

Appendix D: Appropriate Use Determinations

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Mushroom, Nut and Berry Picking
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Research

Finding of Appropriateness of a Refuge Use

Refuge Name: Neal Smith National Wildlife Refuge

Use: Bicycling (means of access)

This exhibit is not required for wildlife-dependent recreational uses, forms of take regulated by the State, or uses already described in a refuge CCP or step-down management plan approved after October 9, 1997.

Decision Criteria:	YES	NO
(a) Do we have jurisdiction over the use?	X	
(b) Does the use comply with applicable laws and regulations (Federal, State, tribal, and local)?	X	
(c) Is the use consistent with applicable Executive orders and Department and Service policies?	X	
(d) Is the use consistent with public safety?	X	
(e) Is the use consistent with goals and objectives in an approved management plan or other document?	X	
(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?	X	
(g) Is the use manageable within available budget and staff?	X	
(h) Will this be manageable in the future within existing resources?	X	
(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?	X	
(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D. for description), compatible, wildlife-dependent recreation into the future?	X	

Where we do not have jurisdiction over the use ("no" to (a)), there is no need to evaluate it further as we cannot control the use. Uses that are illegal, inconsistent with existing policy, or unsafe ("no" to (b), (c), or (d)) may not be found appropriate. If the answer is "no" to any of the other questions above, we will generally not allow the use.

If indicated, the Refuge Manager has consulted with State fish and wildlife agencies. Yes ___ No ___

When the Refuge Manager finds the use appropriate based on sound professional judgment, the Refuge Manager must justify the use in writing on an attached sheet and obtain the Refuge Supervisor's concurrence.

Based on an overall assessment of these factors, my summary conclusion is that the proposed use is:

Not Appropriate ___ Appropriate X

Refuge Manager: /Christy Smith/

Date: 9/17/2012

Justification: This use will provide the public an alternative conveyance to automobiles to view and observe wildlife on the Refuge as well as promote fitness and wellness of visitors. This use reduces the carbon footprint for the visiting public. This use will be allowed on existing or proposed public use trails outside the bison enclosure.

If found to be Not Appropriate, the Refuge Supervisor does not need to sign concurrence if the use is a new use.

If an existing use is found Not Appropriate outside the CCP process, the Refuge Supervisor must sign concurrence.

If found to be Appropriate, the Refuge Supervisor must sign concurrence.

Refuge Supervisor: _____

Date: _____

A compatibility determination is required before the use may be allowed.

Finding of Appropriateness of a Refuge Use**Refuge Name:** Neal Smith National Wildlife Refuge**Use:** Dog Walking on Leash

This exhibit is not required for wildlife-dependent recreational uses, forms of take regulated by the State, or uses already described in a refuge CCP or step-down management plan approved after October 9, 1997.

Decision Criteria:	YES	NO
(k) Do we have jurisdiction over the use?	X	
(l) Does the use comply with applicable laws and regulations (Federal, State, tribal, and local)?	X	
(m) Is the use consistent with applicable Executive orders and Department and Service policies?	X	
(n) Is the use consistent with public safety?	X	
(o) Is the use consistent with goals and objectives in an approved management plan or other document?	X	
(p) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?	X	
(q) Is the use manageable within available budget and staff?	X	
(r) Will this be manageable in the future within existing resources?	X	
(s) 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?	X	
(t) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D. for description), compatible, wildlife-dependent recreation into the future?	X	

Where we do not have jurisdiction over the use ("no" to (a)), there is no need to evaluate it further as we cannot control the use. Uses that are illegal, inconsistent with existing policy, or unsafe ("no" to (b), (c), or (d)) may not be found appropriate. If the answer is "no" to any of the other questions above, we will generally not allow the use.

If indicated, the Refuge Manager has consulted with State fish and wildlife agencies. Yes ___ No X

When the Refuge Manager finds the use appropriate based on sound professional judgment, the Refuge Manager must justify the use in writing on an attached sheet and obtain the Refuge Supervisor's concurrence.

Based on an overall assessment of these factors, my summary conclusion is that the proposed use is:

Not Appropriate ___ Appropriate X

Refuge Manager: /Christy Smith/

Date: 9/27/2012

Justification: More and more people travel with pets and consider them part of the family. This segment of the public is often denied access to refuge trails where wildlife and habitat disturbance from pedestrians is already tolerated. If dogs remain on a leash, do not threaten wildlife or people, and the public cleans up the waste, dog walking can be considered appropriate on trails within the Refuge. The Refuge will provide dog stations for bags and waste disposal.

If found to be Not Appropriate, the Refuge Supervisor does not need to sign concurrence if the use is a new use.

If an existing use is found Not Appropriate outside the CCP process, the Refuge Supervisor must sign concurrence.

If found to be Appropriate, the Refuge Supervisor must sign concurrence.

Refuge Supervisor: _____

Date: _____

A compatibility determination is required before the use may be allowed.

Finding of Appropriateness of a Refuge Use**Refuge Name:** Neal Smith National Wildlife Refuge**Use:** Farming with Genetically Modified Crops

This exhibit is not required for wildlife-dependent recreational uses, forms of take regulated by the State, or uses already described in a refuge CCP or step-down management plan approved after October 9, 1997.

Decision Criteria:	YES	NO
(u) Do we have jurisdiction over the use?	X	
(v) Does the use comply with applicable laws and regulations (Federal, State, tribal, and local)?	X	
(w) Is the use consistent with applicable Executive orders and Department and Service policies?	X	
(x) Is the use consistent with public safety?	X	
(y) Is the use consistent with goals and objectives in an approved management plan or other document?	X	
(z) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?	X	
(aa) Is the use manageable within available budget and staff?	X	
(bb) Will this be manageable in the future within existing resources?	X	
(cc) 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?	X	
(dd) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D. for description), compatible, wildlife-dependent recreation into the future?	X	

Where we do not have jurisdiction over the use ("no" to (a)), there is no need to evaluate it further as we cannot control the use. Uses that are illegal, inconsistent with existing policy, or unsafe ("no" to (b), (c), or (d)) may not be found appropriate. If the answer is "no" to any of the other questions above, we will generally not allow the use.

If indicated, the Refuge Manager has consulted with State fish and wildlife agencies. Yes ___ No X

When the Refuge Manager finds the use appropriate based on sound professional judgment, the Refuge Manager must justify the use in writing on an attached sheet and obtain the Refuge Supervisor's concurrence.

Based on an overall assessment of these factors, my summary conclusion is that the proposed use is:

Not Appropriate ___ Appropriate X

Refuge Manager: Christy Smith/

Date: 9/15/2011

Justification: Farming is used on the Refuge as a place holder to maximize the destruction of seeds from invasive or unwanted plant species and to create less competition when lands are converted to prairie. Typically cooperators use glyphosate tolerant corn and soybeans prior to reconstruction activities. Farming on Neal Smith NWR is phased out on all units within 3 to 5 years of acquisition.

If found to be Not Appropriate, the Refuge Supervisor does not need to sign concurrence if the use is a new use.

If an existing use is found Not Appropriate outside the CCP process, the Refuge Supervisor must sign concurrence.

If found to be Appropriate, the Refuge Supervisor must sign concurrence.

Refuge Supervisor: _____/Matt Sprenger/_____ Date: 9/21/2012

A compatibility determination is required before the use may be allowed.

Finding of Appropriateness of a Refuge Use**Refuge Name:** Neal Smith National Wildlife Refuge**Use:** Firewood Cutting and Collection

This exhibit is not required for wildlife-dependent recreational uses, forms of take regulated by the State, or uses already described in a refuge CCP or step-down management plan approved after October 9, 1997.

Decision Criteria:	YES	NO
(a) Do we have jurisdiction over the use?	X	
(b) Does the use comply with applicable laws and regulations (Federal, State, tribal, and local)?	X	
(c) Is the use consistent with applicable Executive orders and Department and Service policies?	X	
(d) Is the use consistent with public safety?	X	
(e) Is the use consistent with goals and objectives in an approved management plan or other document?	X	
(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?	X	
(g) Is the use manageable within available budget and staff?	X	
(h) Will this be manageable in the future within existing resources?	X	
(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?	X	
(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D. for description), compatible, wildlife-dependent recreation into the future?	X	

Where we do not have jurisdiction over the use ("no" to (a)), there is no need to evaluate it further as we cannot control the use. Uses that are illegal, inconsistent with existing policy, or unsafe ("no" to (b), (c), or (d)) may not be found appropriate. If the answer is "no" to any of the other questions above, we will generally not allow the use.

If indicated, the Refuge Manager has consulted with State fish and wildlife agencies. Yes ___ No ___

When the Refuge Manager finds the use appropriate based on sound professional judgment, the Refuge Manager must justify the use in writing on an attached sheet and obtain the Refuge Supervisor's concurrence.

Based on an overall assessment of these factors, my summary conclusion is that the proposed use is:

Not Appropriate ___ Appropriate X

Refuge Manager: /Christy Smith/

Date: 9/17/2012

Justification: Trees have invaded areas where prairie and savanna reconstruction and restoration will occur. Removal of trees that have been cut down by refuge staff by the public under a special use permit helps to reduce fire fuel loads and aids in the restoration of prairie habitats. The public may obtain a special use permit at no cost to remove wood from specific areas of the refuge. The person will be issued a special use permit and directed to an area where they can collect wood from previously downed trees and/or they may cut downed trees to a size that can be transported. Under no circumstance is the public permitted to cut standing trees.

If found to be Not Appropriate, the Refuge Supervisor does not need to sign concurrence if the use is a new use.

If an existing use is found Not Appropriate outside the CCP process, the Refuge Supervisor must sign concurrence.

If found to be Appropriate, the Refuge Supervisor must sign concurrence.

Refuge Supervisor: _____

Date: _____

A compatibility determination is required before the use may be allowed.

Finding of Appropriateness of a Refuge Use**Refuge Name:** Neal Smith National Wildlife Refuge**Use:** Haying

This exhibit is not required for wildlife-dependent recreational uses, forms of take regulated by the State, or uses already described in a refuge CCP or step-down management plan approved after October 9, 1997.

Decision Criteria:	YES	NO
(a) Do we have jurisdiction over the use?	X	
(b) Does the use comply with applicable laws and regulations (Federal, State, tribal, and local)?	X	
(c) Is the use consistent with applicable Executive orders and Department and Service policies?	X	
(d) Is the use consistent with public safety?	X	
(e) Is the use consistent with goals and objectives in an approved management plan or other document?	X	
(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?	X	
(g) Is the use manageable within available budget and staff?	X	
(h) Will this be manageable in the future within existing resources?	X	
(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?	X	
(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D. for description), compatible, wildlife-dependent recreation into the future?	X	

Where we do not have jurisdiction over the use ("no" to (a)), there is no need to evaluate it further as we cannot control the use. Uses that are illegal, inconsistent with existing policy, or unsafe ("no" to (b), (c), or (d)) may not be found appropriate. If the answer is "no" to any of the other questions above, we will generally not allow the use.

If indicated, the Refuge Manager has consulted with State fish and wildlife agencies. Yes ___ No X

When the Refuge Manager finds the use appropriate based on sound professional judgment, the Refuge Manager must justify the use in writing on an attached sheet and obtain the Refuge Supervisor's concurrence.

Based on an overall assessment of these factors, my summary conclusion is that the proposed use is:

Not Appropriate _____ Appropriate X

Refuge Manager: Christy Smith/

Date: 8/17/2012

Justification: Haying is a valuable management tool used, inconjunction with mowing, to remove fuels from firebreaks. In addition, haying is valuable when used where or when prescribed burns are not feasible or when an alternative treatment for vegetative disturbance is desired.

If found to be Not Appropriate, the Refuge Supervisor does not need to sign concurrence if the use is a new use.

If an existing use is found Not Appropriate outside the CCP process, the Refuge Supervisor must sign concurrence.

If found to be Appropriate, the Refuge Supervisor must sign concurrence.

Refuge Supervisor: _____/Matt Sprenger/_____ Date: 8/20/2012

A compatibility determination is required before the use may be allowed.

Finding of Appropriateness of a Refuge Use**Refuge Name:** Neal Smith National Wildlife Refuge**Use:** Jogging

This exhibit is not required for wildlife-dependent recreational uses, forms of take regulated by the State, or uses already described in a refuge CCP or step-down management plan approved after October 9, 1997.

Decision Criteria:	YES	NO
(a) Do we have jurisdiction over the use?	X	
(b) Does the use comply with applicable laws and regulations (Federal, State, tribal, and local)?	X	
(c) Is the use consistent with applicable Executive orders and Department and Service policies?	X	
(d) Is the use consistent with public safety?	X	
(e) Is the use consistent with goals and objectives in an approved management plan or other document?	X	
(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?	X	
(g) Is the use manageable within available budget and staff?	X	
(h) Will this be manageable in the future within existing resources?	X	
(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?	X	
(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D. for description), compatible, wildlife-dependent recreation into the future?	X	

Where we do not have jurisdiction over the use ("no" to (a)), there is no need to evaluate it further as we cannot control the use. Uses that are illegal, inconsistent with existing policy, or unsafe ("no" to (b), (c), or (d)) may not be found appropriate. If the answer is "no" to any of the other questions above, we will generally not allow the use.

If indicated, the Refuge Manager has consulted with State fish and wildlife agencies. Yes ___ No ___

When the Refuge Manager finds the use appropriate based on sound professional judgment, the Refuge Manager must justify the use in writing on an attached sheet and obtain the Refuge Supervisor's concurrence.

Based on an overall assessment of these factors, my summary conclusion is that the proposed use is:

Not Appropriate ___ Appropriate X

Refuge Manager: ___/Christy Smith/___

Date: ___ 9/17/2012

Justification: This activity provides a means of access for wildlife observation as well as an opportunity to maintain fitness/wellness. The use is wildlife-dependent in that it requires fresh air and open spaces. The jogging public will appreciate the experience of being in the tallgrass prairie and viewing the open vistas and wildlife. The use will be allowed on existing trails and any new proposed trails.

If found to be Not Appropriate, the Refuge Supervisor does not need to sign concurrence if the use is a new use.

If an existing use is found Not Appropriate outside the CCP process, the Refuge Supervisor must sign concurrence.

If found to be Appropriate, the Refuge Supervisor must sign concurrence.

Refuge Supervisor: _____

Date: _____

A compatibility determination is required before the use may be allowed.

Finding of Appropriateness of a Refuge Use**Refuge Name:** Neal Smith National Wildlife Refuge**Use:** Mushroom, Nut and Berry Picking

This exhibit is not required for wildlife-dependent recreational uses, forms of take regulated by the State, or uses already described in a refuge CCP or step-down management plan approved after October 9, 1997.

Decision Criteria:	YES	NO
(a) Do we have jurisdiction over the use?	X	
(b) Does the use comply with applicable laws and regulations (Federal, State, tribal, and local)?	X	
(c) Is the use consistent with applicable Executive orders and Department and Service policies?	X	
(d) Is the use consistent with public safety?	X	
(e) Is the use consistent with goals and objectives in an approved management plan or other document?	X	
(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?	X	
(g) Is the use manageable within available budget and staff?	X	
(h) Will this be manageable in the future within existing resources?	X	
(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?	X	
(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D. for description), compatible, wildlife-dependent recreation into the future?	X	

Where we do not have jurisdiction over the use ("no" to (a)), there is no need to evaluate it further as we cannot control the use. Uses that are illegal, inconsistent with existing policy, or unsafe ("no" to (b), (c), or (d)) may not be found appropriate. If the answer is "no" to any of the other questions above, we will generally not allow the use.

If indicated, the Refuge Manager has consulted with State fish and wildlife agencies. Yes ___ No ___

When the Refuge Manager finds the use appropriate based on sound professional judgment, the Refuge Manager must justify the use in writing on an attached sheet and obtain the Refuge Supervisor's concurrence.

Based on an overall assessment of these factors, my summary conclusion is that the proposed use is:

Not Appropriate ___ Appropriate X

Refuge Manager: /Christy Smith/

Date: 9/17/2012

Justification: For a small number of people, this is a traditional, family oriented activity which provides an opportunity for those participating to collect wholesome, healthy foods while enjoying the beauty of the natural environment. The foods are a renewable resource and the use does not compete with wildlife needs. The use will not require additional refuge resources to manage.

If found to be Not Appropriate, the Refuge Supervisor does not need to sign concurrence if the use is a new use.

If an existing use is found Not Appropriate outside the CCP process, the Refuge Supervisor must sign concurrence.

If found to be Appropriate, the Refuge Supervisor must sign concurrence.

Refuge Supervisor: _____

Date: _____

A compatibility determination is required before the use may be allowed.

Finding of Appropriateness of a Refuge Use**Refuge Name:** Neal Smith National Wildlife Refuge**Use:** Research

This exhibit is not required for wildlife-dependent recreational uses, forms of take regulated by the State, or uses already described in a refuge CCP or step-down management plan approved after October 9, 1997.

Decision Criteria:	YES	NO
(a) Do we have jurisdiction over the use?	X	
(b) Does the use comply with applicable laws and regulations (Federal, State, tribal, and local)?	X	
(c) Is the use consistent with applicable Executive orders and Department and Service policies?	X	
(d) Is the use consistent with public safety?	X	
(e) Is the use consistent with goals and objectives in an approved management plan or other document?	X	
(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?	X	
(g) Is the use manageable within available budget and staff?	X	
(h) Will this be manageable in the future within existing resources?	X	
(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?	X	
(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D. for description), compatible, wildlife-dependent recreation into the future?	X	

Where we do not have jurisdiction over the use ("no" to (a)), there is no need to evaluate it further as we cannot control the use. Uses that are illegal, inconsistent with existing policy, or unsafe ("no" to (b), (c), or (d)) may not be found appropriate. If the answer is "no" to any of the other questions above, we will generally not allow the use.

If indicated, the Refuge Manager has consulted with State fish and wildlife agencies. Yes ___ No ___

When the Refuge Manager finds the use appropriate based on sound professional judgment, the Refuge Manager must justify the use in writing on an attached sheet and obtain the Refuge Supervisor's concurrence.

Based on an overall assessment of these factors, my summary conclusion is that the proposed use is:

Not Appropriate ___ Appropriate X

Refuge Manager: /Christy Smith/

Date: 9/17/2012

Justification: Research is conducted by universities and other academic institutions; government agencies, and consultants hired by the Service as well as non-profit organizations. Research projects focus on better understanding refuge wildlife and habitat resources in relation to construction and restoration activities, provide information to improve adaptive management decisions and increase of life history information on wildlife species, invasive plants and tallgrass prairie habitats.

If found to be Not Appropriate, the Refuge Supervisor does not need to sign concurrence if the use is a new use.

If an existing use is found Not Appropriate outside the CCP process, the Refuge Supervisor must sign concurrence.

If found to be Appropriate, the Refuge Supervisor must sign concurrence.

Refuge Supervisor: _____

Date: _____

A compatibility determination is required before the use may be allowed.

Finding of Appropriateness of a Refuge Use**Refuge Name:** Neal Smith National Wildlife Refuge**Use:** Prescribed Grazing (other than bison and elk)

This exhibit is not required for wildlife-dependent recreational uses, forms of take regulated by the State, or uses already described in a refuge CCP or step-down management plan approved after October 9, 1997.

Decision Criteria:	YES	NO
(a) Do we have jurisdiction over the use?	X	
(b) Does the use comply with applicable laws and regulations (Federal, State, tribal, and local)?	X	
(c) Is the use consistent with applicable Executive orders and Department and Service policies?	X	
(d) Is the use consistent with public safety?	X	
(e) Is the use consistent with goals and objectives in an approved management plan or other document?	X	
(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?	X	
(g) Is the use manageable within available budget and staff?	X	
(h) Will this be manageable in the future within existing resources?	X	
(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?	X	
(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D. for description), compatible, wildlife-dependent recreation into the future?	X	

Where we do not have jurisdiction over the use ("no" to (a)), there is no need to evaluate it further as we cannot control the use. Uses that are illegal, inconsistent with existing policy, or unsafe ("no" to (b), (c), or (d)) may not be found appropriate. If the answer is "no" to any of the other questions above, we will generally not allow the use.

If indicated, the Refuge Manager has consulted with State fish and wildlife agencies. Yes ___ No ___

When the Refuge Manager finds the use appropriate based on sound professional judgment, the Refuge Manager must justify the use in writing on an attached sheet and obtain the Refuge Supervisor's concurrence.

Based on an overall assessment of these factors, my summary conclusion is that the proposed use is:

Not Appropriate ___ Appropriate X

Refuge Manager: ___/Christy Smith/___

Date: ___9/17/2012

Justification: Prescribed grazing may be used in areas where mowing or burning is not feasible to remove woody vegetation or other unwanted vegetative cover. Grazing may also be used to enhance specific attributes in any habitat to achieve disturbance or vegetative manipulation. Species considered for management include non-native ungulates such as cattle, goats, and/or sheep.

If found to be Not Appropriate, the Refuge Supervisor does not need to sign concurrence if the use is a new use.

If an existing use is found Not Appropriate outside the CCP process, the Refuge Supervisor must sign concurrence.

If found to be Appropriate, the Refuge Supervisor must sign concurrence.

Refuge Supervisor: _____

Date: _____

A compatibility determination is required before the use may be allowed.