

FISH AND WILDLIFE SERVICE REFUGE MANAGEMENT

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

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

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

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

- (1) Directly contribute to the achievement of refuge purpose(s), refuge goals, and the Refuge System mission, as determined by the refuge manager in writing,
- (2) Are addressed in a document such as a Regional or California/Nevada Operations Office (CNO) memorandum of understanding or a comprehensive conservation plan (CCP), or
- (3) Are approved under national policy.

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

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

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

1.4 What are the objectives of this chapter?

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

mission while also providing the public with lasting opportunities to enjoy quality, compatible, wildlife-dependent recreation.

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

1.5 What are our statutory authorities for this policy?

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

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

C. Alaska Native Claims Settlement Act, 43 U.S.C. 1601-1624. Activities on lands conveyed from the Refuge System under section 22(g) of the Alaska Native Claims Settlement Act are not subject to this policy, but are subject to compatibility (see 603 FW 2).

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

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

1.6 What do these terms mean?

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

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

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

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

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

(1) Promotes safety of participants, other visitors, and facilities.

(2) Promotes compliance with applicable laws and regulations and responsible behavior.

(3) Minimizes or eliminates conflicts with fish and wildlife population or habitat goals or objectives in a plan approved after 1997.

(4) Minimizes or eliminates conflicts with other compatible wildlife-dependent recreation.

(5) Minimizes conflicts with neighboring landowners.

(6) Promotes accessibility and availability to a broad spectrum of the American people.

(7) Promotes resource stewardship and conservation.

(8) Promotes public understanding and increases public appreciation of America's natural resources and our role in managing and protecting these resources.

(9) Provides reliable/reasonable opportunities to experience wildlife.

(10) Uses facilities that are accessible and blend into the natural setting.

(11) Uses visitor satisfaction to help define and evaluate programs.

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

1.7 What are our responsibilities?

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

B. Regional Director/CNO Manager.

(1) Ensures refuge managers follow laws, regulations, and policies when making appropriateness findings.

(2) Notifies the Director about controversial or complex appropriateness findings.

C. Regional Chief/CNO Assistant Manager.

(1) Makes the final decision on appropriateness when the refuge supervisor does not concur with the refuge manager on positive appropriateness findings.

(2) Notifies the Regional Director/CNO Manager about controversial or complex appropriateness findings.

D. Refuge Supervisor.

- (1) Reviews the refuge manager's finding that an existing or proposed use is appropriate when that use is not a wildlife-dependent recreational use or is not already described in a refuge management plan approved after October 9, 1997.
- (2) Reviews the refuge manager's finding that an existing use is not appropriate outside the CCP process.
- (3) Refers an appropriateness finding to the Regional Chief/CNO Assistant Manager if the refuge supervisor does not concur with the refuge manager. Discusses nonconcurrency with the refuge manager for possible resolution before referring the finding to the Regional Chief/CNO Assistant Manager.
- (4) Notifies the Regional Chief/CNO Assistant Manager about controversial or complex appropriateness findings.
- (5) Reviews documentation at least annually for refuge uses found not appropriate and forwards the documentation to Refuge System Headquarters for inclusion in a database of refuge uses.

E. Refuge Manager.

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

1.8 What is the relationship between appropriateness and compatibility? This policy describes the initial decision process the refuge manager follows when first considering whether or not to allow a proposed use on a refuge. The refuge manager must find a use is appropriate before undertaking a compatibility review of the use. This policy clarifies and expands on the compatibility policy (603 FW 2.10D(1)), which describes when refuge managers should deny a proposed use without determining compatibility. If we find a proposed use is not appropriate, we will not allow the use and will not prepare a compatibility determination. By screening out proposed uses not appropriate to the refuge, the refuge manager avoids unnecessary compatibility reviews. By following the process for finding the appropriateness of a use, we strengthen and fulfill the Refuge System mission. Section 1.11 describes the appropriateness finding process. Although a refuge use may be both appropriate and compatible, the refuge manager retains the authority to not allow the use or modify the use. For example, on some occasions, two appropriate and compatible uses may be in conflict with each other. In these situations, even though both uses are appropriate and compatible, the refuge manager may need to limit or entirely curtail one of the uses in order to provide the greatest benefit to refuge resources and the public. See the compatibility policy (603 FW 2.11G) for information concerning resolution of these conflicts.

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

A. We will manage all refuges in accordance with an approved comprehensive conservation plan (CCP). The CCP describes the desired future conditions of the refuge or refuge planning unit and provides long-range guidance and management direction to accomplish the purpose(s) of the refuge and Refuge System mission. We prepare CCPs with State fish and wildlife agencies and with public involvement and include a review of the appropriateness and compatibility of existing refuge uses and of any planned future public uses. If, during preparation of the CCP, we identify previously approved uses we can no longer consider appropriate on the refuge, we will clearly explain our reasons to the public and describe how we will eliminate or modify the use. When uses are reviewed during the CCP process, the appropriateness finding will be documented using the form provided as Exhibit 1 for the refuge files. The documentation for both appropriateness findings and compatibility determinations should also be included in the documentation for the CCP.

B. For proposed uses we did not consider during the preparation of the CCP or if a CCP has not yet been prepared, we will apply the procedure contained in this policy and make an appropriateness finding without additional public review and

comment. However, if we find a proposed use is appropriate, we must still determine that the use is compatible. The compatibility determination includes an opportunity for public involvement. See the planning policy (602 FW 1, 3, and 4) for detailed policy on refuge planning.

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

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

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

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

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

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

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

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

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

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

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

lives are in danger). If such situations occur, the refuge manager must be notified as soon as possible. For undercover operations, those involved must strictly follow Service guidelines that cover the specific situation.

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

(5) Public safety training. We may assist local government agencies by allowing health, safety, and rescue training operations on the refuge if we find the use to be appropriate and compatible. Examples include fire safety training, search and rescue training, and boat operations safety training. Law enforcement training exercises in support of refuge management activities are usually appropriate. We will evaluate each request on a case-by-case basis and consider the availability of other local sites. We will review these uses to decide if they are appropriate as defined in section 1.11. To the extent practicable, we will develop written agreements with the requesting agencies.

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

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

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

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

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

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

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

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

(3) The refuge manager has evaluated the use following the guidelines in this policy and found that it is appropriate. The refuge manager will address the criteria below and complete Exhibit 1 for each use reviewed for appropriateness, including uses reviewed in conjunction with a CCP or step-down management plan. If the answers to the questions on Exhibit 1 are consistently “yes,” and if the refuge manager finds, based on sound professional judgment, the use is appropriate for the refuge, the refuge manager then prepares the written justification using Exhibit 1. (If the answer to any of the factors is “no,” refer to section 1.11B) Before undertaking a compatibility determination, the refuge manager should forward the justification to the refuge supervisor to obtain written concurrence when a use is found appropriate. The requirement for concurrence from the refuge supervisor will help us promote Refuge System consistency and avoid establishing precedents that may present management problems in the future. Refuge supervisors will usually consult with their Regional Chief/CNO Assistant Manager and peers in other Regions/CNO as these decisions are made to promote consistency within the Refuge System. The refuge manager will base the finding of appropriateness on the following 10 criteria:

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

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

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

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

(e) Is the use consistent with refuge goals and objectives in an approved management plan or other document? Refuge goals and objectives are designed to guide management toward achieving refuge purpose(s). These goals and objectives are documented in refuge management plans, such as CCPs and step-down management plans. Refuges may also rely on goals and objectives found in comprehensive management plans or refuge master plans developed prior to passage of the Improvement Act as long as these goals and objectives comply with the tenets and directives of the Improvement Act. If the proposed use, either itself or in combination with other uses or activities, conflicts with a refuge goal, objective, or management strategy, the use is generally not appropriate.

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

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

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

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

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

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

C. When the refuge manager finds that a proposed use is not appropriate, the finding must be documented for the refuge files using Exhibit 1. This finding does not require refuge supervisor concurrence. However, if outside the CCP process a refuge manager finds that an existing use is not appropriate, the finding requires refuge supervisor concurrence. The refuge manager will send copies of all findings to the refuge supervisor to be incorporated into a national database annually. This section specifically clarifies and expands on the compatibility policy (603 FW 2.10D).

D. Following the issuance of this policy, refuge managers, in consultation with the States, must review all existing uses for appropriateness within 1 year unless the use was reviewed in a post-1997 CCP. If the refuge manager finds an existing use is not appropriate, the use must be modified so it is appropriate or terminated or phased out as expeditiously as practicable.

The refuge manager must obtain refuge supervisor concurrence when there are changes to existing uses that eliminate the use or substantially change the use. All appropriateness findings required under section 1.11A(3), including findings made during the CCP process, must be documented for the refuge files using Exhibit 1. Include the documentation for both appropriateness findings and compatibility determinations in the documentation for the CCP. A finding of “not appropriate” for a new use does not require refuge supervisor concurrence. However, the decision to modify or terminate a use may be subject to the National Environmental Policy Act (NEPA). Refuge managers should consult with their Regional NEPA coordinator to see if a decision would be subject to NEPA.

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

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

Finding of Appropriateness of a Refuge Use

Refuge Name: _____

Use: _____

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

Decision criteria:	YES	NO
(a) Do we have jurisdiction over the use?		
(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. 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.