

# Glossary

**accessible**—Pertaining to physical access to areas and activities for people of different abilities, especially those with physical impairments.

**adaptive resource management**—The rigorous application of management, research, and monitoring to gain information and experience necessary to assess and modify management activities; a process that uses feedback from research, monitoring, and evaluation of management actions to support or modify objectives and strategies at all planning levels; a process in which policy decisions are implemented within a framework of scientifically driven experiments to test predictions and assumptions inherent in management plan. Analysis of results helps managers determine whether current management should continue as is or whether it should be modified to achieve desired conditions.

**Administration Act**—National Wildlife Refuge System Administration Act of 1966.

**alternative**—A reasonable way to solve an identified problem or satisfy the stated need (40 CFR 1500.2); one of several different means of accomplishing refuge purposes and goals and contributing to the Refuge System mission (“Draft U.S. Fish and Wildlife Service Manual” 602 FW 1.5).

**amphibian**—A class of cold-blooded vertebrates including frogs, toads or salamanders.

**annual**—A plant that flowers and dies within 1 year of germination.

**ATV**—All-terrain vehicle.

**baseline**—A set of critical observations, data, or information used for comparison or a control.

**biological control**—The use of organisms or viruses to control invasive plants or other pests.

**biological diversity, also biodiversity**—The variety of life and its processes, including the variety of living organisms, the genetic differences among them, and the communities and ecosystems in which they occur (Service Manual 052 FW 1.12B). The National Wildlife Refuge System’s focus is on indigenous species, biotic communities, and ecological processes.

**biotic**—Pertaining to life or living organisms; caused, produced by, or comprising living organisms.

**canopy**—A layer of foliage, generally the uppermost layer, in a vegetative stand; midlevel or understory vegetation in multilayered stands. Canopy closure (*also* canopy cover) is an estimate of the amount of overhead vegetative cover.

**CCC**—*See* Civilian Conservation Corps.

**CCP**—*See* comprehensive conservation plan.

**CFR**—*See* Code of Federal Regulations.

**cfs**—Cubic feet per second.

**Civilian Conservation Corps (CCC)**—Peacetime civilian “army” established by President Franklin D. Roosevelt to perform conservation activities from 1933–42. Activities included erosion control; firefighting; tree planting; habitat protection; stream improvement; and building of fire towers, roads, recreation facilities, and drainage systems.

**Code of Federal Regulations (CFR)**—The codification of the general and permanent rules published in the “Federal Register” by the executive departments and agencies of the federal government. Each volume of the CFR is updated once each calendar year.

**compatibility determination**—*See* compatible use.

**compatible use**—A wildlife-dependent recreational use or any other use of a refuge that, in the sound professional judgment of the director of the U.S. Fish and Wildlife Service, will not materially interfere with or detract from the fulfillment of the mission of the Refuge System or the purposes of the refuge (“Draft U.S. Fish and Wildlife Service Manual” 603 FW 3.6). A compatibility determination supports the selection of compatible uses and identified stipulations or limits necessary to ensure compatibility.

**comprehensive conservation plan (CCP)**—A document that describes the desired future conditions of the refuge and provides long-range guidance and management direction for the refuge manager to accomplish the purposes of the refuge, contribute to the mission of the Refuge System, and to meet other relevant mandates (“Draft U.S. Fish and Wildlife Service Manual” 602 FW 1.5).

**concern**—*See* issue.

**conspecific**—An individual belonging to the same species as another.

**cool-season grasses**—Grasses that begin growth earlier in the season and often become dormant in the summer. These grasses will germinate at lower temperatures. Examples of cool-season grasses are western wheatgrass, needleandthread, and green needlegrass.

**coteau**—A hilly upland including the divide between two valleys; a divide; the side of a valley.

**cover, also cover type, canopy cover**—Present vegetation of an area.

**cultural resources**—The remains of sites, structures, or objects used by people in the past.

**dense nesting cover (DNC)**—A composition of grasses and forbs that allows for a dense stand of vegetation that protects nesting birds from the view of predators, usually consisting of one to two species of wheatgrass, alfalfa, and sweetclover.

**depredation**—Destruction or consumption of eggs, broods, or individual wildlife due to a predatory animal; damage inflicted on agricultural crops or ornamental plants by wildlife.

**DNC**—*See* dense nesting cover.

**drawdown**—The act of manipulating water levels in an impoundment to allow for the natural drying-out cycle of a wetland.

**EA**—*See* environmental assessment.

**ecosystem**—A dynamic and interrelating complex of plant and animal communities and their associated nonliving environment; a biological community, together with its environment, functioning as a unit. For administrative purposes, the Service has designated 53 ecosystems covering the United States and its possessions. These ecosystems generally correspond with watershed boundaries and their sizes and ecological complexity vary.

**EIS**—Environmental impact statement.

**emergent**—A plant rooted in shallow water and having most of the vegetative growth above water such as cattail and hardstem bulrush.

**endangered species, federal**—A plant or animal species listed under the Endangered Species Act of 1973, as amended, that is in danger of extinction throughout all or a significant portion of its range.

**endangered species, state**—A plant or animal species in danger of becoming extinct or extirpated in a particular state within the near future if factors contributing to its decline continue. Populations of these species are at critically low levels or their habitats have been degraded or depleted to a significant degree.

**endemic species**—Plants or animals that occur naturally in a certain region and whose distribution is relatively limited to a particular locality.

**environmental assessment (EA)**—A concise public document, prepared in compliance with the National Environmental Policy Act, that briefly discusses the purpose and need for an action and alternatives to such action, and provides sufficient evidence and analysis of impacts to determine whether to prepare an environmental impact statement or finding of no significant impact (40 CFR 1508.9).

**EPA**—Environmental Protection Agency.

**extinction**—The complete disappearance of a species from the earth; no longer existing.

**extirpation**—The extinction of a population; complete eradication of a species within a specified area.

**fauna**—All the vertebrate and invertebrate animals of an area.

**federal trust resource**—A trust is something managed by one entity for another who holds the ownership. The Service holds in trust many natural resources for the people of the United States of America as a result of federal acts and treaties. Examples are species listed under the Endangered Species Act, migratory birds protected by international treaties, and native plant or wildlife species found on a national wildlife refuge.

**federal trust species**—All species where the federal government has primary jurisdiction including federally endangered or threatened species, migratory birds, anadromous fish, and certain marine mammals.

**flora**—All the plant species of an area.

**FMP**—Fire management plan.

**forb**—A broad-leaved, herbaceous plant; a seed-producing annual, biennial, or perennial plant that does not develop persistent woody tissue but dies down at the end of the growing season.

**fragmentation**—The alteration of a large block of habitat that creates isolated patches of the original habitat that are interspersed with a variety of other habitat types; the process of reducing the size and connectivity of habitat patches, making movement of individuals or genetic information between parcels difficult or impossible.

**“friends group”**—Any formal organization whose mission is to support the goals and purposes of its associated refuge and the National Wildlife Refuge Association overall; “friends” organizations and cooperative and interpretive associations.

**FWS**—*See* U.S. Fish and Wildlife Service.

**geographic information system (GIS)**—A computer system capable of storing and manipulating spatial data; a set of computer hardware and software for analyzing and displaying spatially referenced features (such as points, lines and polygons) with nongeographic attributes such as species and age.

**goal**—Descriptive, open-ended, and often broad statement of desired future conditions that conveys a purpose but does not define measurable units (“Draft U.S. Fish and Wildlife Service Manual” 620 FW 1.5).

**grassland tract**—A contiguous area of grassland without fragmentation.

**GS**—General schedule (pay rate schedule for certain federal positions).

**habitat**—Suite of existing environmental conditions required by an organism for survival

and reproduction; the place where an organism typically lives and grows.

**habitat disturbance**—Significant alteration of habitat structure or composition; may be natural (for example, wildland fire) or human-caused events (for example, timber harvest and disking).

**habitat type, also vegetation type, cover type**—A land classification system based on the concept of distinct plant associations.

**HMP**—Habitat management plan.

**HUA**—Hydrologic unit area.

**impoundment**—A body of water created by collection and confinement within a series of levees or dikes, creating separate management units although not always independent of one another.

**Improvement Act**—National Wildlife Refuge System Improvement Act of 1997.

**indigenous**—Originating or occurring naturally in a particular place.

**integrated pest management (IPM)**—Methods of managing undesirable species such as invasive plants; education, prevention, physical or mechanical methods of control, biological control, responsible chemical use, and cultural methods.

**introduced species**—A species present in an area due to intentional or unintentional escape, release, dissemination, or placement into an ecosystem as a result of human activity.

**invasive plant, also noxious weed**—A species that is nonnative to the ecosystem under consideration and whose introduction causes, or is likely to cause, economic or environmental harm or harm to human health.

**inviolate sanctuary**—A place of refuge or protection where animals and birds may not be hunted.

**IPM**—*See* integrated pest management.

**issue**—Any unsettled matter that requires a management decision; for example, a Service initiative, opportunity, resource management problem, a threat to the resources of the unit, conflict in uses, public concern, or the presence of an undesirable resource condition (“Draft U.S. Fish and Wildlife Service Manual” 602 FW 1.5).

**lek**—A physical area where males of a certain animal species gather to demonstrate their prowess and compete for females before or during the mating season.

**management alternative**—*See* alternative.

**migration**—Regular extensive, seasonal movements of birds between their breeding regions and their wintering regions; to pass usually periodically from one region or climate to another for feeding or breeding.

**migratory birds**—Birds that follow a seasonal movement from their breeding grounds to their wintering grounds. Waterfowl, shorebirds, raptors, and songbirds are all migratory birds.

**mission**—Succinct statement of purpose and/or reason for being.

**mitigation**—Measure designed to counteract an environmental impact or to make an impact less severe.

**mixed-grass prairie**—A transition zone between the tall-grass prairie and the short-grass prairie dominated by grasses of medium height that are approximately 2–4 feet tall. Soils are not as rich as the tall-grass prairie and moisture levels are less.

**monitoring**—The process of collecting information to track changes of selected parameters over time.

**national wildlife refuge**—A designated area of land, water, or an interest in land or water within the National Wildlife Refuge System, but does not include coordination areas; a complete listing of all units of the Refuge System is in the current “Annual Report of Lands Under Control of the U.S. Fish and Wildlife Service.”

**National Wildlife Refuge System (Refuge System)**—Various categories of areas administered by the Secretary of the Interior for the conservation of fish and wildlife including species threatened with extinction, all lands, waters, and interests therein administered by the Secretary as wildlife refuges, areas for the protection and conservation of fish and wildlife that are threatened with extinction, wildlife ranges, game ranges, wildlife management areas, and waterfowl production areas.

**National Wildlife Refuge System Improvement Act of 1997 (Improvement Act)**—Sets the mission and the administrative policy for all refuges in the National Wildlife Refuge System; defines a unifying mission for the Refuge System; establishes the legitimacy and appropriateness of the six priority public uses (hunting, fishing, wildlife and photography, and environmental education and interpretation); establishes a formal process for determining appropriateness and compatibility; establish the responsibilities of the Secretary of the Interior for managing and protecting the Refuge System; requires a comprehensive conservation plan for each refuge by the year 2012. This Act amended portions of the Refuge Recreation Act and National Wildlife Refuge System Administration Act of 1966.

**native species**—A species that, other than as a result of an introduction, historically occurred or currently occurs in that ecosystem.

**Neotropical migrant**—A bird species that breeds north of the United States and Mexican border and winters primarily south of this border.

**NEPA**—National Environmental Policy Act.

**nest success**—The percentage of nests that successfully hatch one or more eggs of the total number of nests initiated in an area.

**NOA**—Notice of availability.

**nongovernmental organization**—Any group that is not composed of federal, state, tribal, county, city, town, local, or other governmental entities.

**noxious weed, also invasive plant**—Any living stage (including seeds and reproductive parts) of a parasitic or other plant of a kind that is of foreign origin (new to or not widely prevalent in the U.S.) and can directly or indirectly injure crops, other useful plants, livestock, poultry, other interests of agriculture, including irrigation, navigation, fish and wildlife resources, or public health. According to the Federal Noxious Weed Act (PL 93-639), a noxious weed (such as invasive plant) is one that causes disease or has adverse effects on humans or the human environment and, therefore, is detrimental to the agriculture and commerce of the U.S. and to public health.

**NRCS**—Natural Resources Conservation Service of the U.S. Department of Agriculture.

**NWR**—National wildlife refuge.

**objective**—An objective is a concise target statement of what will be achieved, how much will be achieved, when and where it will be achieved, and who is responsible for the work; derived from goals and provide the basis for determining management strategies. Objectives should be attainable and time-specific and should be stated quantitatively to

the extent possible. If objectives cannot be stated quantitatively, they may be stated qualitatively (“Draft U.S. Fish and Wildlife Service Manual” 602 FW 1.5).

**overlay refuge**—Lands and waters that are under the primary jurisdiction of one federal agency; the refuge purpose is superimposed as a secondary interest in the property. Primary administration is retained by the host agency. Wildlife management must be compatible with those uses for which the primary agency acquired the land.

**overwater species**—Nesting species such as diving ducks and many colonial-nesting birds that build nests within dense stands of water-dependent plants, primarily cattail, or that build floating nests of vegetation that rest on the water.

**OWLS**—Outdoor wildlife learning site.

**patch**—An area distinct from that around it; an area distinguished from its surroundings by environmental conditions.

**perennial**—Lasting or active through the year or through many years; a plant species that has a life span of more than 2 years.

**plant community**—An assemblage of plant species unique in its composition; occurs in particular locations under particular influences; a reflection or integration of the environmental influences on the site such as soil, temperature, elevation, solar radiation, slope, aspect, and rainfall; denotes a general kind of climax plant community, such as ponderosa pine or bunchgrass.

**prescribed fire**—The skillful application of fire to natural fuels under conditions such as weather, fuel moisture, and soil moisture that allow confinement of the fire to a predetermined area and produces the intensity of heat and rate of spread to accomplish planned benefits to one or more objectives of habitat management, wildlife management, or hazard reduction.

**priority public use**—One of six uses authorized by the National Wildlife Refuge System Improvement Act of 1997 to have priority if found to be compatible with a refuge’s purposes. This includes hunting, fishing, wildlife observation, and photography, and environmental education and interpretation.

**proposed action**—The alternative proposed to best achieve the purpose, vision, and goals of a refuge (contributes to the Refuge System mission, addresses the significant issues, and is consistent with principles of sound fish and wildlife management).

**public**—Individuals, organizations, and groups; officials of federal, state, and local government agencies; Indian tribes; and foreign nations. It may

include anyone outside the core planning team. It includes those who may or may not have indicated an interest in Service issues and those who do or do not realize that Service decisions may affect them.

**public involvement**—A process that offers affected and interested individuals and organizations an opportunity to become informed about, and to express their opinions on, Service actions and policies. In the process, these views are studied thoroughly and thoughtful consideration of public views is given in shaping decisions for refuge management.

**purpose of the refuge**—The purpose of a refuge is specified in or derived from the law, proclamation, executive order, agreement, public land order, donation document, or administrative memorandum establishing authorization or expanding a refuge, refuge unit, or refuge subunit (“Draft U.S. Fish and Wildlife Service Manual” 602 FW 1.5).

**raptor**—A carnivorous bird such as a hawk, a falcon, or a vulture that feeds wholly or chiefly on meat taken by hunting or on carrion (dead carcasses).

**Reclamation**—Bureau of Reclamation of the U.S. Department of the Interior.

**refuge operations needs system (RONS)**—A national database that contains the unfunded operational needs of each refuge. Projects included are those required to implement approved plans and meet goals, objectives, and legal mandates.

**refuge purpose**—*See* purpose of the refuge.

**Refuge System**—*See* National Wildlife Refuge System.

**refuge use**—Any activity on a refuge, except administrative or law enforcement activity, carried out by or under the direction of an authorized Service employee.

**resident species**—A species inhabiting a given locality throughout the year; nonmigratory species.

**rest**—Free from biological, mechanical, or chemical manipulation, in reference to refuge lands.

**restoration**—Management emphasis designed to move ecosystems to desired conditions and processes, such as healthy upland habitats and aquatic systems.

**riparian area** *or* **riparian zone**—An area or habitat that is transitional from terrestrial to aquatic ecosystems including streams, lakes, wet areas, and adjacent plant communities and their associated soils that have free water at or near the surface; an area whose components are directly or indirectly attributed to the influence of water; of or relating to a river; specifically applied to ecology, “riparian” describes the land immediately adjoining and

directly influenced by streams. For example, riparian vegetation includes all plant life growing on the land adjoining a stream and directly influenced by the stream.

**RONS**—*See* refuge operations needs system.

**rough fish**—A fish that is neither a sport fish nor an important food fish.

**SAMMS**—*See* Service Asset Maintenance Management System.

**scoping**—The process of obtaining information from the public for input into the planning process.

**seasonally flooded**—Surface water is present for extended periods in the growing season, but is absent by the end of the season in most years.

**sediment**—Material deposited by water, wind, and glaciers.

**Service**—*See* U.S. Fish and Wildlife Service.

**Service Asset Maintenance Management System (SAMMS)**—A national database which contains the unfunded maintenance needs of each refuge; projects include those required to maintain existing equipment and buildings, correct safety deficiencies for the implementation of approved plans, and meet goals, objectives, and legal mandates.

**shelterbelt**—Single to multiple rows of trees and shrubs planted around cropland or buildings to block or slow down the wind.

**shorebird**—Any of a suborder (*Charadrii*) of birds such as a plover or a snipe that frequent the seashore or mudflat areas.

**spatial**—Relating to, occupying, or having the character of space.

**special status species**—Plants or animals that have been identified through federal law, state law, or agency policy as requiring special protection of monitoring. Examples include federally listed endangered, threatened, proposed, or candidate species; state-listed endangered, threatened, candidate, or monitor species; Service’s species of management concern; species identified by the Partners in Flight program as being of extreme or moderately high conservation concern.

**special use permit**—A permit for special authorization from the refuge manager required for any refuge service, facility, privilege, or product of the soil provided at refuge expense and not usually available to the general public through authorizations in Title 50 CFR or other public regulations (Refuge Manual 5 RM 17.6).

**species of concern**—Those plant and animal species, while not falling under the definition of special status species, that are of management interest by virtue of being federal trust species such as migratory birds, important game species, or significant keystone species; species that have documented or apparent populations declines, small or restricted populations, or dependence on restricted or vulnerable habitats.

**step-down management plan**—A plan that provides the details necessary to implement management strategies identified in the comprehensive conservation plan (“Draft U.S. Fish and Wildlife Service Manual” 602 FW 1.5).

**strategy**—A specific action, tool, or technique or combination of actions, tools, and techniques used to meet unit objectives (“Draft U.S. Fish and Wildlife Service Manual” 602 FW 1.5).

**submergent**—A vascular or nonvascular hydrophyte, either rooted or nonrooted, that lies entirely beneath the water surface, except for flowering parts in some species.

**tame grass**—*See* dense nesting cover.

**threatened species, federal**—Species listed under the Endangered Species Act of 1973, as amended, that are likely to become endangered within the foreseeable future throughout all or a significant portion of their range.

**threatened species, state**—A plant or animal species likely to become endangered in a particular state within the near future if factors contributing to population decline or habitat degradation or loss continue.

**travel corridor**—A landscape feature that facilitates the biologically effective transport of animals between larger patches of habitat dedicated to conservation functions. Such corridors may facilitate several kinds of traffic including frequent foraging movement, seasonal migration, or the once in a lifetime dispersal of juvenile animals. These are transition habitats and need not contain all the habitat elements required for long-term survival or reproduction of its migrants.

**trust resource**—*See* federal trust resource.

**trust species**—*See* federal trust species.

**USDA**—U.S. Department of Agriculture.

**U.S. Fish and Wildlife Service (Service, USFWS, FWS)**—The principal federal agency responsible for conserving, protecting, and enhancing fish and wildlife and their habitats for the continuing benefit of the American people. The Service manages the 93-million-acre National Wildlife Refuge System comprised of more than 530 national wildlife refuges and thousands of waterfowl production areas. It also

operates 65 national fish hatcheries and 78 ecological service field stations, the agency enforces federal wildlife laws, manages migratory bird populations, restores national significant fisheries, conserves and restores wildlife habitat such as wetlands, administers the Endangered Species Act, and helps foreign governments with their conservation efforts. It also oversees the federal aid program that distributes millions of dollars in excise taxes on fishing and hunting equipment to state wildlife agencies.

**U.S. Geological Survey (USGS)**—A federal agency whose mission is to provide reliable scientific information to describe and understand the earth; minimize loss of life and property from natural disasters; manage water, biological, energy, and mineral resources; and enhance and protect our quality of life.

**vision statement**—A concise statement of the desired future condition of the planning unit, based primarily on the Refuge System mission, specific refuge purposes, and other relevant mandates (“Draft U.S. Fish and Wildlife Service Manual” 602 FW 1.5).

**visual obstruction**—Pertaining to the density of a plant community; the height of vegetation that blocks the view of predators and conspecifics to a nest.

**visual obstruction reading (VOR)**—A method of visually quantifying vegetative structure and composition.

**wading birds**—Birds having long legs that enable them to wade in shallow water including egrets, great blue herons, black-crowned night-herons, and bitterns.

**waterfowl**—A category of birds that includes ducks, geese, and swans.

**watershed**—The region draining into a river, a river system, or a body of water.

**wetland management district (WMD)**—Land that the Refuge System acquires with Federal Duck Stamp funds for restoration and management primarily as prairie wetland habitat critical to waterfowl and other wetland birds.

**WG**—Wage grade schedule (pay rate schedule for certain federal positions).

**WGFD**—*See* Wyoming Game and Fish Department.

**wildland fire**—A free-burning fire requiring a suppression response; all fire other than prescribed fire that occurs on wildlands (Service Manual 621 FW 1.7).

**wildlife-dependent recreational use**—The National Wildlife Refuge System Improvement Act of 1997 specifies six priority general public uses

of the Refuge System (hunting, fishing, wildlife and photography, environmental education and interpretation).

**WMD**—*See* wetland management district.

**woodland**—Open stands of trees with crowns not usually touching, generally forming 25–60 percent cover.

**WPA**—Works Progress Administration.

**Wyoming Game and Fish Department (WGFD)**—The Wyoming Game and Fish Department is charged with providing “an adequate and flexible system for the control, management, protection, and regulation of all Wyoming wildlife.” The WGFD maintains 36 Wildlife Habitat Management Areas and 96 Public Access Areas, encompassing 410,000 acres of managed lands for wildlife habitat and public recreation opportunity.

**WUI**—Wildland–urban interface.



# Appendix A

## *Key Legislation and Policies*

This appendix briefly describes the guidance for the National Wildlife Refuge System and other policies and key legislation that guide the management of Pathfinder NWR.

### **NATIONAL WILDLIFE REFUGE SYSTEM**

The mission of the National Wildlife Refuge System is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.

#### **GOALS**

- ❑ Fulfill our statutory duty to achieve refuge purpose(s) and further the Refuge System mission.
- ❑ Conserve, restore where appropriate, and enhance all species of fish, wildlife, and plants that are endangered or threatened with becoming endangered.
- ❑ Perpetuate migratory bird, interjurisdictional fish, and marine mammal populations.
- ❑ Conserve a diversity of fish, wildlife, and plants.
- ❑ Conserve and restore, where appropriate, representative ecosystems of the United States, including the ecological processes characteristic of those ecosystems.
- ❑ Foster understanding and instill appreciation of fish, wildlife, and plants, and their conservation, by providing the public with safe, high-quality, and compatible wildlife-dependent public use. Such use includes hunting, fishing, wildlife observation, wildlife photography, environmental education, and interpretation.

#### **GUIDING PRINCIPLES**

There are four guiding principles for management and general public use of the Refuge System established by Executive Order 12996 (1996):

- ❑ **Public Use**—The Refuge System provides important opportunities for compatible wildlife-dependent recreational activities involving hunting, fishing, wildlife observation and

photography, and environmental education and interpretation.

- ❑ **Habitat**—Fish and wildlife will not prosper without high quality habitat, and without fish and wildlife, traditional uses of refuges cannot be sustained. The Refuge System will continue to conserve and enhance the quality and diversity of fish and wildlife habitat within refuges.
- ❑ **Partnerships**—America’s sportsmen and women were the first partners who insisted on protecting valuable wildlife habitat within wildlife refuges. Conservation partnerships with other federal agencies, state agencies, tribes, organizations, industry, and the general public can make significant contributions to the growth and management of the Refuge System.
- ❑ **Public Involvement**—The public should be given a full and open opportunity to participate in decisions regarding acquisition and management of our national wildlife refuges.

### **LEGAL AND POLICY GUIDANCE**

Management actions on national wildlife refuges are circumscribed by many mandates including laws and executive orders, the latest of which is the Volunteer and Community Partnership Enhancement Act of 1998. Regulations that affect refuge management the most are listed below

**American Indian Religious Freedom Act (1978)**—Directs agencies to consult with native traditional religious leaders to determine appropriate policy changes necessary to protect and preserve Native American religious cultural rights and practices.

**Americans with Disabilities Act (1992)**—Prohibits discrimination in public accommodations and services.

**Antiquities Act (1906)**—Authorizes the scientific investigation of antiquities on federal land and provides penalties for unauthorized removal of objects taken or collected without a permit.

**Archaeological and Historic Preservation Act (1974)**—Directs the preservation of historic and archaeological data in federal construction projects.

**Archaeological Resources Protection Act (1979), as amended**—Protects materials of archaeological interest from unauthorized removal or destruction and requires federal managers to develop plans and schedules to locate archaeological resources.

**Architectural Barriers Act (1968)**—Requires federally owned, leased, or funded buildings and facilities to be accessible to persons with disabilities.

**Clean Water Act (1977)**—Requires consultation with the U.S. Army Corps of Engineers (404 permits) for major wetland modifications.

**Endangered Species Act (1973)**—Requires all federal agencies to carry out programs for the conservation of endangered and threatened species.

**Executive Order 7425 (1936)**—Establishes Pathfinder Wildlife Refuge “as a refuge and breeding ground for migratory birds and other wildlife”

**Executive Order 8296 (1939)**—Changes the refuge name from “Pathfinder Wildlife Refuge” to “Pathfinder National Wildlife Refuge.”

**Executive Order 11990 (1977)**—Requires federal agencies to take action to avoid the adverse impacts associated with the destruction or modification of wetlands.

**Executive Order 11988 (1977)**—Requires federal agencies to provide leadership and take action to reduce the risk of flood loss, minimize the impact of floods on human safety, and preserve the natural and beneficial values served by the floodplains.

**Executive Order 12996, Management and General Public Use of the National Wildlife Refuge System (1996)**—Defines the mission, purpose, and priority public uses of the National Wildlife Refuge System. It also presents four principles to guide management of the Refuge System.

**Executive Order 13007, Indian Sacred Sites (1996)**—Directs federal land management agencies to accommodate access to and ceremonial uses of Indian sacred sites by Indian religious practitioners, avoid adversely affecting the physical integrity of such sacred sites, and where appropriate, maintain the confidentiality of sacred sites.

**Federal Noxious Weed Act (1990)**—Requires the use of integrated management systems to control or contain undesirable plant species and an interdisciplinary approach with the cooperation of other federal and state agencies.

**Federal Records Act (1950)**—Requires the preservation of evidence of the government’s organization, functions, policies, decisions, operations, and activities, as well as basic historical and other information.

**Fish and Wildlife Coordination Act (1958)**—Allows the U.S. Fish and Wildlife Service to enter into agreements with private landowners for wildlife management purposes.

**Migratory Bird Conservation Act (1929)**—Establishes procedures for acquisition by purchase, rental, or gifts of areas approved by the Migratory Bird Conservation Commission.

**Migratory Bird Hunting and Conservation Stamp Act (1934)**—Authorizes the opening of part of a refuge to waterfowl hunting.

**Migratory Bird Treaty Act (1918)**—Designates the protection of migratory birds as a federal responsibility; and enables the setting of seasons and other regulations, including the closing of areas, federal or nonfederal, to the hunting of migratory birds.

**National Environmental Policy Act (1969)**—Requires all agencies, including the Service, to examine the environmental impacts of their actions, incorporate environmental information, and use public participation in the planning and implementation of all actions. Federal agencies must integrate this Act with other planning requirements, and prepare appropriate documents to facilitate better environmental decision making. [From the Code of Federal Regulations (CFR), 40 CFR 1500]

**National Historic Preservation Act (1966), as amended**—Establishes as policy that the federal government is to provide leadership in the preservation of the nation’s prehistoric and historical resources.

**National Wildlife Refuge System Administration Act (1966)**—Defines the National Wildlife Refuge System and authorizes the Secretary of the Interior to permit any use of a refuge, provided such use is compatible with the major purposes for which the refuge was established.

**National Wildlife Refuge System Improvement Act of 1997**—Sets the mission and administrative policy for all refuges in the National Wildlife Refuge System; mandates comprehensive conservation planning for all units of the Refuge System.

**Native American Graves Protection and Repatriation Act (1990)**—Requires federal agencies and museums to inventory, determine ownership of, and repatriate cultural items under their control or possession.

**Refuge Recreation Act (1962)**—Allows the use of refuges for recreation when such uses are compatible with the refuge’s primary purposes and when sufficient funds are available to manage the uses.

**Rehabilitation Act (1973)**—Requires programmatic accessibility in addition to physical accessibility for all facilities and programs funded by the federal government to ensure that any person can participate in any program.

**Rivers and Harbors Act (1899)**—Section 10 of this Act requires the authorization of U.S. Army Corps of Engineers prior to any work in, on, over, or under navigable waters of the United States.

**Volunteer and Community Partnership Enhancement Act (1998)**—Encourages the use of volunteers to assist in the management of refuges within the Refuge System; facilitates partnerships between the Refuge System and nonfederal entities to promote public awareness of the resources of the Refuge System and public participation in the conservation of the resources; and encourages donations and other contributions.



# Appendix B

## *List of Preparers, Consultation and Coordination*

This document is the result of the extensive, collaborative, and enthusiastic efforts by the members of the planning team shown below.

### **Planning Team**

<i>Team Member</i>	<i>Position</i>	<i>Work Unit</i>
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### **Contributors**

Many organizations, agencies, and individuals provided assistance with the preparation of this draft CCP. The Service acknowledges the efforts of the following individuals and groups toward the completion of this plan. The diversity, talent, and knowledge they contributed dramatically improved the vision and completeness of this document.

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# Appendix C

## *Public Involvement*

Public scoping was initiated for Pathfinder NWR in a notice of intent (NOI) dated June 16, 2006. The NOI announced intent to prepare a comprehensive conservation plan and environmental assessment for the refuges and to obtain suggestions and information on the scope of issues to be considered in the planning process.

A public meeting was held in Casper, Wyoming, on May 24, 2006. Approximately 21 people attended the meeting. Numerous written comments were received during the open comment period. Comments received identified biological, social, and economic concerns regarding refuge management. The mailing list for the CCP and EA follows.

### **FEDERAL OFFICIALS**

U.S. Representative Barbara Cubin, Washington DC  
Rep. Cubin's Area Director, Cheyenne, WY  
U.S. Senator Craig Thomas, Washington DC  
Sen. Thomas's Area Director, Casper, WY  
U.S. Senator Michael Enzi, Washington DC  
Sen. Enzi's Area Director, Cheyenne, WY

### **FEDERAL AGENCIES**

Bureau of Land Management; Casper, WY; Rawlins, WY

Bureau of Reclamation, Mills, WY

National Park Service; Denver, CO; Omaha, NE

USFWS, Ecological Services, Cheyenne, WY

USFWS, NWRs; Rawlins, WY; Albuquerque, NM; Anchorage, AK; Arlington, VA; Atlanta, GA; Fort Snelling, MN

USFWS, Office of Public Affairs, Washington DC

USFWS, Regional Offices, Hadley, MA; Portland, OR; Sacramento, CA; Sheperdstown, WV; Washington DC

USGS, Fort Collins Science Center, Fort Collins, CO

### **TRIBAL OFFICIALS**

Arapaho Business Committee, Fort Washakie, WY  
Crow Tribal Council, Crow Agency, MT  
Northern Cheyenne Tribal Council, Lame Deer, MT  
Oglala Sioux Tribal Council, Pine Ridge, SD  
Shoshone Business Council, Fort Washakie, WY

### **STATE OFFICIALS**

Governor Dave Freudenthal, Cheyenne  
Representative George Bagby, Rawlins  
Representative Bob Brechtel, Casper  
Representative Roy Cohee, Casper  
Representative Mary Meyer Gilmore, Casper  
Representative Mary Hales, Casper  
Representative Steve Harshman, Casper  
Representative Thomas Lockhart, Casper  
Representative Lisa Shepperson, Casper  
Representative William Steward, Encampment  
Representative Tim Stubson, Casper  
Senator Kit Jennings, Casper  
Senator Bill Landen, Casper  
Senator Drew Perkins, Casper  
Senator Charles Scott, Casper  
Senator Bill Vasey, Rawlins

### **STATE AGENCIES**

Wyoming Department of Agriculture, Cheyenne  
Wyoming Game and Fish Department; Casper; Lander

Wyoming Game Fish Commission, Cheyenne

Wyoming Office of State Lands and Investments, Cheyenne

Wyoming State Historic Preservation Office, Cheyenne

### **LOCAL GOVERNMENT**

Carbon County Board of Commissioners, Rawlins

Natrona County Board of Commissioners, Casper

Natrona County Roads, Bridges, and Parks, Mills Mayor, Casper

Mayor, Rawlins

### **ORGANIZATIONS**

American Bird Conservancy; The Plains, VA; Washington DC

American Rivers, Washington DC

Audubon Wyoming; Casper, WY; Laramie, WY; Tie Siding, WY

Defenders of Wildlife, Washington DC  
Ducks Unlimited, Memphis, TN  
Izaak Walton League, Gaithersburg, MD  
Murie Audubon Society, Casper, WY  
National Audubon Society; Washington DC; New York, NY  
National Trappers Association Inc., New Martinsville, WV  
National Wildlife Federation, Reston, VA  
National Wildlife Refuge Association, Washington DC  
North Platte Group Sierra Club, Casper, WY  
Sierra Club; Sheridan, WY; San Francisco, CA  
The Wilderness Society, Washington DC  
U.S. Humane Society, Washington DC  
Wyoming Outdoor Council, Logan, UT

### ***UNIVERSITIES, COLLEGES, AND SCHOOLS***

Colorado State University, Fort Collins, CO

### ***LOCAL MEDIA***

Casper Star Tribune, Casper  
Daily Boomerang, Laramie  
KISS 104.7 FM, Casper  
KKTY AM & FM, Douglas  
Rawlins Daily Times, Rawlins  
Wyoming Public Radio, Laramie

### ***INDIVIDUALS***

22 individuals

# Appendix D

## *Memorandum of Understanding*

Contract No. 14-06-700-4605

MEMORANDUM OF UNDERSTANDING  
Between The  
BUREAU OF RECLAMATION  
And The  
BUREAU OF SPORT FISHERIES AND WILDLIFE

THIS MEMORANDUM OF UNDERSTANDING, made and entered into this 26th day of May, 1964, by and between the Bureau of Reclamation, and the Bureau of Sport Fisheries and Wildlife witnesseth that:

WHEREAS the United States, through the Bureau of Reclamation, is operating a reservoir located in Carbon and Natrona Counties, Wyoming, being the Pathfinder Dam and Reservoir, Pathfinder Unit, Oregon Trail Division, North Platte and Missouri River Basin Projects, established under the authority of the Act of June 17, 1902, as amended and supplemented; and

WHEREAS the Bureau of Sport Fisheries and Wildlife is administering certain land and water areas of said reservoir as the Pathfinder National Wildlife Refuge under authority of Executive Order No. 7425, dated August 1, 1936, Executive Order No. 8296, dated November 30, 1939, as modified by a subsequent Public Land Order.

NOW, THEREFORE, to define the responsibilities of the Bureau of Reclamation and the Bureau of Sport Fisheries and Wildlife regarding the proper administration of the land and water areas of Pathfinder National Wildlife Refuge as shown on Exhibit A, attached hereto and made a part hereof, and subject to the provisions and conditions contained hereafter, it is agreed that:

1. The Bureau of Sport Fisheries and Wildlife shall administer, develop, manage and operate the said land and water areas, including grazing, recreation and related uses, for the conservation, maintenance and management of the wildlife resources thereof and its habitat thereon in connection with the National Wildlife Refuge Program. The Bureau of Sport Fisheries and Wildlife shall conduct such activities under appropriate Federal and State laws and regulations and may do all things under such laws and regulations that are necessary to carry<sup>out</sup> the National Wildlife Refuge Program.

2. There shall be no interference with the operation of the dam and reservoir by the Bureau of Reclamation for reclamation purposes.

3. Land use capabilities shall be established in cooperation with any appropriate Land Use Agency which is available to perform such services, such as the Bureau of Land Management or Soil Conservation Service, provided that economic use so established shall not be in conflict with the operation of the project for reclamation purposes by the Bureau of Reclamation or the administration of the area as a national wildlife refuge by the Bureau of Sport Fisheries and Wildlife.

4. The Bureau of Sport Fisheries and Wildlife will issue special use permits and such other instruments as are necessary to carry out the National Wildlife Refuge Program.

5. All land use revenues received by the Bureau of Sport Fisheries and Wildlife in connection with administration, development, management and operation of the said land and water areas shall be transferred to the Bureau of Reclamation for appropriate disposition.

6. For other than the primary purposes of the Pathfinder Dam and Reservoir Project, any easements, licenses, permits or right-of-way uses which may be requested and allowed through or upon said land and water areas shall be granted by the Bureau of Reclamation, subject to the stipulations of the Bureau of Sport Fisheries and Wildlife, or through the Bureau of Land Management upon concurrence by and subject to the stipulations of the Bureau of Sport Fisheries and Wildlife and the Bureau of Reclamation.

7. The Bureau of Sport Fisheries and Wildlife will cooperate in the development of a Bureau of Reclamation management plan for the Pathfinder Reservoir, as applicable to said land and water areas, and both parties agree that no uses, improvements or developments will be made contrary to the provisions of said plan except by mutual consent.

8. Both parties agree to cooperate in the presuppression and suppression of all fires.

9. This agreement shall become effective upon its approval by the last signatory thereto and shall remain in force until terminated by mutual consent.

10. The performance of any obligations or the expenditure of any funds under this agreement is made contingent on the Congress making the necessary appropriation.

11. No member of or delegate to the Congress or resident commissioner shall be admitted to any share or part of this agreement or

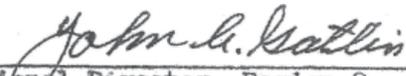
to any benefit that may arise therefrom, but this restriction shall not be construed to extend to this agreement if made with a corporation or company for its general benefit.

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Understanding as of the day and year first above written.

BUREAU OF RECLAMATION

By   
Regional Director, Region 1

BUREAU OF SPORT FISHERIES AND WILDLIFE

By   
Regional Director, Region 2

Appd. Sol. Office

/s/ B. L. Kepford

Date: May 25, 1964

# PATHFINDER NATIONAL WILDLIFE RE. JGE

CARBON AND NATRONA COUNTIES, WYOMING

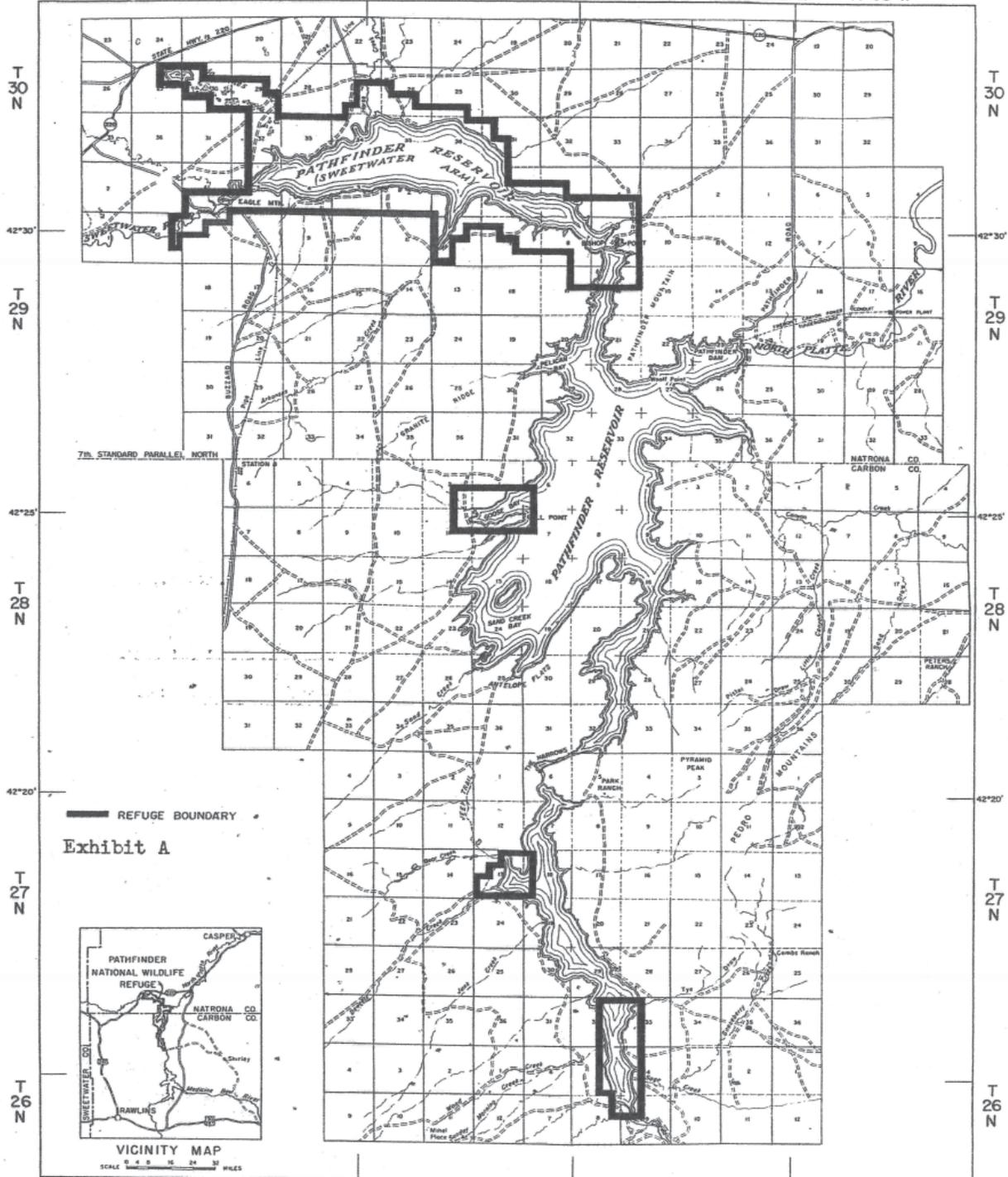
UNITED STATES  
DEPARTMENT OF THE INTERIOR  
R 86 W

R 85 W

106°55'

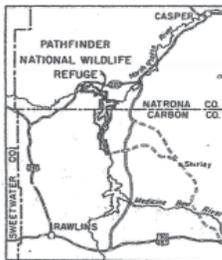
R 84 W

FISH AND WILDLIFE SERVICE  
BUREAU OF SPORT FISHERIES AND WILDLIFE  
106°50' R 83 W



REFUGE BOUNDARY

Exhibit A



VICINITY MAP

SCALE 0 4 8 16 24 32 MILES

COMPILED IN THE BRANCH OF ENGINEERING  
FROM U.S.G.S QUADRANGLES AND SURVEYS BY  
U.S.F.W.S.  
REV. MARCH 1963, APRIL 1964

ALBUQUERQUE, NEW MEXICO

AUGUST, 1964

SIXTH PRINCIPAL MERIDIAN



41	42	43	44	45
1	2	3	4	5
16	17	18	19	20
21	22	23	24	25
26	27	28	29	30
31	32	33	34	35

TOWNSHIP  
DIAGRAM

TRUE NORTH  
MAGNETIC NORTH  
DECLINATION

MEAN  
DECLINATION  
1960

2R WYO.105 41

# Appendix E

## *Appropriate Refuge Uses Policy*

### FISH AND WILDLIFE SERVICE

### REFUGE MANAGEMENT

Part 603 National Wildlife Refuge System Uses

**1.1 What is the purpose of this chapter?** This chapter provides a national framework for determining appropriate refuge uses. In addition, this chapter provides the policy and procedure for refuge managers to follow when deciding if uses are appropriate on a refuge. This policy also clarifies and expands on the compatibility policy (603 FW 2.10D), which describes when refuge managers should deny a proposed use without determining compatibility. When we find a use is appropriate, we must then determine if the use is compatible before we allow it on a refuge.

**1.2 What does this policy cover?** This policy applies to all proposed and existing uses in the National Wildlife Refuge System (Refuge System) only when we have jurisdiction over the use. This policy does not apply to:

**A. Situations Where Reserved Rights or Legal Mandates Provide We Must Allow Certain Uses.** For example, we usually will not apply this policy to proposed public uses of wetland or grassland easement areas of the Refuge System. The rights we have acquired on these areas generally do not extend to control over such public uses except where those uses would conflict with the conditions of the easement.

**B. Refuge Management Activities.** Refuge management activities are designed to conserve fish, wildlife, and plants and their habitats and are conducted by the Refuge System or a Refuge System-authorized agent to fulfill a refuge purpose(s) or the Refuge System mission. These activities fulfill refuge purpose(s) or the Refuge System mission, and we base them on sound professional judgment. Refuge management activities are fish and wildlife population or habitat management actions including, but not limited to: prescribed burns, water level management, invasive species control, routine scientific monitoring, law enforcement activities, and maintenance of existing refuge facilities. We consider State fish and wildlife agency activities refuge management activities that are not subject to this policy when they:

(1) Directly contribute to the achievement of refuge purpose(s), refuge goals, and the Refuge System mission, as determined by the refuge manager in writing,

(2) Are addressed in a document such as a Regional or California/Nevada Operations Office (CNO) memorandum of understanding or a comprehensive conservation plan (CCP), or

(3) Are approved under national policy.

### **1.3 What is the policy regarding the appropriateness of uses on a refuge?**

With the exception of 1.3.A. and 1.3.B. below, the refuge manager will decide if a new or existing use is an appropriate refuge use. If an existing use is not appropriate, the refuge manager will eliminate or modify the use as expeditiously as practicable. If a new use is not appropriate, the refuge manager will deny the use without determining compatibility. Uses that have been administratively determined to be appropriate are:

**A. Six wildlife-dependent recreational uses.** As defined by the National Wildlife Refuge System Improvement Act of 1997 (Improvement Act), the six wildlife-dependent recreational uses (hunting, fishing, wildlife observation and photography, and environmental education and interpretation) are determined to be appropriate. However, the refuge manager must still determine if these uses are compatible.

**B. Take of fish and wildlife under State regulations.** States have regulations concerning take of wildlife that includes hunting, fishing, and trapping. We consider take of wildlife under such regulations appropriate. However, the refuge manager must determine if the activity is compatible before allowing it on a refuge.

### **1.4 What are the objectives of this chapter?**

A. Refuges are first and foremost national treasures for the conservation of wildlife. Through careful planning, consistent Refuge Systemwide application of regulations and policies, diligent monitoring of the impacts of uses on wildlife resources, and preventing or eliminating uses not appropriate to the Refuge System, we can achieve the Refuge System conservation mission while also providing

the public with lasting opportunities to enjoy quality, compatible, wildlife-dependent recreation.

**B.** Through consistent application of this policy and these procedures, we will establish an administrative record and build public understanding and consensus on the types of public uses that are legitimate and appropriate within the Refuge System.

### 1.5 What are our statutory authorities for this policy?

**A. National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997, 16 U.S.C. 668dd-668ee (Administration Act).** This law provides the authority for establishing policies and regulations governing refuge uses, including the authority to prohibit certain harmful activities. The Administration Act does not authorize any particular use, but rather authorizes the Secretary of the Interior to allow uses only when they are compatible and “under such regulations as he may prescribe.” This law specifically identifies certain public uses that, when compatible, are legitimate and appropriate uses within the Refuge System. The law states “. . . it is the policy of the United States that . . . compatible wildlife-dependent recreation is a legitimate and appropriate general public use of the System . . . compatible wildlife-dependent recreational uses are the priority general public uses of the System and shall receive priority consideration in refuge planning and management; and . . . when the Secretary determines that a proposed wildlife-dependent recreational use is a compatible use within a refuge, that activity should be facilitated . . . the Secretary shall . . . ensure that priority general public uses of the System receive enhanced consideration over other general public uses in planning and management within the System . . .” The law also states “[i]n administering the System, the Secretary is authorized to take the following actions: . . . [i]ssue regulations to carry out this Act.” This policy implements the standards set in the Administration Act by providing enhanced consideration of priority general public uses and ensuring other public uses do not interfere with our ability to provide quality, wildlife-dependent recreational uses.

**B. Refuge Recreation Act of 1962, 16 U.S.C. 460k (Recreation Act).** This law authorizes the Secretary of the Interior to “. . . administer such areas [of the System] or parts thereof for public recreation when in his judgment public recreation can be an appropriate incidental or secondary use.” While the Recreation Act authorizes us to allow public recreation in areas of the Refuge System when the use is an “appropriate incidental or secondary use,” the Improvement Act provides the Refuge System mission and includes specific directives and a clear hierarchy of public uses on the Refuge System.

**C. Alaska Native Claims Settlement Act, 43 U.S.C. 1601-1624.** Activities on lands conveyed from the Refuge

System under section 22(g) of the Alaska Native Claims Settlement Act are not subject to this policy, but are subject to compatibility (see 603 FW 2).

**D. Other Statutes that Establish Refuges, including the Alaska National Interest Lands Conservation Act of 1980 (ANILCA) (16 U.S.C. 410hh - 410hh-5, 460 mm - 460mm-4, 539-539e, and 3101 - 3233; 43 U.S.C. 1631 et seq.).**

**E. Executive Orders.** We must comply with Executive Order (E.O.) 11644 when allowing use of off-highway vehicles on refuges. This order requires that we: designate areas as open or closed to off-highway vehicles in order to protect refuge resources, promote safety, and minimize conflict among the various refuge users; monitor the effects of these uses once they are allowed; and amend or rescind any area designation as necessary based on the information gathered. Furthermore, E.O. 11989 requires us to close areas to off highway vehicles when we determine that the use causes or will cause considerable adverse effects on the soil, vegetation, wildlife, habitat, or cultural or historic resources. Statutes, such as ANILCA, take precedence over Executive orders.

### 1.6 What do these terms mean?

**A. Appropriate Use.** A proposed or existing use on a refuge that meets at least one of the following four conditions.

- (1) The use is a wildlife-dependent recreational use as identified in the Improvement Act.
- (2) The use contributes to fulfilling the refuge purpose(s), the Refuge System mission, or goals or objectives described in a refuge management plan approved after October 9, 1997, the date the Improvement Act was signed into law.
- (3) The use involves the take of fish and wildlife under State regulations.
- (4) The use has been found to be appropriate as specified in section 1.11.

**B. Native American.** American Indians in the conterminous United States and Alaska Natives (including Aleuts, Eskimos, and Indians) who are members of federally recognized tribes.

**C. Priority General Public Use.** A compatible wildlife-dependent recreational use of a refuge involving hunting, fishing, wildlife observation and photography, or environmental education and interpretation.

**D. Quality.** The criteria used to determine a quality recreational experience include:

- (1) Promotes safety of participants, other visitors, and facilities.
- (2) Promotes compliance with applicable laws and regulations and responsible behavior.

- (3) Minimizes or eliminates conflicts with fish and wildlife population or habitat goals or objectives in a plan approved after 1997.
- (4) Minimizes or eliminates conflicts with other compatible wildlife-dependent recreation.
- (5) Minimizes conflicts with neighboring landowners.
- (6) Promotes accessibility and availability to a broad spectrum of the American people.
- (7) Promotes resource stewardship and conservation.
- (8) Promotes public understanding and increases public appreciation of America's natural resources and our role in managing and protecting these resources.
- (9) Provides reliable/reasonable opportunities to experience wildlife.
- (10) Uses facilities that are accessible and blend into the natural setting.
- (11) Uses visitor satisfaction to help define and evaluate programs.

**E. Wildlife-Dependent Recreational Use.** As defined by the Improvement Act, a use of a refuge involving hunting, fishing, wildlife observation and photography, or environmental education and interpretation.

### 1.7 What are our responsibilities?

**A. Director.** Provides national policy for deciding the appropriateness of uses within the Refuge System to ensure such findings comply with all applicable authorities.

#### **B. Regional Director/CNO Manager.**

- (1) Ensures refuge managers follow laws, regulations, and policies when making appropriateness findings.
- (2) Notifies the Director about controversial or complex appropriateness findings.

#### **C. Regional Chief/CNO Assistant Manager.**

- (1) Makes the final decision on appropriateness when the refuge supervisor does not concur with the refuge manager on positive appropriateness findings.
- (2) Notifies the Regional Director/CNO Manager about controversial or complex appropriateness findings.

#### **D. Refuge Supervisor.**

- (1) Reviews the refuge manager's finding that an existing or proposed use is appropriate when that use is not a wildlife-dependent recreational use or is not already described in a refuge management plan approved after October 9, 1997.

- (2) Reviews the refuge manager's finding that an existing use is not appropriate outside the CCP process.

(3) Refers an appropriateness finding to the Regional Chief/CNO Assistant Manager if the refuge supervisor does not concur with the refuge manager. Discusses nonconcurrence with the refuge manager for possible resolution before referring the finding to the Regional Chief/CNO Assistant Manager.

(4) Notifies the Regional Chief/CNO Assistant Manager about controversial or complex appropriateness findings.

(5) Reviews documentation at least annually for refuge uses found not appropriate and forwards the documentation to Refuge System Headquarters for inclusion in a database of refuge uses.

#### **E. Refuge Manager.**

- (1) Decides if a proposed or existing use is subject to this policy.
- (2) Makes a finding as to whether a use subject to this policy is appropriate or not appropriate.
- (3) Consults with State fish and wildlife agencies, as well as the refuge supervisor, when a request for a use could affect fish, wildlife, or other resources that are of concern to a State fish and wildlife agency.
- (4) Documents all findings under this policy in writing as described in section 1.11A(3).
- (5) Refers to the refuge supervisor all findings of appropriateness, both positive and negative, for any proposed use which is not a wildlife-dependent recreational use or which is not already described in a refuge CCP or step-down management plan approved after October 9, 1997. The refuge supervisor's concurrence is required for new uses found to be appropriate and existing uses found not appropriate outside the CCP process. The refuge supervisor periodically reviews other findings for consistency.

### 1.8 What is the relationship between appropriateness and compatibility?

This policy describes the initial decision process the refuge manager follows when first considering whether or not to allow a proposed use on a refuge. The refuge manager must find a use is appropriate before undertaking a compatibility review of the use. This policy clarifies and expands on the compatibility policy (603 FW 2.10D(1)), which describes when refuge managers should deny a proposed use without determining compatibility. If we find a proposed use is not appropriate, we will not allow the use and will not prepare a compatibility determination. By screening out proposed uses not appropriate to the refuge, the refuge manager avoids unnecessary compatibility reviews. By following

the process for finding the appropriateness of a use, we strengthen and fulfill the Refuge System mission. Section 1.11 describes the appropriateness finding process. Although a refuge use may be both appropriate and compatible, the refuge manager retains the authority to not allow the use or modify the use. For example, on some occasions, two appropriate and compatible uses may be in conflict with each other. In these situations, even though both uses are appropriate and compatible, the refuge manager may need to limit or entirely curtail one of the uses in order to provide the greatest benefit to refuge resources and the public. See the compatibility policy (603 FW 2.11G) for information concerning resolution of these conflicts.

### 1.9 How are uses considered in the comprehensive conservation planning process?

**A.** We will manage all refuges in accordance with an approved comprehensive conservation plan (CCP). The CCP describes the desired future conditions of the refuge or refuge planning unit and provides long-range guidance and management direction to accomplish the purpose(s) of the refuge and Refuge System mission. We prepare CCPs with State fish and wildlife agencies and with public involvement and include a review of the appropriateness and compatibility of existing refuge uses and of any planned future public uses. If, during preparation of the CCP, we identify previously approved uses we can no longer consider appropriate on the refuge, we will clearly explain our reasons to the public and describe how we will eliminate or modify the use. When uses are reviewed during the CCP process, the appropriateness finding will be documented using the form provided as FWS Form 3-2319 for the refuge files. The documentation for both appropriateness findings and compatibility determinations should also be included in the documentation for the CCP.

**B.** For proposed uses we did not consider during the preparation of the CCP or if a CCP has not yet been prepared, we will apply the procedure contained in this policy and make an appropriateness finding without additional public review and comment. However, if we find a proposed use is appropriate, we must still determine that the use is compatible. The compatibility determination includes an opportunity for public involvement. See the planning policy (602 FW 1, 3, and 4) for detailed policy on refuge planning.

**1.10 What are the different types of refuge uses?** For the purposes of this policy, there are five types of uses.

**A. Wildlife-Dependent Recreational Uses.** When compatible, they are legitimate and appropriate uses of refuges and are the priority general public uses of the Refuge System.

**B. State Regulated Take of Fish and Wildlife.** When compatible, the take of fish and wildlife under State regulations is a refuge use.

**C. Other General Public Uses.** General public uses that are not wildlife-dependent recreational uses (as defined in the Improvement Act) and do not contribute to the fulfillment of refuge purposes or goals or objectives as described in current refuge management plans (see section 1.6A(2)) are the lowest priorities for refuge managers to consider. These uses are likely to divert refuge management resources from priority general public uses or away from our responsibilities to protect and manage fish, wildlife, and plants and their habitats. Therefore, both law and policy have a general presumption against allowing such uses within the Refuge System. Before we will consider these uses further, regardless of how often they occur or how long they last, we must first find if these public uses are appropriate as defined in section 1.11.

**D. Specialized Uses.** These uses require specific authorization from the Refuge System, often in the form of a special use permit, letter of authorization, or other permit document. These uses do not include uses already granted by a prior existing right. We make appropriateness findings for specialized uses on a case-by-case basis. Before we will consider a specialized use, we must make an appropriateness finding as defined in section 1.11A(3) of this chapter. Any person whose request for a specialized use is denied or who is adversely affected by the refuge manager's decision relating to a permit may appeal the decision. In these situations, the person should follow the appeal process outlined in 50 CFR 25.45 and, for Alaska refuges, in 50 CFR 36.41(i). The appeal process for denial of a right-of-way application is in 50 CFR 29.22. The appeal process for persons who believe they have been improperly denied rights with respect to providing visitor services on Alaska refuges is in 50 CFR 36.37(g). Some common examples of specialized uses include:

**(1) Rights-of-way.** See 340 FW 3 (Rights-of-Way and Road Closings) and 603 FW 2 (Compatibility) for detailed policy on rights-of-way.

**(2) Telecommunications facilities.** We process requests to construct telecommunication facilities on a refuge the same way as any other right-of-way request. The Telecommunications Act of 1996 does not supersede any existing laws, regulations, or policy relating to rights-of-way on refuges. The refuge manager should continue to follow the procedures in 340 FW 3 (Rights-of-Way and Road Closings) and 603 FW 2 (Compatibility).

**(3) Military, National Aeronautics and Space Administration (NASA), border security, and other national defense uses.** The following guidelines apply to Refuge System lands owned in fee title by the Service or lands to which the Service has management rights that provide for the control of such uses:

**(a)** We will continue to honor existing, long-term, written agreements such as memorandums of understanding (MOU) between the Service and the military, NASA, and other Federal agencies with national defense missions. However, we discourage entering into any new agreements permitting military preparedness activities on refuges. Only the Director may approve any modification to existing agreements. Where joint military/NASA/Service jurisdiction occurs by law, an MOU negotiated by the principal parties, and subject to the approval of the Director, will specify the roles and responsibilities, terms, and stipulations of the refuge uses. Wherever possible, we will work to find practical alternatives to the use of refuge lands and to minimize the effects on fish, wildlife, and plants and their habitats.

**(b)** We consider authorized military activities on refuge lands that directly benefit refuge purposes to be refuge management activities, and they are not subject to this policy. For example, in a case where a national guard unit is assisting the refuge with the construction of a water control structure or helping to repair a refuge bridge, we consider these activities to be refuge management activities. We do not consider them to be specialized uses.

**(c)** For routine or continuous law enforcement and border security activities, an MOU between the Service and the specific enforcement agency must clearly define the roles and responsibilities of the enforcement agency and must specify the steps they will take to minimize impacts to refuge resources. The MOU should also address emergency situations and require advance notice and approval as a general rule. It should clearly spell out under what circumstances, if any, the enforcement agency may enter refuge lands in emergency situations prior to notifying the refuge manager. We recognize that in some situations a refuge manager cannot be notified until after an operation has taken place (for example, where lives are in danger). If such situations occur, the refuge manager must be notified as soon as possible. For undercover operations, those involved must strictly follow Service guidelines that cover the specific situation.

**(4) Research.** We actively encourage cooperative natural and cultural research activities that address our management needs. We also encourage research related to the management of priority general public uses. Such research activities are generally appropriate. However, we must review all research activities to decide if they are appropriate or not as defined in section 1.11. Research that directly benefits refuge management has priority over other research.

**(5) Public safety training.** We may assist local government agencies by allowing health, safety, and rescue training operations on the refuge if we find the use to be appropriate and compatible. Examples include fire safety training, search and rescue

training, and boat operations safety training. Law enforcement training exercises in support of refuge management activities are usually appropriate. We will evaluate each request on a case-by-case basis and consider the availability of other local sites. We will review these uses to decide if they are appropriate as defined in section 1.11. To the extent practicable, we will develop written agreements with the requesting agencies.

**(6) Native American ceremonial, religious, medicinal, and traditional gathering of plants.** We will review specific requests and provide reasonable access to Native Americans to refuge lands and waters for gathering plants for ceremonial, religious, medicinal, and traditional purposes when the activity is appropriate and compatible or when existing treaties allow or require such access.

**(7) Natural resource extractions.** Part 612 of the Service Manual provides general guidance relating to minerals management on refuges. Managers should refer to those policies, particularly in cases where their refuge has valid existing rights vested in private interests. The Alaska National Interest Lands Conservation Act of 1980 provides specific guidance for oil and gas leasing on Alaska refuges. We only allow the extraction of certain resources, such as gravel, that supports a refuge management activity when there is no practical alternative and only in compliance with 50 CFR 29.1. We will not justify such activity by citing budgetary constraints or mere convenience. We will seek funding through our normal budgetary process for projects that require gravel or similar resources found on the refuge.

**(8) Commercial uses.** Commercial uses of a refuge may be appropriate if they are a refuge management economic activity (see 50 CFR 25.12), if they directly support a priority general public use, or if they are specifically authorized by statute (such as ANILCA). See 50 CFR 29.1 for additional information on economic uses of the natural resources of refuges. An example of a commercial use that may be appropriate is a concession-operated boat tour that facilitates wildlife observation and interpretation. We will review all commercial uses to decide if they are appropriate as defined in section 1.11.

**E. Prohibited uses.** Certain activities that are prohibited on refuges by regulations are listed in 50 CFR 27.

### **1.11 How do we make the appropriateness finding for a use on a refuge?**

**A.** A refuge use is appropriate if the use meets at least one of the following three conditions:

**(1)** It is a wildlife-dependent recreational use of a refuge. This finding does not require refuge supervisor concurrence.

**(2)** It contributes to fulfilling the refuge purpose(s), the Refuge System mission, or goals or objectives described in a refuge management plan approved after October 9, 1997, the date the Improvement Act was signed into law. This finding does not require refuge supervisor concurrence.

**(3)** The refuge manager has evaluated the use following the guidelines in this policy and found that it is appropriate. The refuge manager will address the criteria below and complete FWS Form 3-2319 for each use reviewed for appropriateness, including uses reviewed in conjunction with a CCP or step-down management plan. If the answers to the questions on FWS Form 3-2319 are consistently “yes,” and if the refuge manager finds, based on sound professional judgment, the use is appropriate for the refuge, the refuge manager then prepares the written justification using FWS Form 3-2319. (If the answer to any of the factors is “no,” refer to section 1.11B) Before undertaking a compatibility determination, the refuge manager should forward the justification to the refuge supervisor to obtain written concurrence when a use is found appropriate. The requirement for concurrence from the refuge supervisor will help us promote Refuge System consistency and avoid establishing precedents that may present management problems in the future. Refuge supervisors will usually consult with their Regional Chief/CNO Assistant Manager and peers in other Regions/CNO as these decisions are made to promote consistency within the Refuge System. The refuge manager will base the finding of appropriateness on the following 10 criteria:

**(a)** Do we have jurisdiction over the use? If we do not have jurisdiction over the use or the area where the use would occur, we have no authority to consider the use.

**(b)** Does the use comply with all applicable laws and regulations? The proposed use must be consistent with all applicable laws and regulations (e.g., Federal, State, tribal, and local). Uses prohibited by law are not appropriate.

**(c)** Is the use consistent with applicable Executive orders and Department and Service policies? If the proposed use conflicts with an applicable Executive order or Department or Service policy, the use is not appropriate.

**(d)** Is the use consistent with public safety? If the proposed use creates an unreasonable level of risk to visitors or refuge staff, or if the use requires refuge staff to take unusual safety precautions to assure the safety of the public or other refuge staff, the use is not appropriate.

**(e)** Is the use consistent with refuge goals and objectives in an approved management plan or other document? Refuge goals and objectives are designed to guide management toward achieving refuge purpose(s). These goals and objectives are

documented in refuge management plans, such as CCPs and step-down management plans. Refuges may also rely on goals and objectives found in comprehensive management plans or refuge master plans developed prior to passage of the Improvement Act as long as these goals and objectives comply with the tenets and directives of the Improvement Act. If the proposed use, either itself or in combination with other uses or activities, conflicts with a refuge goal, objective, or management strategy, the use is generally not appropriate.

**(f)** Has an earlier documented analysis not denied the use or is this the first time the use has been proposed? If we have already considered the proposed use in a refuge planning process or under this policy and rejected it as not appropriate, then we should not further consider the use unless circumstances or conditions have changed significantly. If we did not raise the proposed use as an issue during a refuge planning process, we may further consider the use.

**(g)** For uses other than wildlife-dependent recreational uses, is the use manageable within available budget and staff? If a proposed use diverts management efforts or resources away from the proper and reasonable management of a refuge management activity or wildlife-dependent recreational use, the use is generally not appropriate. In evaluating resources available, the refuge manager may take into consideration volunteers, refuge support groups, etc. If a requested use would rely heavily on volunteer or other resources, the refuge manager should discuss the situation with the refuge supervisor before making an appropriateness finding. The compatibility policy also addresses the question of available resources (603 FW 2.12A(7)).

**(h)** Will the use be manageable in the future within existing resources? If the use would lead to recurring requests for the same or similar activities that will be difficult to manage in the future, then the use is not appropriate. If we can manage the use so that impacts to natural and cultural resources are minimal or inconsequential, or if we can establish clearly defined limits, then we may further consider the use.

**(i)** Does the use contribute to the public’s understanding and appreciation of the refuge’s natural or cultural resources, or is the use beneficial to the refuge’s natural or cultural resources? If not, we will generally not further consider the use.

**(j)** Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D), compatible, wildlife-dependent recreation into the future? If not, we will generally not further consider the use.

**B.** Where we do not have jurisdiction over the use, there is no need to evaluate it further as we cannot control the use (a “no” response to criterion

(a)). We may not find uses appropriate if they are illegal, inconsistent with existing policy, or unsafe. Therefore, if there is a “no” response to criteria (b), (c), or (d), immediately stop consideration of the use. If the answer is “no” to any of the other questions, we will generally not allow the use. However, there may be situations where the refuge has exceptional or unique recreational resources, such as rock climbing, that are not available nearby, off the refuge, and the use requires insignificant management resources. In such cases, we may further consider a use.

**C.** When the refuge manager finds that a proposed use is not appropriate, the finding must be documented for the refuge files using FWS Form 3-2319. This finding does not require refuge supervisor concurrence. However, if outside the CCP process a refuge manager finds that an existing use is not appropriate, the finding requires refuge supervisor concurrence. The refuge manager will send copies of all findings to the refuge supervisor to be incorporated into a national database annually. This section specifically clarifies and expands on the compatibility policy (603 FW 2.10D).

**D.** Following the issuance of this policy, refuge managers, in consultation with the States, must review all existing uses for appropriateness within 1 year unless the use was reviewed in a post-1997 CCP. If the refuge manager finds an existing use is not appropriate, the use must be modified so it is appropriate or terminated or phased out as expeditiously as practicable. The refuge manager must obtain refuge supervisor concurrence when there are changes to existing uses that eliminate the use or substantially change the use. All appropriateness findings required under section 1.11A(3), including findings made during the CCP process, must be documented for the refuge files using FWS Form 3-2319. Include the documentation for both appropriateness findings and compatibility determinations in the documentation for the CCP. A finding of “not appropriate” for a new use does not require refuge supervisor concurrence. However, the decision to modify or terminate a use may be subject to the National Environmental Policy Act (NEPA). Refuge managers should consult with their Regional NEPA coordinator to see if a decision would be subject to NEPA.

**E. The Refuge System Headquarters will maintain a** database of refuge uses. This database will include a refuge-by-refuge listing of all uses refuge managers have found either appropriate or not appropriate. With this information, refuge managers will know which uses have already been approved or denied at any other unit of the Refuge System. This information will help strengthen the Refuge System by reinforcing consistency and integrity in the way we consider refuge uses. However, this does not mean that a use found to be not appropriate on one

refuge should automatically be found not appropriate on other refuges in the Refuge System.

**1.12 How do we coordinate with the States?** Both the Service and State fish and wildlife agencies have authorities and responsibilities for management of fish and wildlife on refuges as described in 43 CFR part 24. Consistent with the Administration Act, as amended, the Director will interact, coordinate, cooperate, and collaborate with the State fish and wildlife agencies in a timely and effective manner on the acquisition and management of refuges. Under both the Administration Act, as amended, and 43 CFR part 24, the Director as the Secretary’s designee will ensure that Refuge System regulations and management plans are, to the extent practicable, consistent with State laws, regulations, and management plans. We charge refuge managers, as the designated representatives of the Director at the local level, with carrying out these directives. We will provide State fish and wildlife agencies timely and meaningful opportunities to participate in the development and implementation of programs conducted under this policy. These opportunities will most commonly occur through State fish and wildlife agency representation on the CCP planning teams. However, we will provide other opportunities for the State fish and wildlife agencies to participate in the development and implementation of program changes that would be made outside of the CCP process. Further, we will continue to provide State fish and wildlife agencies opportunities to discuss and, if necessary, elevate decisions within the hierarchy of the Service.

/sgd/ H. Dale Hall

DIRECTOR

Date: January 20, 2006

