Manual contains the standing and continuing directives for the Service and has regulatory force and effect within the Service. The goals of Refuge Planning Policy (602 FW 1) states that all Refuge planning activities need to ensure that wildlife comes first on Refuges and that each Refuge is managed for the conservation of fish, wildlife, plants and their habitats and that refuge management achieves Service policies, the Refuge mission and purposes for which the Refuge was established. The Comprehensive Conservation Planning Process Policy (602 FW 3) clearly states that after the 1997 Refuge Improvement Act, Refuges would continue to be managed with existing plans if suitable to implement the new directives and principles of the RIA or if these plans did not work then each Refuge should develop interim management goals and objectives to maintain and where appropriate restore biological integrity, diversity and environmental health until that refuge developed a new CCP.

Compatibility Policy (603 FW 2) clearly mandates that a written Compatibility Determination was required for each refuge that conducted any **"refuge management economic activity"** such as farming, before allowing that use to continue. The

Biological Integrity, Diversity, and Environmental Health Policy (601 FW 3) clearly describes how each Refuge Manager would protect biological diversity through the comprehensive conservation planning process, interim management planning, and compatibility reviews, used to determine the management actions used to maintain and where appropriate, restore, biological integrity, diversity, and environmental health on each refuge.

The Refuge System focus now is especially on native plant species and natural communities. For example section 3.15 Part C states that the Service shall “not allow refuges uses or management practices that result in the maintenance of non-native communities unless we determine there is no feasible alternative for accomplishing refuge purpose(s). For example, where we do not require farming to accomplish refuge purpose(s), we cease farming and strive to restore natural habitats. Where feasible and consistent with refuge purpose(s), we restore degraded or modified habitats in the pursuit of biological integrity, diversity, and environmental health. We use native seed sources in ecological restoration. We do not use genetically modified organisms in refuge management unless we determine their use is essential to accomplishing refuge purpose(s) and the Director approves the use.”

PEER’s question is why does the Service persist in violating its own policies in the management of Prime Hook NWR?

Sincerely,

Gene Hocutt  
PEER Refuge Keeper

Cc. Deputy Director Matt Hogan  
Region 5, Refuge Chief Tony Leger