



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Rhode Island National Wildlife Refuge Complex  
50 Bend Rd., Charlestown, RI 02813  
Phone (401) 364-9124 Fax (401) 364-0170



Janet Coit, Director  
Rhode Island Department of Environmental Management  
235 Promenade Street  
Providence, RI 02909-5767

January 6, 2012

### **RE: Town of Charlestown Application for Recreation and Development Grant - Ninigret Park**

Dear Director Coit:

The Town of Charlestown (Town) recently submitted a proposal to the Department of Environmental Management (RIDEM) requesting a grant for development of lighted recreation fields and other developments for Ninigret Park. The U.S. Fish and Wildlife Service, as an abutting landowner takes issue with the proposal as currently designed, and respectfully request the Department to defer the application until such time as the following issues can be addressed:

#### **The Service has concerns regarding the direct, indirect, and cumulative impacts of the project on natural resources of the Ninigret National Wildlife Refuge.**

The proposal would construct lighted ball fields directly on the National Wildlife Refuge boundary, eliminating what little vegetative buffer exists, thereby hampering our ability to make the highest and best use of these lands, and jeopardizing attainment of the purposes for which the Refuge was established under federal law.

The importance of the Ninigret Refuge to the annual migration of thousands of migratory songbirds cannot be overstated. Bird banding data collected on the Refuge reveals that this area has the highest capture rate recorded for any other banding station in New England. Over 30 of the species captured on the refuge are species of high conservation concern in the United States. Most individuals are juveniles, which makes the area of critical importance to maintaining population recruitment and maintenance. Mortality rates for songbirds are 15% higher during the migratory period (Sillet and Holmes 2002), therefore maintaining and protecting key migratory habitats is important to the maintenance of songbird populations.

Lighting of structures and fields has been repeatedly shown to disorient migratory songbirds (Poot et al 2008), including the depletion of energy reserves. A literature review by Gauthreaux and Belser (2006) conclude that "all evidence indicates that the increasing use of artificial light at night is having an adverse effect on populations of birds, particularly those that typically migrate at night." In combination with other proposals by the Town of Charlestown to install additional facilities at the park could represent a significant threat to species using the area during the fall migration, and to migratory tree bats of conservation concern.

**The proposal appears inconsistent with deed restrictions placed on the parcel by the U.S. Department of the Interior.**

Ninigret Park was transferred to the Town of Charlestown from federal ownership through the federal lands to parks program in 1981. The deed for the property dictates that prior to any construction activity, the grantee is required to conduct a reconnaissance archaeological inventory as per 50 C. F. R. Part 66, and to have all reports approved by the Rhode Island State Historic Preservation Officer. We have consulted the Narragansett Indian Tribe and are unaware that any cultural resource clearance has been undertaken, and the grant application does not call for cultural resource clearance. Granting the proposal and allowing construction of the ball fields and attendant facilities, without requirements for a cultural resource clearance could jeopardize title of the parcel of land in question.

**The proposal appears inconsistent with state-wide planning guidelines.**

The Rhode Island Comprehensive Planning and Land Use Act of 1988 (P.L. 1988, ch. 601, § 1.) was passed by the general assembly to establish comprehensive planning in each municipality, and once approved, mandates that all future actions must be consistent with those plans. The proposal submitted to RIDEM fails to conform both with the Town Comprehensive Plan and the Master Plan developed for Ninigret Park. Consequently, the proposal is inconsistent with the State-wide planning requirements:

- The proposal fails to adequately address how the project would adversely impact natural resources of the Town and to coordinate with the U.S. Fish and Wildlife Service as directed in the Comprehensive Plan. This has led to submittal of a proposal to RIDEM which does not sufficiently abate or mitigate impacts to key natural resources.
- The 2008 master plan established for Ninigret Park, while identifying lands for recreational ball fields, did not specify or discuss the use of lighted ball fields, and calls for implementing night sky view preservation goals to protect the Frosty Drew Observatory. A review of the project by the Observatory raises several issues related to whether observatory operations can be protected.
- The Comprehensive plan directs that growth and development be managed to reflect the natural characteristics (resources and constraints) of the Town. The cumulative impacts of the project, including development of a concession area, lighted ball fields, increased night time traffic, increased nighttime light pollution for cars and attendant facilities such as parking areas, are not at all evaluated nor considered as part of the proposal.
- The Plan directs the town to work with adjacent communities, including the Narragansett Indian tribe to insure land uses are compatible, to identify key resources, and to cooperate in protecting them. Cultural resources have not been addressed as part of the proposal, nor was the Service, as an abutter, consulted.
- The Comprehensive plan calls for protection of habitats through the use of setbacks, design standards, exactions, and open space dedication. It requires the identification and protection of resources requiring cooperation with communities to ensure that both federal and state requirements can be met. The project removes what little vegetative buffer exists between the project and a National Wildlife Refuge, and fails to consider impacts to natural resources.

- The Town noise ordinance recognizes that excessive noise is a serious hazard to public health and the quality of life in the town, and that each person has the right to an environment reasonably free of noise, which unnecessarily degrades the quality of life. The Ordinance limits production of sound across a property boundary, and defines significant natural features as including wildlife habitats and public open space. The project fails to discuss impacts from increased noise on adjacent properties and key natural and wildlife habitats.
- Ordinances promulgated under the Comprehensive Plan directs that the Town protect investments made in open space. The proposal reduces the quality and capacity of the Refuge and therefore does not protect investments in open space.
- The Comprehensive plan calls for the orderly growth and development of land that recognizes the values of unique or valuable natural resources and features. The proposal fails to fully evaluate the consequences of the action on the Towns resources, nor does it include any mitigative measures.

### Summary

The Ninigret National Wildlife Refuge was established for the purposes of providing for an inviolate sanctuary for migratory birds. The proposal as located and described, fails to consider impacts on adjacent National Wildlife lands, which could hamper use of our property for the stated objectives and goals. Funding the proposal as written could impair the use and quality of a National Wildlife Refuge. The proposal is also inconsistent with State-wide Planning Act requirements, and fails to consider possible impacts on cultural resources as required by deed restriction.

Thank you for your consideration of this request. Should you have any questions or require additional information, please do not hesitate to contact me directly.

Sincerely,



CHARLES E. VANDEMOER  
Refuge Manager  
Rhode Island National Wildlife Refuge Complex

Cc; Town of Charlestown  
Historic Preservation Office, Narragansett Indian Tribe  
National Park Service, Federal Lands to Parks Program  
Frosty Drew Nature Center

## Citations

Gauthreaux, S. A., and C. G. Belser. 2006. **Effects of artificial night lighting on migrating birds.** Pages 67–93 in C. Rich and T. Longcore, editors. *Ecological consequences of artificial night lighting.* Island Press, Washington, D.C., USA.

Poot, H., B. J. Ens, H. de Vries, M. A. H. Donners, M. R. Wernand, and J. M. Marquenie. 2008. **Green light for nocturnally migrating birds.** *Ecology and Society* 13(2): 47. [online] URL:<http://www.ecologyandsociety.org/vol13/iss2/art47/>

Sillet, Scott, and Richard T. Holmes. 2008. **Variation in Survivorship of a migratory songbird throughout its annual cycle.** *J. Animal Ecology* 71:296-308.