



# Appendices A-P

Appendices A-P



## Appendix A. Appropriate Use Determinations

### A.1. Introduction

The Appropriate Refuge Uses Policy ([603 FW 1](#) [2006]) outlines the process that the Service uses to determine when general public uses on refuges may be considered. Priority public uses previously defined as wildlife-dependent uses (hunting, fishing, wildlife observation and photography, and environmental education and interpretation) under the National Wildlife Refuge System Improvement Act of 1997 are generally exempt from appropriate use review. Other exempt uses include situations in which the Service does not have adequate jurisdiction to control the activity, as well as refuge management activities.

In essence, the appropriate use policy provides refuge managers with a consistent procedure to first screen and then document decisions concerning a public use. When a use is determined to be appropriate, refuge managers must then decide if the use is compatible before allowing it on a refuge. The policy also requires review of existing public uses.

During the comprehensive conservation process (CCP) process, the Refuge Manager evaluated all existing and proposed uses at Deer Flat National Wildlife Refuge (NWR) using the following guidelines and criteria as outlined in the appropriate use policy:

- Do we have jurisdiction over the use?
- Does the use comply with applicable laws and regulations (Federal, State, Tribal, and local)?
- Is the use consistent with applicable executive orders and Department of the Interior (Department) and U.S. Fish and Wildlife Service (Service) policies?
- Is the use consistent with public safety?
- Is the use consistent with goals and objectives in an approved management plan or other document?
- Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?
- Is the use manageable within available budget and staff?
- Will this be manageable in the future within existing resources?
- 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?
- Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D of the appropriate use policy for description of recreational uses) compatible, wildlife-dependent recreation into the future.

The Refuge Manager also determined the following Refuge uses were appropriate and directed that compatibility determinations be completed for each appropriate use: individuals biking, jogging, and horseback riding; farming; grazing; recreational boating; research; swimming; beach use; picnicking; and walking with pets.

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FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: Deer Flat National Wildlife Refuge

Use: Boating at No-wake Speeds at Lake Lowell Unit

This form is not required for wildlife-dependent recreational uses, 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?	✓	
(b) Does the use comply with applicable laws and regulations (Federal, State, tribal, and local)?	✓	
(c) Is the use consistent with applicable Executive orders and Department and Service policies?	✓	
(d) Is the use consistent with public safety?	✓	
(e) Is the use consistent with goals and objectives in an approved management plan or other document?	✓	
(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?	✓	
(g) Is the use manageable within available budget and staff?	✓	
(h) Will this be manageable in the future within existing resources?	✓	
(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?	✓	
(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D, 603 FW 1, for description), compatible, wildlife-dependent recreation into the future?	✓	

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

Refuge Manager: \_\_\_\_\_ Date: 2/16/2012

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.

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02/06

## Appropriate Use Justification

**Refuge Name:** Deer Flat National Wildlife Refuge

**Use:** Boating at No-wake Speeds at Lake Lowell Unit

**(a) Do we have jurisdiction over the use?**

Yes. On June 24, 2010, the Department of the Interior Office of the Solicitor concluded that the Service had jurisdiction over surface water uses on Lake Lowell and that Lake Lowell was not in existence at statehood and, therefore, is not classified as navigable water.

**(b) Does the use comply with applicable laws and regulations (Federal, State, Tribal, and local)?**

Yes. The Refuge is not aware of any laws or regulations that would preclude this use on the Lake Lowell Unit of Deer Flat NWR.

**(c) Is the use consistent with applicable Executive orders and Department and Service policies?**

Yes. The Refuge is not aware of any Executive orders or Department or Service policies that would preclude this use on the Lake Lowell Unit of Deer Flat NWR.

**(d) Is the use consistent with public safety?**

Yes. Boaters using Lake Lowell must comply with all State and Federal boater safety requirements.

**(e) Is the use consistent with goals and objectives in an approved management plan or other document?**

Yes. We are currently at the maximum boating visits identified in the 1990 Master Plan, as updated in 1996 (USFWS 1996).

**(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?**

Yes. No compatibility determinations have been previously completed for this use.

**(g) Is the use manageable within available budget and staff?**

Yes. This use is currently manageable in partnership with the Canyon County Sheriff's Department.

**(h) Will this be manageable in the future within existing resources?**

Yes, as long as we continue to partner with the Canyon County Sheriff's Department.

**(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?**

Yes. This mode of transportation allows fishermen, wildlife observers, and other wildlife-dependent recreationists to access to wildlife and environments that could not be reached otherwise. This access increases their enjoyment of the Refuge and appreciation of its wildlife and habitats. Boating at no-wake speeds, in the areas provided by the Preferred Alternative, should cause less disturbance to wildlife than high-speed boating. Motorized boats can also cover a larger area in a relatively short time in comparison to nonmotorized boats, affecting more area and providing less time for wildlife to react. Compared to motorboats, human-powered boats like canoes and kayaks appear to cause fewer disturbances to most wildlife species (DeLong 2002; Huffman 1999). Boats traveling at no-wake speeds do cause some level of disturbance to wildlife but the slow speed, low noise levels, and low approach velocity minimizes the adverse effects associated with boat use in no-wake zones while allowing wildlife-dependent recreationists access to wildlife and environments that could not be reached otherwise.

**(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D, 603 FW 1, for description), compatible, wildlife-dependent recreation into the future?**

Yes. This use increases access for wildlife-dependent recreationists. As stated above, boats traveling at no-wake speeds do cause some level of disturbance to wildlife but the slow speed, low noise levels, and low approach velocity of boats at no-wake speeds minimize the adverse effects associated with boat use in no-wake zones while allowing wildlife-dependent recreationists access to wildlife and environments that could not be reached otherwise.

**Conclusion**

Boating at no-wake speeds is considered to be an appropriate use subject to stipulations necessary to ensure safety and compatibility.

**References**

- DeLong, A.K. 2002. Managing visitor use and disturbance of waterbirds—a literature review of impacts and mitigation measures. Prepared for Stillwater National Wildlife Refuge. Appendix L in: Stillwater National Wildlife Refuge Complex Final Environmental Impact Statement for the Comprehensive Conservation Plan and Boundary Revision (Volume II). Department of the Interior, Fish and Wildlife Service, Region 1, Portland, Oregon. 114 pp. Available at: <http://www.fws.gov/pacific/planning/main/docs/NV/stillwater/4%20Volume%20II/Appendix%20L/App%20L%20final%20lit%20review.pdf>. Accessed May 18, 2012.
- Huffman, K. 1999. San Diego South Bay survey report—effects of human activity and water craft on wintering birds in South San Diego Bay. USFWS.
- USFWS (U.S. Fish and Wildlife Service). 1996 (1990, updated in 1996). Refuge management plan (RMP). Deer Flat National Wildlife Refuge. Nampa, ID. 33 pp.

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FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: Deer Flat National Wildlife Refuge

Use: Competitive and Large-group Cycling (>10)

This form is not required for wildlife-dependent recreational uses, 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?	✓	
(b) Does the use comply with applicable laws and regulations (Federal, State, tribal, and local)?	✓	
(c) Is the use consistent with applicable Executive orders and Department and Service policies?	✓	
(d) Is the use consistent with public safety?		✓
(e) Is the use consistent with goals and objectives in an approved management plan or other document?		✓
(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?		✓
(g) Is the use manageable within available budget and staff?		✓
(h) Will this be manageable in the future within existing resources?		✓
(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?		✓
(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D, 603 FW 1, for description), compatible, wildlife-dependent recreation into the future?		✓

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

Refuge Manager: \_\_\_\_\_

Date: 2/16/12

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.

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## **Appropriate Use Justification**

**Refuge Name:** Deer Flat National Wildlife Refuge

**Use:** Competitive and Large-group Cycling (>10)

**(a) Do we have jurisdiction over the use?**

Yes.

**(b) Does the use comply with applicable laws and regulations (Federal, State, Tribal, and local)?**

Yes. The Refuge is not aware of any laws or regulations that would preclude this use on the Lake Lowell Unit of Deer Flat NWR/

**(c) Is the use consistent with applicable Executive orders and Department and Service policies?**

Yes. The Refuge is not aware of any Executive orders or Department or Service policies that would preclude this use on the Lake Lowell Unit of Deer Flat NWR.

**(d) Is the use consistent with public safety?**

No. Refuge paths and roads are not designed for high-speed bicycling by groups of individuals. There is a potential for riders to be struck by vehicles on the winding entrance road or to strike pedestrians on narrow and/or winding Refuge trails. Recent requests for group bicycling activities include use of Refuge parking areas for start and finish lines and “watering” stops. Use of potentially busy parking areas for these activities would be dangerous and an impediment to other Refuge visitors’ safe enjoyment and use of Refuge facilities.

**(e) Is the use consistent with goals and objectives in an approved management plan or other document?**

No. Given the potential for disturbance to wildlife-dependent uses and wildlife, this use is not consistent with the purpose of the Refuge or its visitor use goals as defined in the Refuge Management Plan of 1990 (USFWS 1996).

**(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?**

No. A compatibility determination from 1994 does not allow “organized competitive race events.”

**(g) Is the use manageable within available budget and staff?**

No. There is no staff available to direct traffic and ensure the safety of riders and the rest of the visiting public.

**(h) Will this use be manageable in the future within existing resources?**

No. There will be no staff available to direct traffic and ensure the safety of riders and the rest of the visiting public.

**(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?**

No. Given that riders are focused on competing or training and riding as quickly as possible, they are not able to take the time to appreciate the Refuge's resources. Noise caused by bicycling groups and the speed at which they travel may actually negatively impact Refuge wildlife. According to Knight and Cole (1991), there are three wildlife responses to human disturbance: avoidance, habituation, and attraction. The magnitude of the avoidance response may depend on a number of factors, including the type, distance, movement pattern, speed, and duration of the disturbance; the time of day, time of year, weather; and the animal's access to food and cover, energy demands, and reproductive status (Fernández-Juricic et al. 2007; Gabrielsen and Smith 1995; Knight and Cole 1991). Other factors that affect disturbance impact include the numbers of viewers, the time of day, and noise level.

Rapid movement directly toward wildlife frightens animals, while movement away from or at an oblique angle to animals is less disturbing (Knight and Cole 1995). Human-caused noise, including road noise, has been shown to negatively affect wildlife (Bowles 1995), although the response is often difficult to assess because it may be confounded by responses to visual stimulus. Pease et al. (2005) showed that bicycles (and pedestrians) disturbed more dabbling ducks than other means of transportation. Stalmaster and Newman (1978) suggest that sound may elicit a much milder response from wildlife if animals are visually buffered from the disturbance. Bicycling in a group of four to 10 riders (e.g., a family outing) may be allowed under special conditions provided in a special use permit. Additional requirements to ensure safety and reduce disturbance (such as additional limits to use in time and space) may be established.

**(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D, 603 FW 1, for description), compatible, wildlife-dependent recreation into the future?**

No. This use takes up space that could otherwise be utilized by wildlife-dependent recreationists. This use increases the potential for wildlife disturbance through high-speed movement and noise created by a group, potentially negatively impacting wildlife observers and other wildlife-dependent users.

**Conclusion**

Because bicycling in groups creates a potential public safety issue, negatively impacts wildlife-dependent recreationists and wildlife, and does not allow for the appreciation of the Refuge's natural or cultural resources, this use has been found to be not appropriate at Deer Flat NWR.

## References

- Bowles, A.E. 1995. Responses of wildlife to noise. Pages 109-156 in: R.L. Knight and K.J. Gutzwiller, eds. *Wildlife recreationists: coexistence through management and research*. Washington, D.C.: Island Press.
- Fernández-Juricic, E., P.A. Zollner, C. LeBlanc, and L.M. Westphal. 2007. Responses of nestling black-crowned night herons (*Nycticorax nycticorax*) to aquatic and terrestrial recreational activities: a manipulative study. *Waterbirds* 30(4):554-565.
- Gabrielsen, G.W. and E.N. Smith. 1995. Physiological responses of wildlife to disturbance. Pages 95-107 in: R.L. Knight and K.J. Gutzwiller, eds. *Wildlife and recreationists: coexistence through management and research*. Washington, D.C.: Island Press.
- Knight, R.L. and D.N. Cole. 1991. Effects of recreational activity on wildlife in wildlands. *Transactions of the North American Wildlife and Natural Resources Conference* 56:238-247.
- Knight, R.L. and D.N. Cole. 1995. Factors that influence wildlife responses to recreationists. Pages 71-79 in: R.L. Knight and K.J. Gutzwiller, eds. *Wildlife and recreationists: coexistence through management and research*. Washington, D.C.: Island Press.
- Pease, M.L., R.K. Rose, and M.J. Butler. 2005. Effects of human disturbances on the behavior of wintering ducks. *Wildlife Society Bulletin* 33(1):103-112.
- Stalmaster, M.V. and J.R. Newman. 1978. Behavioral responses of wintering bald eagles to human activity. *Journal of Wildlife Management* 42:506-513.
- USFWS (U.S. Fish and Wildlife Service). 1996 (1990, updated in 1996). *Refuge management plan (RMP)*. Deer Flat National Wildlife Refuge. Nampa, ID. 33 pp.

FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: Deer Flat National Wildlife Refuge

Use: Competitive and Large-group Jogging (>10 individuals)

This form is not required for wildlife-dependent recreational uses, 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?	✓	
(b) Does the use comply with applicable laws and regulations (Federal, State, tribal, and local)?	✓	
(c) Is the use consistent with applicable Executive orders and Department and Service policies?	✓	
(d) Is the use consistent with public safety?	✓	
(e) Is the use consistent with goals and objectives in an approved management plan or other document?		✓
(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?		✓
(g) Is the use manageable within available budget and staff?	✓	
(h) Will this be manageable in the future within existing resources?	✓	
(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?		✓
(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D, 603 FW 1, for description), compatible, wildlife-dependent recreation into the future?		✓

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

Refuge Manager: \_\_\_\_\_

Date: \_\_\_\_\_

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.

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02/06

## Appropriate Use Justification

**Refuge Name:** Deer Flat National Wildlife Refuge

**Use:** Competitive and Large-group Jogging (>10 individuals)

**(a) Do we have jurisdiction over the use?**

Yes. This use is conducted on the upland portions of Lake Lowell Unit and falls under the jurisdiction of Deer Flat NWR.

**(b) Does the use comply with applicable laws and regulations (Federal, State, Tribal, and local)?**

Yes. The Refuge is not aware of any laws or regulations that would preclude this use on the Lake Lowell Unit of Deer Flat NWR.

**(c) Is the use consistent with applicable Executive orders and Department and Service policies?**

Yes. The Refuge is not aware of any Executive orders or Department or Service policies that would preclude this use on the Lake Lowell Unit of Deer Flat NWR.

**(d) Is the use consistent with public safety?**

Yes.

**(e) Is the use consistent with goals and objectives in an approved management plan or other document?**

No. Given the potential for disturbance to wildlife-dependent uses and wildlife, this use is not consistent with the purpose of the Refuge or its visitor use goals as defined in the Refuge Management Plan of 1990 (USFWS 1996).

**(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?**

No. A compatibility determination from 1994 does not allow “organized races and competitions.”

**(g) Is the use manageable within available budget and staff?**

Yes.

**(h) Will this use be manageable in the future within existing resources?**

Yes.

**(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?**

No. Given that joggers are focused on competing or training, they are not able to take the time to appreciate the Refuge's resources. Noise caused by jogging in groups and the speed at which the group is traveling may actually negatively impact Refuge wildlife. According to Knight and Cole (1991), there are three wildlife responses to human disturbance: 1) avoidance; 2) habituation; and 3) attraction. The magnitude of the avoidance response may depend on a number of factors including the type, distance, movement pattern, speed, and duration of the disturbance, as well as the time of day, time of year, weather; and the animal's access to food and cover, energy demands, and reproductive status (Fernández-Juricic et al. 2007; Gabrielsen and Smith 1995; Knight and Cole 1991). Other factors that affect disturbance impact include the numbers of viewers, the time of day, and noise level. Rapid movement directly toward wildlife frightens animals, while movement away from or at an oblique angle to animals is less disturbing (Knight and Cole 1995).

**(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D, 603 FW 1, for description), compatible, wildlife-dependent recreation into the future?**

No. This use takes up space that could otherwise be used by wildlife-dependent recreationists. This use increases the potential for wildlife disturbance through high speed movement and noise created by a group, potentially negatively impacting wildlife observers and other wildlife-dependent users.

**Conclusion**

Since competitive and group jogging, has been denied by a previous compatibility determination, can negatively impact wildlife-dependent recreationists and wildlife, and does not allow for the appreciation of the Refuge's natural or cultural resources, this use has been found to be not appropriate at Deer Flat NWR.

**References**

- Fernández-Juricic, E., P.A. Zollner, C. LeBlanc, and L.M. Westphal. 2007. Responses of nestling black-crowned night herons (*Nycticorax nycticorax*) to aquatic and terrestrial recreational activities: a manipulative study. *Waterbirds* 30(4):554-565.
- Gabrielsen, G.W. and E.N. Smith. 1995. Physiological responses of wildlife to disturbance. Pages 95-107 in: R.L. Knight and K.J. Gutzwiller, eds. *Wildlife and recreationists: coexistence through management and research*. Washington, D.C.: Island Press.
- Knight, R.L. and D.N. Cole. 1991. Effects of recreational activity on wildlife in wildlands. *Transactions of the North American Wildlife and Natural Resources Conference* 56:238-247.
- Knight, R.L. and D.N. Cole. 1995. Factors that influence wildlife responses to recreationists. Pages 71-79 in: R.L. Knight and K.J. Gutzwiller, eds. *Wildlife and recreationists: coexistence through management and research*. Washington, D.C.: Island Press.
- USFWS (U.S. Fish and Wildlife Service). 1996 (1990, updated in 1996). *Refuge management plan (RMP)*. Deer Flat National Wildlife Refuge. Nampa, ID. 33 pp.

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FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: Deer Flat National Wildlife Refuge

Use: Competitive and Group Rowing

This form is not required for wildlife-dependent recreational uses, 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?	✓	
(b) Does the use comply with applicable laws and regulations (Federal, State, tribal, and local)?	✓	
(c) Is the use consistent with applicable Executive orders and Department and Service policies?	✓	
(d) Is the use consistent with public safety?	✓	
(e) Is the use consistent with goals and objectives in an approved management plan or other document?		✓
(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?	✓	
(g) Is the use manageable within available budget and staff?		✓
(h) Will this be manageable in the future within existing resources?		✓
(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?		✓
(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D, 603 FW 1, for description), compatible, wildlife-dependent recreation into the future?		✓

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

Refuge Manager: \_\_\_\_\_

Date: \_\_\_\_\_

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.

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02/06

## Appropriate Use Justification

**Refuge Name:** Deer Flat National Wildlife Refuge

**Use:** Competitive and Group Rowing

**(a) Do we have jurisdiction over the use?**

Yes. On June 24, 2010, the Department of the Interior Office of the Solicitor concluded that the Service had jurisdiction over surface water uses on Lake Lowell and that Lake Lowell was not in existence at statehood and, therefore, is not classified as navigable water.

**(b) Does the use comply with applicable laws and regulations (Federal, State, Tribal, and local)?**

Yes. The Refuge is not aware of any laws or regulations that would preclude this use on the Lake Lowell Unit of Deer Flat NWR.

**(c) Is the use consistent with applicable Executive orders and Department and Service policies?**

Yes. The Refuge is not aware of any Executive orders or Department or Service policies that would preclude this use on the Lake Lowell Unit of Deer Flat NWR.

**(d) Is the use consistent with public safety?**

Yes.

**(e) Is the use consistent with goals and objectives in an approved management plan or other document?**

No. Given the potential for disturbance to wildlife-dependent uses and wildlife, this use is not consistent with the purpose of the Refuge or its visitor use goals as defined in the Refuge Management Plan of 1990 (USFWS 1996).

**(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?**

Yes. This is the first time the use has been requested.

**(g) Is the use manageable within available budget and staff?**

No. There is no staff available to direct traffic and ensure the safety of rowers and the rest of the visiting public.

**(h) Will this use be manageable in the future within existing resources?**

No.

**(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?**

No. Given that competitive rowers are focused on competing or training, they are not able to take the time to appreciate the Refuge's resources.

**(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D, 603 FW 1, for description), compatible, wildlife-dependent recreation into the future?**

No. This use takes up space that could otherwise be utilized by wildlife-dependent recreationists. In addition, competitive rowing events would exclude the general public and reduce the quality of wildlife-dependent activities by concentrating many users in the race location. The proposed racing location along the Lower Dam is a popular fishing spot for boat and shoreline anglers.

**Conclusion**

Because competitive and group rowing would require additional budget and staff, can negatively impact wildlife-dependent recreationists, and does not allow for the appreciation of the Refuge's natural or cultural resources, this use has been found to be not appropriate at Deer Flat NWR.

**References**

USFWS (U.S. Fish and Wildlife Service). 1996 (1990, updated in 1996). Refuge management plan (RMP). Deer Flat National Wildlife Refuge. Nampa, ID. 33 pp.

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FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: Deer Flat National Wildlife Refuge

Use: Cycling and Joqqing by Individuals and Small Groups (4-10 individuals)

This form is not required for wildlife-dependent recreational uses, 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?	✓	
(b) Does the use comply with applicable laws and regulations (Federal, State, tribal, and local)?	✓	
(c) Is the use consistent with applicable Executive orders and Department and Service policies?	✓	
(d) Is the use consistent with public safety?	✓	
(e) Is the use consistent with goals and objectives in an approved management plan or other document?	✓	
(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?	✓	
(g) Is the use manageable within available budget and staff?	✓	
(h) Will this be manageable in the future within existing resources?	✓	
(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?	✓	✓
(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D, 603 FW 1, for description), compatible, wildlife-dependent recreation into the future?	✓	✓

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

Refuge Manager: \_\_\_\_\_

Date: \_\_\_\_\_

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.

FWS Form 3-2319  
02/06

## Appropriate Use Justification

**Refuge Name:** Deer Flat National Wildlife Refuge

**Use:** Cycling and Jogging by Individuals and Small Groups (4-10 individuals)

**(a) Do we have jurisdiction over the use?**

Yes.

**(b) Does the use comply with applicable laws and regulations (Federal, State, Tribal, and local)?**

Yes. The Refuge is not aware of any laws or regulations that would preclude this use on the Lake Lowell Unit of Deer Flat NWR.

**(c) Is the use consistent with applicable Executive orders and Department and Service policies?**

Yes. The Refuge is not aware of any Executive orders or Department or Service policies that would preclude this use on the Lake Lowell Unit of Deer Flat NWR.

**(d) Is the use consistent with public safety?**

Yes. Individual cyclists and joggers should not create public safety concerns. Allowing cycling only on wider multiuse trails (Kingfisher Trail, Gotts Point Trail, East Dike Trail, and the Observation Hill Trail System) should reduce safety conflicts with pedestrian users. Also, multiuse trail etiquette signage would require cyclists to yield to pedestrians and equestrians. Only pedestrian uses would be allowed on more narrow trails and trails used by environmental education groups (Nature Trail, Centennial Trail, and Murphy's Neck Trail).

**(e) Is the use consistent with goals and objectives in an approved management plan or other document?**

Yes. Because this use would be allowed on select multiuse trails giving wildlife and wildlife-dependent users the opportunity to use areas of the Refuge where joggers and bicyclists are absent, the use is not inconsistent with current goals, objectives, and plans

**(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?**

Yes.

**(g) Is the use manageable within available budget and staff?**

Yes.

**(h) Will this use be manageable in the future within existing resources?**

Yes.

**(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?**

Yes and no. Bicycling and jogging are not defined as wildlife-dependent activities, although individuals could be engaged in wildlife observation while jogging or cycling. The speed and noise created by bicycling and or jogging may in fact negatively impact wildlife. Rapid movement directly toward wildlife frightens animals, while movement away from or at an oblique angle to animals is less disturbing (Knight and Cole 1995). Human-caused noise, including road noise, has been shown to negatively affect wildlife (Bowles 1995), although the response is often difficult to assess because it may be confounded by responses to visual stimulus. Pease et al. (2005) showed that bicycles (and pedestrians) disturbed more dabbling ducks than other means of transportation. Slow-moving cyclists that view wildlife while cycling or wildlife-dependent users that access viewing areas via bicycle may increase their appreciation of the Refuge.

Bicycling or jogging in a group (four to 10 individuals) may be allowed under special conditions provided in a special use permit. Additional requirements to ensure safety and reduce disturbance (such as additional limits to use in time and space) may be established.

**(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D, 603 FW 1, for description), compatible, wildlife-dependent recreation into the future?**

Yes and no. This use increases the potential for wildlife disturbance through high-speed movement and noise, potentially negatively impacting wildlife observers and other wildlife-dependent users on multiuse trails. Because this use is only allowed on multiuse trails, wildlife-dependent users would have the opportunity to use walking trails (Nature Trail, Centennial Trail and Murphy's Neck Trail) and the Lower Dam Recreation Area without interacting with joggers and cyclists. Wildlife-dependent visitors are also allowed off-trail in the area around the Observation Hill Trails (North Side Recreation Area) from August 1 through January 31, in the area around the Kingfisher and East Dike Trails (East Side Recreation Area) all year, and in the area around the Gotts Point Trail (Gotts Point) from February 1 through September 30. These off-trail opportunities would allow wildlife-dependent users to view wildlife and habitats in areas where cyclists and joggers are absent.

Bicycling or jogging in a group (four to 10 individuals) may be allowed under special conditions provided in a Special Use Permit. Additional requirements to ensure safety and reduce disturbance (such as additional limits to use in time and space) may be established.

**Conclusion**

Limiting cycling and jogging only to multiuse trails and allowing only individuals and small groups (with a special use permit) would limit the disturbance to wildlife and other visitors. Any disturbance created by this use is expected be intermittent and short term in nature. Thus the use is considered to be an appropriate use subject to stipulations necessary to ensure safety and compatibility. This finding of appropriateness only applies to Deer Flat NWR Lake Lowell Unit. It does not provide precedence for horseback riding appropriateness findings at other refuges or for future appropriateness findings at Deer Flat NWR. Impacts to public safety, wildlife, and wildlife-dependent recreationists by the continuation of cycling and jogging will be studied and alterations and changes to the use will be made if necessary.

## References

- Bowles, A.E. 1995. Responses of wildlife to noise. Pages 109-156 in: R.L. Knight and K.J. Gutzwiller, eds. *Wildlife recreationists: coexistence through management and research*. Washington, D.C.: Island Press.
- Knight, R.L. and D.N. Cole. 1995. Factors that influence wildlife responses to recreationists. Pages 71-79 in: R.L. Knight and K.J. Gutzwiller, eds. *Wildlife and recreationists: coexistence through management and research*. Washington, D.C.: Island Press.
- Pease, M.L., R.K. Rose, and M.J. Butler. 2005. Effects of human disturbances on the behavior of wintering ducks. *Wildlife Society Bulletin* 33(1):103-112.

FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: Deer Flat National Wildlife Refuge

Use: Farming and Grazing

This form is not required for wildlife-dependent recreational uses, 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?	✓	
(b) Does the use comply with applicable laws and regulations (Federal, State, tribal, and local)?	✓	
(c) Is the use consistent with applicable Executive orders and Department and Service policies?	✓	
(d) Is the use consistent with public safety?	✓	
(e) Is the use consistent with goals and objectives in an approved management plan or other document?	✓	
(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?	✓	
(g) Is the use manageable within available budget and staff?	✓	
(h) Will this be manageable in the future within existing resources?	✓	
(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?	✓	
(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D, 603 FW 1, for description), compatible, wildlife-dependent recreation into the future?	✓	

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

Refuge Manager: \_\_\_\_\_

Date: \_\_\_\_\_

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.

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## Appropriate Use Justification

**Refuge Name:** Deer Flat National Wildlife Refuge

**Use:** Farming and Grazing

**(a) Do we have jurisdiction over the use?**

Yes.

**(b) Does the use comply with applicable laws and regulations (Federal, State, Tribal, and local)?**

Yes. The Refuge is not aware of any laws or regulations that would preclude this use on Deer Flat NWR.

**(c) Is the use consistent with applicable Executive orders and Department and Service policies?**

Yes. The Refuge is not aware of any Executive orders or Department or Service policies that would preclude this use on Deer Flat NWR.

**(d) Is the use consistent with public safety?**

Yes.

**(e) Is the use consistent with goals and objectives in an approved management plan or other document?**

Yes. See section (i) below.

**(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?**

Yes.

**(g) Is the use manageable within available budget and staff?**

Yes.

**(h) Will this use be manageable in the future within existing resources?**

Yes.

**(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?**

Yes. Grazing has been shown to be beneficial for single species management such as for foraging geese. Geese use refuge pastures for foraging, preferring young shoots that are higher in protein and lower in fiber than mature stems (McLandress and Raveling 1981). Greenwalt (1978) explained that

some refuges use grazing in improved pasture in an attempt to increase the amount of edible green shoots available for wintering geese. Pasture grasses serve as an important source of amino acids and carbohydrates to meet the energy and nutrient requirements of geese (Baldassarre and Bolen 2006). Grazing by livestock simulates some of the effects of natural disturbances by removing woody vegetation, reducing thatch, and encouraging the production of young shoots, which are preferred forage for Canada and cackling geese (Raveling 1979). Grazing can be used to set back succession and help maintain diversity and has also been shown to increase native annual forb species and cover, as well as decrease vegetation height and litter depth, all of which are beneficial to foraging Canada geese (Hayes and Holl 2003).

The farming program provides high carbohydrate forage for wintering and migrating waterfowl. Crop fields planted to small grains such as winter wheat can indirectly benefit some other bird species by provide some foraging habitat for a variety of seed-eating migratory bird species. The Refuge's farmed and grazed lands provide areas of high-energy grain crops and green forage grasses to meet the energy needs of waterfowl and other wildlife and reduce crop depredation in nearby agricultural lands.

**(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D, 603 FW 1, for description), compatible, wildlife-dependent recreation into the future?**

Yes. Production of wildlife food and creation of quality goose pasture is likely to draw wildlife to the Refuge and provide a greater opportunity for wildlife-dependent recreation.

The public occasionally encounters farming operations while recreating on Refuge lands. Although some aspects of farming operations—including noise, dust, spraying, sight of grazing animals, and temporary traffic congestion—may be occasional annoyances to members of the public, conflicts and impacts are expected to remain minor over the life of the plan.

**Conclusion**

Farming and grazing are beneficial to the Refuge's natural resources and help achieve Refuge purposes by controlling invasive and exotic species, improving quality of grassland and wetland habitat, and provide important food resources used by waterfowl and other migratory birds. Therefore, farming and grazing are considered to be appropriate uses subject to stipulations necessary to ensure safety and compatibility.

**References**

- Baldassarre, G.A. and E.G. Bolen. 2006. Waterfowl ecology and management. 2nd edition. Malabar, FL: Krieger Publishing Company.
- Greenwalt, L.A. 1978. The National Wildlife Refuge System. Pages 399-412 in: H.P. Brokaw, ed. Wildlife and America. Washington, D.C.: Council on Environmental Quality.
- Hayes, G.F. and K.D. Holl. 2003. Cattle grazing impacts on annual forbs and vegetation composition of mesic grasslands in California. *Conservation Biology* 17(6):1694-1702.
- McLandress, M.R. and D.R. Raveling. 1981. Changes in diet and body composition of Canada geese before spring migration. *Auk* 98:65-79.

Raveling, D.G. 1979. The annual energy cycle of the cackling Canada goose. Pages 81-93 in: R.L. Jarvis and J.C. Bartonek, eds. Management and biology of Pacific Flyway geese. Corvallis, Oregon: OSU Book Stores.

FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: Deer Flat National Wildlife Refuge

Use: Float Plane (landing and taking off)

This form is not required for wildlife-dependent recreational uses, 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?	✓	
(b) Does the use comply with applicable laws and regulations (Federal, State, tribal, and local)?		✓
(c) Is the use consistent with applicable Executive orders and Department and Service policies?	✓	
(d) Is the use consistent with public safety?		✓
(e) Is the use consistent with goals and objectives in an approved management plan or other document?		✓
(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?	✓	
(g) Is the use manageable within available budget and staff?	✓	
(h) Will this be manageable in the future within existing resources?	✓	
(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?		✓
(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D, 603 FW 1, for description), compatible, wildlife-dependent recreation into the future?		✓

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

Refuge Manager: \_\_\_\_\_

Date: \_\_\_\_\_

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.

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## Appropriate Use Justification

**Refuge Name:** Deer Flat National Wildlife Refuge

**Use:** Float Plane (landing and taking off)

**(a) Do we have jurisdiction over the use?**

Yes. On June 24, 2010, the Department of the Interior Office of the Solicitor concluded that the Service had jurisdiction over surface water uses on Lake Lowell and that Lake Lowell was not in existence at statehood and, therefore, is not classified as navigable water.

**(b) Does the use comply with applicable laws and regulations (Federal, State, Tribal, and local)?**

No. Under the Code of Federal Regulations ([50 C.F.R. 27.34](#)) the “unauthorized operation of aircraft ... at altitudes resulting in the harassment of wildlife, or the unauthorized landing or take-off on a national wildlife refuge, except in an emergency is prohibited.”

**(c) Is the use consistent with applicable Executive orders and Department and Service policies?**

Yes.

**(d) Is the use consistent with public safety?**

No.

**(e) Is the use consistent with goals and objectives in an approved management plan or other document?**

No. Given the potential for disturbance to wildlife-dependent uses and wildlife, this use is not consistent with the purpose of the Refuge or its visitor use goals as defined in the Refuge Management Plan of 1990 (USFWS 1996).

**(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?**

Yes. This is the first time the use has been requested.

**(g) Is the use manageable within available budget and staff?**

No. There is no staff available to ensure the safety of pilots and the rest of the visiting public.

**(h) Will this use be manageable in the future within existing resources?**

No.

**(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?**

No. The Federal Aviation Administration (FAA) has worked with other Federal agencies including the U.S. Air Force, U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, U.S. Department of Agriculture APHIS Wildlife Services to address aircraft-wildlife strikes in the United States. A Regional Memorandum of Understanding among these parties states that “civil and military aviation communities widely recognize that the threat to human health and safety from aircraft collisions with aircraft-wildlife strikes is increasing.” A focus of the cooperation between these Federal agencies is to identify, separate, and mitigate bird air strike hazards by providing separate areas for airplanes and wildlife to exist.

According to the FAA Wildlife Strike Database (FAA 2012), there have been over 120,000 air strikes nationally between 1990 and 2010. Most bird strikes occur during daylight hours between July and October.

**(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D, 603 FW 1, for description), compatible, wildlife-dependent recreation into the future?**

No. Landing and take-off of float planes may disturb wildlife-dependent recreationists because of the noise and speed of the aircraft.

**Conclusion**

Because the use of aircraft is contrary to the purpose, goals, and objectives of the Refuge, would be in violation of the Code of Federal Regulations, is widely recognized as a threat to birds, and would be a safety concern for other Refuge visitors, it would not be considered an appropriate use of the Refuge.

**References**

- FAA (Federal Aviation Administration). 2012. Wildlife strike database. Available at: <http://wildlife-mitigation.tc.faa.gov/wildlife/default.aspx>.
- USFWS (U.S. Fish and Wildlife Service). 1996 (1990, updated in 1996). Refuge management plan (RMP). Deer Flat National Wildlife Refuge. Nampa, ID. 33 pp.

Document continues on next page.

FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: Deer Flat National Wildlife Refuge

Use: Traditional Geocaching (burial or placement of a physical cache)

This form is not required for wildlife-dependent recreational uses, 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?	✓	
(b) Does the use comply with applicable laws and regulations (Federal, State, tribal, and local)?		✓
(c) Is the use consistent with applicable Executive orders and Department and Service policies?	✓	
(d) Is the use consistent with public safety?	✓	
(e) Is the use consistent with goals and objectives in an approved management plan or other document?		✓
(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?	✓	
(g) Is the use manageable within available budget and staff?	✓	
(h) Will this be manageable in the future within existing resources?	✓	
(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?		✓
(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D, 603 FW 1, for description), compatible, wildlife-dependent recreation into the future?		✓

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

Refuge Manager: \_\_\_\_\_

Date: \_\_\_\_\_

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.

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## Appropriate Use Justification

**Refuge Name:** Deer Flat National Wildlife Refuge

**Use:** Traditional Geocaching (burial or placement of a physical cache)

**(a) Do we have jurisdiction over the use?**

Yes. This use is conducted on the upland portions of Lake Lowell Unit and falls under the jurisdiction of Deer Flat NWR.

**(b) Does the use comply with applicable laws and regulations (Federal, State, Tribal, and local)?**

No. The use is not consistent with the Code of Federal Regulations; [50 C.F.R. Part 27.63](#) prohibits search for and removal of valued objects and [50 C.F.R. Part 27.93](#) prohibits abandonment of property on national wildlife refuges.

**(c) Is the use consistent with applicable Executive orders and Department and Service policies?**

Yes.

**(d) Is the use consistent with public safety?**

Yes.

**(e) Is the use consistent with goals and objectives in an approved management plan or other document?**

No. Given the potential for disturbance to wildlife-dependent uses and wildlife, this use is not consistent with the purpose of the Refuge or its visitor use goals as defined in the Refuge Management Plan of 1990 (USFWS 1996).

**(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?**

Yes. This is the first time the use has been requested.

**(g) Is the use manageable within available budget and staff?**

No.

**(h) Will this use be manageable in the future within existing resources?**

No.

**(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?**

Yes. While geocachers are walking to a designated location, they may take the time to appreciate the Refuge's resources. However, caches can be attractive and potentially dangerous to wildlife. In addition, these treasures are placed in such a way to present a challenge to locate, and exuberant searchers can have a profound effect on soils, vegetation, and local wildlife within the immediate vicinity of the cache.

**(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D, 603 FW 1, for description), compatible, wildlife-dependent recreation into the future?**

No. Geocachers may disturb wildlife-dependent recreationists (hunters, anglers, wildlife observers, and photographers) close to an area where a cache has been stashed.

### **Conclusion**

Because geocaching violates the Code of Federal Regulations, this use has been found to be not appropriate at Deer Flat NWR.

### **References**

USFWS (U.S. Fish and Wildlife Service). 1996 (1990, updated in 1996). Refuge management plan (RMP). Deer Flat National Wildlife Refuge. Nampa, ID. 33 pp.

Document continues on next page.

FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: Deer Flat National Wildlife Refuge

Use: High-speed Watercraft at Lake Lowell Unit

This form is not required for wildlife-dependent recreational uses, 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?	✓	
(b) Does the use comply with applicable laws and regulations (Federal, State, tribal, and local)?	✓	
(c) Is the use consistent with applicable Executive orders and Department and Service policies?	✓	
(d) Is the use consistent with public safety?	✓	
(e) Is the use consistent with goals and objectives in an approved management plan or other document?	✓	
(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?	✓	
(g) Is the use manageable within available budget and staff?	✓	
(h) Will this be manageable in the future within existing resources?	✓	
(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?	✓	✓
(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D, 603 FW 1, for description), compatible, wildlife-dependent recreation into the future?	✓	✓

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

Refuge Manager: \_\_\_\_\_

Date: \_\_\_\_\_

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.

FWS Form 3-2319  
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## Appropriate Use Justification

**Refuge Name:** Deer Flat National Wildlife Refuge

**Use:** High-speed Watercraft at Lake Lowell Unit

**(a) Do we have jurisdiction over the use?**

Yes. On June 24, 2010, the Department of the Interior Office of the Solicitor concluded that the Service had jurisdiction over surface water uses on Lake Lowell and that Lake Lowell was not in existence at statehood and, therefore, is not classified as navigable water.

**(b) Does the use comply with applicable laws and regulations (Federal, State, Tribal, and local)?**

Yes. The Refuge is not aware of any laws or regulations that would preclude this use on the Lake Lowell Unit of Deer Flat NWR.

**(c) Is the use consistent with applicable Executive orders and Department and Service policies?**

Yes. Although the Refuge Manual (8 RM 9.6) states that “waterskiing will not be allowed on refuge-controlled waters, except where mandated,” current policies derived from the 1997 amendments to the National Wildlife Refuge System Administration Act of 1966 provide that uses may be allowed if they are found to be both appropriate and compatible with the purpose for which the Refuge was established.

**(d) Is the use consistent with public safety?**

Yes. Boaters using Lake Lowell must comply with all State and Federal boater safety requirements. Under the Preferred Alternative, no races or other nonwildlife-dependent group activities are allowed, providing a safer boating experience for visitors.

**(e) Is the use consistent with goals and objectives in an approved management plan or other document?**

Yes. We are currently at the maximum boating visits identified in the 1990 Refuge Management Plan, as updated in 1996 (USFWS 1996). As structured in the Preferred Alternative, high-speed boating should have a limited impact on the purpose of the Refuge.

**(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?**

Yes. No compatibility determinations have been previously completed for this use.

**(g) Is the use manageable within available budget and staff?**

Yes. This use is currently manageable in partnership with the Canyon County Sheriff’s Department.

**(h) Will this be manageable in the future within existing resources?**

Yes, as long as we continue to partner with the Canyon County Sheriff's Department.

**(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?**

No and yes. Boating at high speeds does not contribute to the public's understanding and appreciation of the Refuge, and it is not beneficial (and can actually be detrimental) to the Refuge's resources. Motorized boats can also cover a larger area in a relatively short time in comparison to nonmotorized boats, affecting more area and providing less time for wildlife to react. Compared to motorboats, human-powered boats like canoes and kayaks appear to cause fewer disturbances to most wildlife species (DeLong 2002; Huffman 1999). Boating at high speeds is mostly used for recreation purposes (such as tow-behind activities). One disturbance study showed that motorboats were more likely to elicit a response in wintering bald eagles than nearby automatic weapons fire, small arms fire, ordnance impacts, and helicopter flights associated with a military installation (Stalmaster and Kaiser 1997). High-speed boating displaces western and Clark's grebes from preferred habitats, disrupts nesting and feeding, and even causes loss of young (Burger 1997). Grebe adults and chicks are often killed by boats (pers. comm., D. Anderson, as cited in Ivey 2004), and small chicks can become separated from their parents and die of exposure if adults have to dive to avoid motorboats (Shaw 1998; Storer and Nuechterlein 1992).

Some wildlife-dependent visitors boat at high speeds to reach their ultimate destination. Once at their destination, they may be able to gain a greater appreciation of the Refuge through involvement in wildlife-dependent activities, but it is unlikely that appreciation is gained while boating at high speeds.

**(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D, 603 FW 1, for description), compatible, wildlife-dependent recreation into the future?**

No and yes. As described above, given the tendency of birds to flush when subjected to a high intensity of disturbance, wildlife viewing opportunities would be expected to be poor in high-speed watercraft areas between April and September.

Fishing could be both negatively and positively impacted by high-speed watercraft. Using watercraft at high speeds would allow anglers to reach their fishing area more quickly, allowing more time to fish. However, Refuge personnel have received complaints from anglers about noise and wake from high-speed watercraft.

## **Conclusion**

Limiting high-speed watercraft to the center of the lake will limit the disturbance to wildlife (especially nesting wildlife) and other wildlife-dependent visitors. Thus the use is considered to be an appropriate use subject to stipulations necessary to ensure safety and compatibility. This finding of appropriateness only applies to Deer Flat NWR Lake Lowell Unit. It does not provide precedence for high-speed watercraft appropriateness findings at other refuges or for future appropriateness findings at Deer Flat NWR. Impacts to public safety, wildlife, and wildlife-dependent recreationists by the continuation of high-speed watercraft use will be studied and alterations and changes to the use will be made if necessary.

## References

- Burger, A.E. 1997. Status of the western grebe in British Columbia. Wildlife Working Report WR-87. B.C. Ministry of Environment, Lands, and Parks. Victoria, British Columbia. 40 pp.
- DeLong, A.K. 2002. Managing visitor use and disturbance of waterbirds—a literature review of impacts and mitigation measures. Prepared for Stillwater National Wildlife Refuge. Appendix L in: Stillwater National Wildlife Refuge Complex Final Environmental Impact Statement for the Comprehensive Conservation Plan and Boundary Revision (Volume II). Department of the Interior, Fish and Wildlife Service, Region 1, Portland, Oregon. 114 pp. Available at: <http://www.fws.gov/pacific/planning/main/docs/NV/stillwater/4%20Volume%20II/Appendix%20L/App%20L%20final%20lit%20review.pdf>. Accessed May 18, 2012.
- Huffman, K. 1999. San Diego South Bay survey report—effects of human activity and water craft on wintering birds in South San Diego Bay. USFWS.
- Ivey, G.L. 2004. Conservation assessment and management plan for breeding western and Clark's grebes in California. Prepared For The American Trader Trustee Council, an Interagency Group Comprised of Representatives from the California Department of Fish And Game, National Oceanic and Atmospheric Administration, and the U.S. Fish and Wildlife Service. [Available at: Gary L. Ivey, PO Box 2213, Corvallis, Oregon 97339-2213]
- Shaw, D.W.H. 1998. Changes in population size and colony location of breeding waterbirds at Eagle Lake, California between 1970 and 1997. Thesis. California State University, Chico.
- Stalmaster, M.V. and J.L. Kaiser. Flushing responses of wintering bald eagles to military activity. *Journal of Wildlife Management* 61(4):1307-1313.
- Storer, R.W. and G.L. Nuechterlein. 1992. Western grebe (*Aechmophorus occidentalis*) and Clark's grebe (*Aechmophorus clarkia*). In: A. Poole and F. Gill, eds. *Birds of North America*, No. 26. Philadelphia, PA., Academy of Natural Sciences and American Ornithologists' Union. 24 pp.
- USFWS (U.S. Fish and Wildlife Service). 1996 (1990, updated in 1996). Refuge management plan (RMP). Deer Flat National Wildlife Refuge. Nampa, ID. 33 pp.

FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: Deer Flat National Wildlife Refuge

Use: Horseback Riding by Individuals

This form is not required for wildlife-dependent recreational uses, 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?	✓	
(b) Does the use comply with applicable laws and regulations (Federal, State, tribal, and local)?	✓	
(c) Is the use consistent with applicable Executive orders and Department and Service policies?	✓	
(d) Is the use consistent with public safety?	✓	
(e) Is the use consistent with goals and objectives in an approved management plan or other document?	✓	
(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?	✓	
(g) Is the use manageable within available budget and staff?	✓	
(h) Will this be manageable in the future within existing resources?	✓	
(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?	✓	
(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D, 603 FW 1, for description), compatible, wildlife-dependent recreation into the future?	✓	

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

Refuge Manager: \_\_\_\_\_

Date: \_\_\_\_\_

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.

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## **Appropriate Use Justification**

**Refuge Name:** Deer Flat National Wildlife Refuge

**Use:** Horseback Riding by Individuals

**(a) Do we have jurisdiction over the use?**

Yes.

**(b) Does the use comply with applicable laws and regulations (Federal, State, Tribal, and local)?**

Yes. The Refuge is not aware of any laws or regulations that would preclude this use on the Lake Lowell Unit of Deer Flat NWR.

**(c) Is the use consistent with applicable Executive orders and Department and Service policies?**

Yes. The Refuge is not aware of any Executive orders or Department or Service policies that would preclude this use on the Lake Lowell Unit of Deer Flat NWR.

**(d) Is the use consistent with public safety?**

Yes. Individual horseback riders should not create public safety concerns.

**(e) Is the use consistent with goals and objectives in an approved management plan or other document?**

Yes. Because this use would be allowed on select multiuse trails giving wildlife and wildlife-dependent users the opportunity to use areas of the Refuge where horses will be absent, the use is not inconsistent with current goals, objectives, and plans

**(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?**

Yes.

**(g) Is the use manageable within available budget and staff?**

Yes.

**(h) Will this use be manageable in the future within existing resources?**

Yes.

**(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?**

Yes. Rapid movement directly toward wildlife frightens animals, while movement away from or at an oblique angle to animals is less disturbing (Knight and Cole 1995). Slow-moving riders that view wildlife and wildlife-dependent users that use horses to gain access to viewing areas may increase their appreciation of the Refuge, without additional disturbance to wildlife. In fact, observations by Owen (1973) and others suggest that many species of wildlife are habituated to livestock and are less likely to flee when approached by an observer on horseback than by an observer on foot. In one study (Owen 1973), equestrians could approach geese up to a distance of 150 feet without noticeable behavioral changes in the geese. This is compared to a suggested hiking trail distance of 250 feet (Miller et al. 1998). Wildlife impact will depend on the way in which each horse is ridden. Allowing horseback riding only on multiuse trails and not allowing trotting, galloping, or cantering should reduce disturbance to Refuge wildlife and provide sufficient areas for wildlife away from potential disturbance.

**(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D, 603 FW 1, for description), compatible, wildlife-dependent recreation into the future?**

Yes. Fast-moving riders may increase the potential for wildlife disturbance, which in turn could reduce the quality of wildlife-dependent recreation occurring in the same vicinity as horseback riding. The frequency of horseback riding on the Refuge is currently very intermittent, and these riders are rarely seen moving at fast speeds for extended periods. If this frequency and type of use is maintained, wildlife-dependent users can expect to encounter horseback riders infrequently on the multiuse trails. Because this use is only allowed on multiuse trails (Observation Hill Trails, Kingfisher Trail, East Dike Trail, and Gotts Point Trail), wildlife-dependent users would have the opportunity to use walking trails (Nature Trail, Centennial Trail, and Murphy's Neck Trail) and the Lower Dam Recreation Area without interacting with horses. Wildlife-dependent visitors are also allowed off-trail in the area around the Observation Hill Trails (North Side Recreation Area) from August 1 through January 31, in the area around the Kingfisher and East Dike Trails (East Side Recreation Area) all year, and in the area around the Gotts Point Trail (Gotts Point) from February 1 through September 30. These off-trail opportunities would allow wildlife-dependent users to view wildlife and habitats in areas where horses are absent.

Not allowing trotting, galloping, or cantering should reduce disturbance to Refuge wildlife and increase the safety of the nonriding public.

**Conclusion**

Limiting horseback riding only to multiuse trails and slow speeds would limit the disturbance to wildlife and other visitors. Any disturbance created by this use is expected to be intermittent and short term in nature. Thus the use is considered to be an appropriate use subject to stipulations necessary to ensure safety and compatibility. This finding of appropriateness only applies to Deer Flat NWR Lake Lowell Unit. It does not provide precedence for horseback riding appropriateness findings at other refuges or for future appropriateness findings at Deer Flat NWR. Impacts to public safety, wildlife, and wildlife-dependent recreationists by the continuation of horseback riding will be studied and alterations and changes to the use will be made if necessary.

## References

- Knight, R.L. and D.N. Cole. 1995. Factors that influence wildlife responses to recreationists. Pages 71-79 in: R.L. Knight and K.J. Gutzwiller, eds. *Wildlife and recreationists: coexistence through management and research*. Washington, D.C.: Island Press.
- Miller, S.G., R.L. Knight, and C.K. Miller. 1998. Influence of recreational trails on breeding bird communities. *Ecological Applications* 8(1):162-169.
- Owen, M. 1973. The management of grassland areas for wintering geese. *Wildfowl* 24:123-130.

FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: Deer Flat National Wildlife Refuge

Use: Ice Skating

This form is not required for wildlife-dependent recreational uses, 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?	✓	
(b) Does the use comply with applicable laws and regulations (Federal, State, tribal, and local)?	✓	
(c) Is the use consistent with applicable Executive orders and Department and Service policies?	✓	
(d) Is the use consistent with public safety?		✓
(e) Is the use consistent with goals and objectives in an approved management plan or other document?		
(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?		
(g) Is the use manageable within available budget and staff?		
(h) Will this be manageable in the future within existing resources?		
(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?		
(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D, 603 FW 1, for description), compatible, wildlife-dependent recreation into the future?		

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

Refuge Manager: \_\_\_\_\_

Date: \_\_\_\_\_

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.

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## Appropriate Use Justification

**Refuge Name:** Deer Flat National Wildlife Refuge

**Use:** Ice Skating

**(a) Do we have jurisdiction over the use?**

Yes. On June 24, 2010, the Department of the Interior Office of the Solicitor concluded that the Service had jurisdiction over surface water uses on Lake Lowell and that Lake Lowell was not in existence at statehood and, therefore, is not classified as navigable water.

**(b) Does the use comply with applicable laws and regulations (Federal, State, Tribal, and local)?**

Yes. The Refuge is not aware of any laws or regulations that would preclude this use on the Lake Lowell Unit of Deer Flat NWR.

**(c) Is the use consistent with applicable Executive orders and Department and Service policies?**

Yes. The Refuge is not aware of any Executive orders or Department or Service policies that would preclude this use on the Lake Lowell Unit of Deer Flat NWR.

**(d) Is the use consistent with public safety?**

No. Safety is a major concern for recreational users that rely on the structural integrity of the ice on Lake Lowell to enjoy their sport. According to the National Weather Service (accessed online at <http://www.rssweather.com/climate/Idaho/Boise/>), average monthly high temperatures in the Treasure Valley do not reach freezing levels. Combining this with high winds and long fetch makes the freezing of the water on Lake Lowell very unpredictable and any frozen areas of the lake unsafe. Signs are posted near recreation areas warning the public to stay off the ice because systematic ice evaluations by qualified personnel are not conducted on Lake Lowell.

### Conclusion

The National Wildlife Refuge Administration Act, as amended, states that

the Secretary shall not initiate or permit a new use of a refuge or expand, renew, or extend an existing use of a refuge, unless the Secretary has determined that the use is a compatible use and that the use is not inconsistent with public safety. The Secretary may make the determinations referred to in this paragraph for a refuge concurrently with development of a conservation plan under subsection (e) of this section. ([16 United States Code \[U.S.C.\] 668dd-3](#))

Because local weather conditions largely preclude ice skating from being a safe recreation activity and in accordance with the aforementioned law, this use has been found to be not appropriate at Deer Flat NWR.

FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: Deer Flat National Wildlife Refuge

Use: Radio-controlled Planes

This form is not required for wildlife-dependent recreational uses, 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?	✓	
(b) Does the use comply with applicable laws and regulations (Federal, State, tribal, and local)?	✓	
(c) Is the use consistent with applicable Executive orders and Department and Service policies?	✓	
(d) Is the use consistent with public safety?		✓
(e) Is the use consistent with goals and objectives in an approved management plan or other document?		✓
(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?	✓	
(g) Is the use manageable within available budget and staff?		✓
(h) Will this be manageable in the future within existing resources?		✓
(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?		✓
(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D, 603 FW 1, for description), compatible, wildlife-dependent recreation into the future?		✓

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

Refuge Manager: \_\_\_\_\_

Date: \_\_\_\_\_

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.

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## Appropriate Use Justification

**Refuge Name:** Deer Flat National Wildlife Refuge

**Use:** Radio-controlled Planes

**(a) Do we have jurisdiction over the use?**

Yes.

**(b) Does the use comply with applicable laws and regulations (Federal, State, Tribal, and local)?**

Yes. The Refuge is not aware of any laws or regulations that would preclude this use on the Lake Lowell Unit of Deer Flat NWR.

**(c) Is the use consistent with applicable Executive orders and Department and Service policies?**

Yes. The Refuge is not aware of any Executive orders or Department or Service policies that would preclude this use on the Lake Lowell Unit of Deer Flat NWR.

**(d) Is the use consistent with public safety?**

No. According to the Academy of Model Aeronautics (AMA) National Model Aircraft Safety Code, “All pilots shall avoid flying directly over unprotected people, vessels, vehicles or structures and shall avoid endangerment of life and property of others.... At all flying sites a safety line(s) must be established in front of which all flying takes place” (AMA 2011). Therefore, flying planes in general public use areas where other visitors are present would not be safe.

**(e) Is the use consistent with goals and objectives in an approved management plan or other document?**

No. Given the potential for disturbance to wildlife-dependent uses and wildlife, this use is not consistent with the purpose of the Refuge or its visitor use goals as defined in the Refuge Management Plan of 1990 (USFWS 1996).

**(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?**

Yes. This is the first time the use has been requested.

**(g) Is the use manageable within available budget and staff?**

No. There is no staff available to establish and monitor appropriate safety lines and other requirements of the AMA National Model Aircraft Safety Code (AMA 2011) to ensure the safety of pilots and the rest of the visiting public.

**(h) Will this use be manageable in the future within existing resources?**

No.

**(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?**

No. Given that radio-controlled aircraft pilots are focused on flying their aircraft, they are not able to take the time to appreciate the Refuge's resources. In addition, operation of radio-controlled aircraft is not beneficial (and can actually be detrimental) to the Refuge's resources. Radio-controlled aircraft are fast-moving and loud, two attributes that are directly associated with wildlife disturbance. For example, rapid movement directly toward wildlife frightens animals, while movement away from or at an oblique angle to animals is less disturbing (Knight and Cole 1995). Human-caused noise, including road noise, has been shown to negatively affect wildlife (Bowles 1995), although the response is often difficult to assess because it may be confounded by responses to visual stimulus.

**(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D, 603 FW 1, for description), compatible, wildlife-dependent recreation into the future?**

No. If proper safety protocols were followed (AMA 2011), this activity would require that a flying area be established with a safety line preventing other public access in the area of flight. Such a designated flight area would take up space that could otherwise be used by wildlife-dependent recreationists. In addition, the speed and noise of radio-controlled aircraft would disturb wildlife and thus reduce the quality of wildlife observation and photography experiences for other Refuge users.

### **Conclusion**

Because the operation of radio-controlled aircraft would not be safe, would require additional budget and staff, can negatively impact wildlife and wildlife-dependent recreationists, and does not allow for the appreciation of the Refuge's natural or cultural resources, this use has been found to be not appropriate at Deer Flat NWR.

### **References**

- AMA (Academy of Model Aeronautics). 2011. National model aircraft safety code. Available at: <http://www.modelaircraft.org/files/105.pdf>. Accessed May 18, 2012.
- Bowles, A.E. 1995. Responses of wildlife to noise. Pages 109-156 in: R.L. Knight and K.J. Gutzwiller, eds. Wildlife recreationists: coexistence through management and research. Washington, D.C.: Island Press.
- Knight, R.L. and D.N. Cole. 1995. Factors that influence wildlife responses to recreationists. Pages 71-79 in: R.L. Knight and K.J. Gutzwiller, eds. Wildlife and recreationists: coexistence through management and research. Washington, D.C.: Island Press.
- USFWS (U.S. Fish and Wildlife Service). 1996 (1990, updated in 1996). Refuge management plan (RMP). Deer Flat National Wildlife Refuge. Nampa, ID. 33 pp.

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FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: Deer Flat National Wildlife Refuge

Use: Research

This form is not required for wildlife-dependent recreational uses, 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?	✓	
(b) Does the use comply with applicable laws and regulations (Federal, State, tribal, and local)?	✓	
(c) Is the use consistent with applicable Executive orders and Department and Service policies?	✓	
(d) Is the use consistent with public safety?	✓	
(e) Is the use consistent with goals and objectives in an approved management plan or other document?	✓	
(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?	✓	
(g) Is the use manageable within available budget and staff?	✓	
(h) Will this be manageable in the future within existing resources?	✓	
(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?	✓	
(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D, 603 FW 1, for description), compatible, wildlife-dependent recreation into the future?	✓	

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

Refuge Manager: \_\_\_\_\_ Date: \_\_\_\_\_

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.

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## Appropriate Use Justification

**Refuge Name:** Deer Flat National Wildlife Refuge

**Use:** Research

**(a) Do we have jurisdiction over the use?**

Yes.

**(b) Does the use comply with applicable laws and regulations (Federal, State, Tribal, and local)?**

Yes. The Refuge is not aware of any laws or regulations that would preclude this use on Deer Flat NWR.

**(c) Is the use consistent with applicable Executive orders and Department and Service policies?**

Yes. The Refuge is not aware of any Executive orders or Department or Service policies that would preclude this use on Deer Flat NWR.

**(d) Is the use consistent with public safety?**

Yes.

**(e) Is the use consistent with goals and objectives in an approved management plan or other document?**

Yes.

**(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?**

Yes.

**(g) Is the use manageable within available budget and staff?**

Yes.

**(h) Will this be manageable in the future within existing resources?**

Yes.

**(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?**

Yes. Scientific findings gained through these projects provide important information regarding life-history needs of species and species groups as well as identify or refine management actions to achieve resource management objectives in refuge management plans (especially CCPs). Reducing

uncertainty regarding wildlife and habitat responses to refuge management actions in order to achieve desired outcomes reflected in resource management objectives is essential for adaptive management in accordance with 522 DM 1.

If a research project's methods impact or conflict with Refuge-specific resources, priority wildlife-dependent public uses, other high-priority research, or Refuge habitat and wildlife management programs, then it must be clearly demonstrated that the project's scientific findings will contribute to resource management and that the project cannot be conducted off of Refuge lands. The investigator(s) must identify in advance the methods/strategies required to minimize or eliminate potential impact(s) and conflict(s). Data collection techniques would generally have minimal animal mortality or disturbance, habitat destruction, no introduction of contaminants, or no introduction of nonindigenous species. In contrast, projects involving the collection of biotic samples (plants or animals) or requiring intensive ground-based data or sample collection would have short-term impacts. To reduce impacts, the minimum number of samples (e.g., water, soils, vegetative litter, plants, macroinvertebrates, vertebrates) would be collected for identification and/or experimentation and statistical analysis. Where possible, researchers would coordinate and share collections to reduce sampling needed for multiple projects.

Spread of invasive plants and/or pathogens is possible from ground disturbance and/or transportation of project equipment and personnel. Spread of invasive species would be minimized or eliminated by requiring proper cleaning of investigator equipment and clothing as well as quarantine methods, where necessary.

There also could be localized and temporary effects from vegetation trampling, collecting of soil and plant samples, or trapping and handling of wildlife. Impacts may also occur from infrastructure necessary to support a project (e.g., permanent transects or plot markers, enclosure devices, monitoring equipment, solar panels to power unattended monitoring equipment). Some level of disturbance is expected with these projects, especially if investigator(s) enter areas closed to the public and collect samples or handle wildlife. However, wildlife disturbance (including altered behavior) would usually be localized and temporary in nature.

Projects would contribute to the enhancement, protection, conservation, and management of native wildlife populations and their habitats on the Refuge. As a result, these projects would help fulfill Refuge purposes; contribute to the mission of the National Wildlife Refuge System (NWRS); and maintain the biological integrity, diversity, and environmental health of the Refuge.

**(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D, 603 FW 1, for description), compatible, wildlife-dependent recreation into the future?**

Yes. If a research project's methods impact or conflict with Refuge-specific resources, priority wildlife-dependent public uses, other high-priority research, or Refuge habitat and wildlife management programs, then it must be clearly demonstrated that the project's scientific findings will contribute to resource management and that the project cannot be conducted off of Refuge lands. The investigator(s) must identify methods/strategies in advance required to minimize or eliminate potential impact(s) and conflict(s).

## **Conclusion**

Because of the long-term contributions that research can have to the adaptive management of Refuge resources and the ability to manage resource to reduce conflicts and disturbance, this use is considered to be an appropriate use subject to stipulations necessary to ensure safety and compatibility.

FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: Deer Flat National Wildlife Refuge

Use: Swimming and Beach Use

This form is not required for wildlife-dependent recreational uses, 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?	✓	
(b) Does the use comply with applicable laws and regulations (Federal, State, tribal, and local)?	✓	
(c) Is the use consistent with applicable Executive orders and Department and Service policies?	✓	
(d) Is the use consistent with public safety?	✓	
(e) Is the use consistent with goals and objectives in an approved management plan or other document?	✓	
(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?	✓	
(g) Is the use manageable within available budget and staff?	✓	
(h) Will this be manageable in the future within existing resources?	✓	
(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?		✓
(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D, 603 FW 1, for description), compatible, wildlife-dependent recreation into the future?	✓	

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

Refuge Manager: \_\_\_\_\_ Date: \_\_\_\_\_

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.

FWS Form 3-2319  
02/06

## Appropriate Use Justification

**Refuge Name:** Deer Flat National Wildlife Refuge

**Use:** Swimming and Beach Use

**(a) Do we have jurisdiction over the use?**

Yes.

**(b) Does the use comply with applicable laws and regulations (Federal, State, Tribal, and local)?**

Yes. The Refuge is not aware of any laws or regulations that would preclude this use on the Lake Lowell Unit of Deer Flat NWR.

**(c) Is the use consistent with applicable Executive orders and Department and Service policies?**

Yes. The Refuge is not aware of any Executive orders or Department or Service policies that would preclude this use on the Lake Lowell Unit of Deer Flat NWR.

**(d) Is the use consistent with public safety?**

Yes. Although there have been several drowning-related incidents (mostly near-drownings, but there was one swimming fatality in Fiscal Year 2011) at Lake Lowell in the past few years, the Refuge is hopeful that limiting swimming to small areas that are easily accessible to rescue personnel would help to minimize safety issues. There would be no lifeguards stationed at the swimming areas.

**(e) Is the use consistent with goals and objectives in an approved management plan or other document?**

Yes.

**(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?**

Yes. No compatibility determinations have been previously completed for this use.

**(g) Is the use manageable within available budget and staff?**

Yes.

**(h) Will this be manageable in the future within existing resources?**

Yes.

**(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?**

No. Swimming and beach use (including picnicking) do not contribute to the public’s understanding and appreciation of Refuge resources. Although this use does not contribute to the public’s understanding and appreciation of the Refuge’s natural or cultural resources, or benefit the Refuge’s natural or cultural resources, this use should not cause undue harm because swimmers would only be allowed in designated swimming areas, which would reduce interaction with high concentrations of wildlife and provide ample quantities of sanctuary where wildlife can find cover. Because picnicking and other uses associated with beach use mostly occur in developed public use areas, they should also have little impact on wildlife.

Although swimming areas often include erratic movement and elevated human noise levels, the designated swimming areas on Lake Lowell are not of great concern for wildlife concentrations. Keeping shoreline swimming contained to designated areas would reduce the amount of wildlife disturbance associated with the activity.

Allowing visitors to swim and picnic also may provide the opportunity to engage members of the public that may not normally visit refuges where swimming is not allowed.

**(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D, 603 FW 1, for description), compatible, wildlife-dependent recreation into the future?**

Yes. Because swimming would be limited to areas with minimal wildlife use and minimal use by wildlife-dependent recreationists, the use can continue without impairing existing or future wildlife-dependent activities. Picnicking by individuals and small groups should not interfere with other recreationists. Events such as birthday parties and weddings would require Special Use Permits, which would ensure that other recreationists would not be inconvenienced.

**Conclusion**

Limiting swimming to designated swimming areas will reduce disturbance to wildlife and wildlife-dependent recreationists and increase safety for swimmers. Because most picnicking takes place in developed public use areas and events would require a Special Use Permit, disturbance to wildlife and other recreationists should be minimal. In addition, allowing swimming and picnicking gives the Refuge the opportunity to engage members of the public that may not normally visit refuges. Thus, the use is considered to be an appropriate use subject to stipulations necessary to ensure safety and compatibility. This finding of appropriateness only applies to Deer Flat NWR Lake Lowell Unit. It does not provide precedence for swimming or beach use appropriateness findings at other refuges or for future appropriateness findings at Deer Flat NWR. Conditions created by the continuation of swimming and beach use (especially the safety of Refuge swimmers) will continue to be watched and alterations or changes to the use will be made if necessary.

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FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: Deer Flat National Wildlife Refuge

Use: Walking with Pets

This form is not required for wildlife-dependent recreational uses, 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?	✓	
(b) Does the use comply with applicable laws and regulations (Federal, State, tribal, and local)?	✓	
(c) Is the use consistent with applicable Executive orders and Department and Service policies?	✓	
(d) Is the use consistent with public safety?	✓	
(e) Is the use consistent with goals and objectives in an approved management plan or other document?	✓	
(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?	✓	
(g) Is the use manageable within available budget and staff?	✓	
(h) Will this be manageable in the future within existing resources?	✓	
(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?		✓
(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D, 603 FW 1, for description), compatible, wildlife-dependent recreation into the future?	✓	

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

Refuge Manager: \_\_\_\_\_ Date: \_\_\_\_\_

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.

FWS Form 3-2319  
02/06

## Appropriate Use Justification

**Refuge Name:** Deer Flat National Wildlife Refuge

**Use:** Walking with Pets

**(a) Do we have jurisdiction over the use?**

Yes.

**(b) Does the use comply with applicable laws and regulations (Federal, State, Tribal, and local)?**

Yes. Although there is a Canyon County Ordinance (03-05-021) that states that canines are not allowed in “any public parks within the county ... except when such an animal is kept confined in a vehicle or trailer,” discussion with Deputy Tweedy of the Canyon County Sheriff’s office provided information that local authorities are acting on a contradictory code (04-01-21) that allows pets in public areas as long as they are on a leash that is 6 feet in length or less (Sterling Codifiers Inc. 2011).

**(c) Is the use consistent with applicable Executive orders and Department and Service policies?**

Yes. The Refuge is not aware of any Executive orders or Department or Service policies that would preclude this use on the Lake Lowell Unit of Deer Flat NWR.

**(d) Is the use consistent with public safety?**

Yes. Pets controlled on leashes on multiuse trails are not expected to cause a public safety concern.

**(e) Is the use consistent with goals and objectives in an approved management plan or other document?**

Yes. Because this use would be allowed on select multiuse trails giving wildlife and wildlife-dependent users the opportunity to use areas of the Refuge where pets would be absent, the use is not inconsistent with current goals, objectives, and plans.

**(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?**

Yes. No compatibility determinations have been previously completed for this use.

**(g) Is the use manageable within available budget and staff?**

Yes.

**(h) Will this use be manageable in the future within existing resources?**

Yes. It is possible that agreements with Canyon County and the State of Idaho could increase the law enforcement presence and the ability of non-Refuge law enforcement personnel to enforce Refuge regulations. The Refuge currently allows on-leash dogs; however, this requirement is often ignored

by visitors. Because the on-leash and on-trail requirements are vital to minimizing wildlife disturbance, the Refuge would monitor the level of compliance that visitors with pets exhibit toward trail use and leash requirements. If compliance monitoring indicates that visitors with dogs routinely disregard leash and trail requirements, the Refuge would evaluate other options for minimizing adverse effects associated with pet/wildlife interactions, including the possibility of prohibiting pets on the Refuge.

**(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?**

No. This use does not contribute to the public's appreciation of Refuge resources and may actually be detrimental to Refuge wildlife. Authors of many wildlife disturbance studies conclude that dogs with people, on-leash dogs, or loose dogs provoke a more pronounced disturbance reaction from wildlife than humans alone (Sime 1999). The disturbance effects of human intrusion increased when people were accompanied by dogs in studies of different species including shorebirds (Hoopes 1993; Yalden and Yalden 1989, 1990), passerines (Knight and Miller 1996), upland game birds (Baydack 1986), and small mammals (Mainini et al. 1993). Another study suggests that harassment of wildlife by domestic dogs is opportunistic and is associated with the concentration of wildlife in a given area (Jones & Stokes 1977). A follow-up study suggests that dog-induced wildlife flushes increase with an increased density of dogs (Abraham 2001). Free-running and feral dogs have been known to kill quail, rabbits, and deer (Bowers 1953; Lowry and McArthur 1978; Nelson and Woolf 1987). Pure-bred dogs trained to hunt can also ferret out ground-nesting birds and small game animals when left to roam free (Bowers 1953).

Domestic dogs can introduce diseases like parvovirus, canine distemper, and plague to wildlife populations. Diseases like giardia infection and rabies can be transmitted to wildlife and to humans. Muscle cysts can be transmitted through dog feces to ungulate species including mule deer (Sime 1999). Dog waste is also known to host endo- and ecto-parasites, and wildlife can contract diseases from contact with dogs or dog wastes (Sime 1999). To reduce this effect on wildlife and people, pet owners would be required to pick up their pet's feces and dispose of it properly, as is also required by county and city ordinances.

Nussear et al. (2008) inadvertently showed that unleashed dogs increase the zone of coverage (or zone of influence) beyond what it would be by solely the handler, thereby increasing the potential to disturb or harm wildlife. When wildlife react by moving away from the disturbance or alter behavior by hiding they will be less likely to be observed. Users of a national wildlife refuge should be able to expect to see wildlife during their visit. Because expectations of seeing wildlife and the amount of wildlife actually seen factor into the quality of experience for wildlife-dependent users (Hammit et al. 1993), the reduction in observable wildlife that would be caused by allowing nonwildlife-dependent uses could result in avoidance of the Refuge by wildlife-dependent users. To reduce this potential negative effect on wildlife and wildlife-dependent visitors, dogs would still be required to be leashed on the Refuge. Visitors and law enforcement staff have reported dogs fighting in public use areas. These fights can cause damage to the pets as well as visitors who try to separate the dogs. Small children can easily be knocked over or injured by unleashed pets, and unleashed pets have a greater opportunity to bite or harass other visitors. Feeling personally threatened by dogs or other pets may reduce the enjoyment for other visitors. The NWRS Improvement Act ([Public Law 105-57](#)) requires that priority consideration be given to wildlife-dependent users, and the presence of pets is not necessary for nonhunting, wildlife-dependent recreational activities.

Although this use does not contribute to the public's understanding and appreciation of the Refuge's natural or cultural resources, or benefit the Refuge's natural or cultural resources, this use should not cause undue harm as detailed in the Compatibility Determination for Walking with Pets. Pets would only be allowed on a leash no more than 6 feet long and on designated trails to reduce their interaction with high concentrations of wildlife and people and to provide ample quantities of sanctuary where wildlife can find cover.

Allowing visitors to walk with pets also may provide the opportunity to engage members of the public that may not normally visit refuges where pets are not allowed.

**(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D, 603 FW 1, for description), compatible, wildlife-dependent recreation into the future?**

Yes. Although this use increases the potential for wildlife disturbance adjacent to multiuse trails and would impact wildlife-dependent visitors using these trails, this use is being allowed on select multiuse trails (Observation Hill Trails, Kingfisher Trail, East Dike Trail, and Gotts Point Trail), thereby allowing wildlife-dependent users the opportunity to use walking trails (Nature Trail, Centennial Trail, and Murphy's Neck Trail) and the Lower Dam Recreation Area in the absence of dogs. Wildlife-dependent visitors are also allowed off-trail in the area around the Observation Hill Trails (North Side Recreation Area) from August 1 through January 31, in the area around the Kingfisher and East Dike Trails (East Side Recreation Area) all year, and in the area around the Gotts Point Trail (Gotts Point) from February 1 through September 30. These off-trail opportunities would allow wildlife-dependent users to view wildlife and habitats in areas where pets are absent. Allowing visitors to walk pets under the above noted conditions would not impair existing wildlife-dependent recreation or reduce the potential to provide quality, compatible, wildlife-dependent recreation into the future.

**Conclusion**

Because pets would only be allowed on a leash that is 6 feet or less and only on multiuse trails, the impact to wildlife and wildlife-dependent users would be minimized. In addition, allowing walking with pets also gives the Refuge the opportunity to engage members of the public that may not visit refuges where pets are not allowed. Thus, the use is considered to be an appropriate use subject to stipulations necessary to ensure safety and compatibility. This finding of appropriateness only applies to Deer Flat NWR Lake Lowell Unit. It does not provide precedence for walking with pets appropriateness findings at other refuges or for future appropriateness findings at Deer Flat NWR. Conditions created by the continuation of walking with pets will be studied and alterations and changes to the use will be made if necessary.

**References**

- Abraham, K. 2001. Interactions between dogs and wildlife in parks on the Berkeley Marina. Unpublished report, submitted to Berkeley Parks and Recreation. Available at: <http://nature.berkeley.edu/classes/es196/projects/2001final/Abraham.pdf>. Accessed May 18, 2012.
- Baydack, R.K. 1986. Sharp-tailed grouse response to lek disturbance in the Carberry Sand Hills of Manitoba. Ph.D. dissertation. Colorado State University, Fort Collins.
- Bowers, R.R. 1953. The free-running dog menace. *Virginia Wildlife* 14(10):5-7.

- Hammitt, W.E, J.N. Dunlin, and G.R. Wells. 1993. Determinants of quality of wildlife viewing in Great Smoky Mountains National Park. *Wildlife Society Bulletin* 21:21-30.
- Hoopes, E.M. 1993. Relationships between human recreation and piping plover foraging ecology and chick survival. Thesis. University of Massachusetts, Amherst.
- Jones & Stokes Associates. 1977. Dog depredation on wildlife and livestock in California. California Department of Fish and Game. Jones & Stokes. Sacramento, CA. 64 pp.
- Knight, R.L. and S.G. Miller. 1996. Wildlife responses to pedestrians and dogs. Final report submitted to City of Boulder Open Space Department. Department of Fishery and Wildlife Biology, Colorado State University. Fort Collins, CO. 24 pp.
- Lowry, D.A. and K.L. McArthur. 1978. Domestic dogs as predators on deer. *Wildlife Society Bulletin* 6:38-39.
- Mainini, B., P. Neuhaus, and P. Ingold. 1993. Behavior of marmots *Marmota marmota* under the influence of different hiking activities. *Biological Conservation* 64:161-164.
- Nelson, T.A. and A. Woolf. 1987. Mortality of white-tailed deer fawns in southern Illinois. *Journal of Wildlife Management* 51(2):326-329.
- Sime, C.A. 1999. Domestic dogs in wildlife habitats. Pages 8.1-8.17 in: G. Joslin and H. Youmans, coordinators. *Effects of recreation on Rocky Mountain wildlife: a review for Montana*. Committee on Effects of Recreation on Wildlife, Montana Chapter of the Wildlife Society.
- Sterling Codifiers Inc. 2011. Canyon County Idaho county code. Available at: [http://www.sterlingcodifiers.com/codebook/index.php?book\\_id=820](http://www.sterlingcodifiers.com/codebook/index.php?book_id=820). Accessed February 21, 2012.
- Yalden, D.W. and P.E. Yalden. 1989. The sensitivity of breeding golden plovers *Pluvialis apricaria* to human intruders. *Bird Study* 36:49-55.
- Yalden, P.E. and D.W. Yalden. 1990. Recreational disturbance of breeding golden plovers *Pluvialis apricarius*. *Biological Conservation* 51:243-262.

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