

FISH AND WILDLIFE SERVICE REFUGE MANAGEMENT

1.1 What is the purpose of this chapter? This chapter reiterates the mission of the National Wildlife Refuge System (Refuge System) and how it relates to the mission of the Fish and Wildlife Service (Service), and explains the relationship of the Refuge System mission and goals with the purpose(s) of each refuge in the Refuge System. This chapter states the goals for the Refuge System and provides guidance for identifying or determining the purpose(s) of each refuge in the Refuge System. This chapter also provides guidance on the use of goals and purposes in the administration and management of the Refuge System.

1.2 What is the scope of this chapter? This chapter applies to all refuges in the Refuge System. This includes all lands, waters, and interests therein administered by the Service as wildlife refuges, wildlife ranges, wildlife management areas, waterfowl production areas, and other areas managed by the Refuge System for the protection and conservation of fish and wildlife, including threatened and endangered species, as determined in writing by the Director of the Service, by Secretary's Order, or so directed by the President.

1.3 What do these terms mean?

A. Conserve. To sustain and, where appropriate, restore and enhance, healthy populations of fish, wildlife, and plants using, in accordance with applicable Federal and State laws, methods and procedures associated with modern scientific resource programs. Consistent with amendments to the National Wildlife Refuge System Administration Act (Administration Act) made by the National Wildlife Refuge System Improvement Act of 1997 (Improvement Act), such methods and procedures include protection, research, law enforcement, habitat management, propagation, live trapping and translocation, and regulated taking.

B. Refuge. A designated area of land, water, or an interest in land or water within the Refuge System, excluding coordination areas.

C. Refuge System Goals. The desired endpoint of the Refuge System mission is articulated through goals describing the results we expect to achieve by managing our Refuge System (see section 1.8).

1.4 How do the Refuge System mission and goals and refuge purpose(s) relate to each other? Collectively, the Refuge System mission and goals and refuge purpose(s) define the duty of the Service in the administration and management of any refuge in the Refuge System. Ideally, we view the Refuge System mission and goals and refuge purpose(s) as symbiotic in nature; however, we give priority to achieving a refuge's purpose(s) when we identify conflicts with the Refuge System mission or goals.

1.5 Why does a refuge's purpose(s) have priority over the mission or goals of the Refuge System? The Improvement Act clarified the relationship of refuge purposes to Refuge System purposes. It states that "if a conflict exists between the purposes of a refuge and the mission of the Refuge System, the conflict shall be resolved in a manner that first protects the purposes of the refuge, and, to the extent practicable, that also achieves the mission of the System." Therefore, our first obligation is to fulfill and carry out the purpose(s) of each refuge. We may, in order to fulfill the broader Refuge System mission and the goals described below, manage a refuge to achieve additional conservation objectives in a manner that first protects the purpose(s) of the refuge. These additional efforts will be additive and complementary to the achievement of the refuge purpose(s).

1.6 What is the mission of the National Wildlife Refuge System? The Administration Act, as amended by the Improvement Act, states: "The mission of the System is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans."

1.7 How does the mission of the Refuge System relate to the mission of the Service? The mission of the Service, set forth in National Policy Issuance 99-01, is: "working with others to conserve, protect, and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people." To accomplish this mission, the Service has a clear need for a network of lands and waters in the United States dedicated to the conservation of fish, wildlife, and plants and

their habitats. Within the Refuge System, we are charged with achieving refuge purposes and the Refuge System mission. By fulfilling these charges, we contribute significantly to the Service mission.

1.8 What are the goals of the Refuge System? The following Refuge System goals will help guide the development of comprehensive conservation plans (CCP) and the administration, management, and growth of the Refuge System:

A. Conserve a diversity of fish, wildlife, and plants and their habitats, including species that are endangered or threatened with becoming endangered.

B. Develop and maintain a network of habitats for migratory birds, anadromous and interjurisdictional fish, and marine mammal populations that is strategically distributed and carefully managed to meet important life history needs of these species across their ranges.

C. Conserve those ecosystems, plant communities, wetlands of national or international significance, and landscapes and seascapes that are unique, rare, declining, or underrepresented in existing protection efforts.

D. Provide and enhance opportunities to participate in compatible wildlife-dependent recreation (hunting, fishing, wildlife observation and photography, and environmental education and interpretation).

E. Foster understanding and instill appreciation of the diversity and interconnectedness of fish, wildlife, and plants and their habitats.

1.9 What do these goals mean?

A. Goal A. The overarching goal of the Refuge System is to conserve a diversity of fish, wildlife, and plants and their habitats for the benefit of current and future generations. By fulfilling this goal, the Refuge System can maintain the biological integrity, diversity, and environmental health of each refuge with a focus on native species as provided in 601 FW 3 and contribute to the conservation, and, where appropriate, restoration of representative ecosystems and ecological processes in the United States, as directed by the Improvement Act. As we manage refuges to achieve their purpose(s), we are mindful of our obligations under section 2(c)(1) of the Endangered Species Act of 1973, as amended: “. . . all Federal departments and agencies shall seek to conserve endangered species and threatened species and shall utilize their authorities in furtherance of the purposes of this Act.” Where possible in conjunction with achieving refuge purposes, we will pursue opportunities to emphasize conservation and management of declining species to enhance their status and help preclude the need for listing.

B. Goal B. Conservation of migratory birds, anadromous and interjurisdictional fish, and marine mammals involves special challenges due to the vast ranges and complex life histories of these species. Refuges can play a vital role in conservation of these species. To do so, however, we must strategically distribute refuges to augment State, tribal, local, and private conservation areas in order to prevent “gaps” along migratory routes. We must also carefully manage refuges to meet the special, often seasonal, needs of these species as they move across their annual ranges. We strive to meet the needs of all migratory birds in our habitat strategies, especially those species that are tied directly to a refuge’s purpose(s) or are rare or declining. We contribute to such efforts as the North American Bird Conservation Initiative, which includes the North American Waterfowl Management Plan, Partners in Flight, U.S. Shorebird Conservation Plan, and the North American Waterbird Conservation Plan. We recognize the Refuge System’s role in the perpetuation of the continent’s waterfowl resource: more than 200 refuges and thousands of waterfowl production areas, largely purchased with revenue from the sale of Federal Duck Stamps, have been established for the purpose of waterfowl or migratory bird conservation. We emphasize the conservation and management of those fish populations using Refuge System waters and those whose life-cycle movements cross international, State, or tribal boundaries, including anadromous species such as salmon, and free-roaming species endemic to large river systems such as paddlefish and sturgeon. We also emphasize the conservation and management of those marine mammals for which the Service has primary management authority, including polar bears, walrus, sea otters, and manatees, as well as the conservation of any marine mammal using Refuge System lands or waters.

C. Goal C. The Improvement Act directs that, in administering the Refuge System, we plan and direct the growth of the Refuge System to contribute to the conservation of the ecosystems of the United States. Through our management and acquisition efforts, we assist States, tribes, other agencies, and conservation groups in conserving those ecosystems, plant communities, wetlands of national or international significance, landscapes, and seascapes that are unique, rare, declining, or underrepresented in existing protection efforts. We use existing and emerging classification systems that identify such ecosystems and/or resources to guide our conservation, restoration, and acquisition efforts. We care for our special designation lands such as wilderness, natural areas, marine managed areas, wild and scenic rivers, national monuments, and national natural landmarks and, where appropriate, identify opportunities and develop recommendations to expand these designations on existing and new refuges in collaboration with the States, other Federal land management agencies,

tribes, conservation organizations, and the public. We recognize refuges can play a critical role in developing and maintaining a network of biological reserves to ensure conservation of the diversity of our Nation's natural heritage.

D. Goal D. Wildlife-dependent recreation (hunting, fishing, wildlife observation and photography, and environmental education and interpretation) is important to the quality of life in the United States. Refuges offer opportunities to engage in these recreational pursuits where they are compatible with a refuge's purpose(s) and the Refuge System mission. We are directed by the Improvement Act to provide and facilitate opportunities for compatible wildlife-dependent recreation within the Refuge System, and we will actively seek ways through these recreational pursuits to maintain people's direct connection with fish, wildlife, and plants and the habitats that support them.

E. Goal E. We recognize that a higher awareness and appreciation of the diversity of fish, wildlife, and plants and the interconnectedness of life on earth strengthens public support for conservation. Refuges can play an important role in raising people's understanding of wildlife and ecological processes. We strive to provide compatible wildlife-dependent recreation, including educational and interpretive programs, that inspire an interest in conservation of our natural resources, not only on refuges, but across the Nation and globe.

1.10 How do these goals relate to management priorities? We will manage each refuge to fulfill the specific purpose(s) for which that refuge was established and the Refuge System mission. These goals will help guide development of specific management priorities during development of CCPs. Setting and implementing management priorities will help us achieve the purposes of the refuge, and, to the extent practicable, the Refuge System mission. The priorities for management activities and uses are: (1) conserving fish, wildlife, and plants and their habitats (Goals A, B, and C); (2) facilitating compatible wildlife-dependent recreational uses (Goals D and E); and (3) considering other appropriate and compatible uses.

1.11 How will we use the goals of the Refuge System? The goals in this policy provide guidance for accomplishing the Refuge System mission and directives on managing the Refuge System under the Administration Act, as amended. Collectively, these goals articulate the foundation for our stewardship of the Refuge System and define the unique and important niche it occupies among the various Federal land systems.

1.12 What is a "refuge purpose(s)"? The Improvement Act defines "purposes of the refuge" as the "purposes specified in or derived from the law, proclamation, Executive order, agreement, public land order, donation document, or administrative memorandum establishing, authorizing, or expanding a refuge, refuge unit, or refuge subunit."

1.13 What are some examples of purposes? Refuges acquired under the authority of general conservation laws take on the purpose of the law. Examples of such laws include the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1544); the Migratory Bird Conservation Act (16 U.S.C. 715a-715r); the Fish and Wildlife Act of 1956, as amended (16 U.S.C. 742a-754j-2); the Fish and Wildlife Coordination Act, as amended (16 U.S.C. 661-667e); the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3901-3932); and the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 410hh-3233 and 43 U.S.C. 1602-1784). Executive orders and proclamations, Secretary's Orders, public land orders, and refuge-specific legislation generally declare the purpose(s) of the refuge, sometimes broadly (e.g., "as a preserve and breeding ground for native birds") and sometimes very specifically (e.g., "to protect and preserve in the national interest the Key deer and other wildlife resources in the Florida Keys").

1.14 Where can I find the purpose(s) of each refuge in the Refuge System? The publication "Purposes for Refuges of the National Wildlife Refuge System" contains the official listing of the initial purpose(s) for each refuge. We update this publication annually to include new additions to the Refuge System. You can find information on the purpose(s) of a particular refuge by going to <http://www.fws.gov/refuges/databases/index.html> and selecting "refuge purposes."

1.15 If a refuge has multiple purposes, do some purposes take priority over others? Purposes dealing with the conservation, management, and restoration of fish, wildlife, and plants and the habitats on which they depend take precedence over other purposes in the management and administration of a refuge unless otherwise indicated in the establishing law, order, or other legal document. The Improvement Act states that "compatible wildlife-dependent recreational uses are the priority general public uses of the System and shall receive priority consideration in refuge planning and management." Where a refuge has multiple establishing purposes related to the conservation and management of fish, wildlife, and plants and their habitats, the more specific purpose will take precedence in instances of conflict. For instance, a hypothetical conflict between conservation of Key deer and other wildlife at National Key Deer Refuge would be resolved in favor of the Key deer because the Improvement Act states we should manage each refuge to fulfill the specific purposes of that refuge (e.g., "to protect and preserve . . . the Key deer and other wildlife resources in the Florida Keys").

1.16 How does the purpose(s) associated with acquiring new lands for existing refuges relate to the original purpose(s) of the existing refuges? When we acquire an addition to a refuge under an authority different from the authority used to establish the original refuge, the addition also takes on the purpose(s) of the original refuge unless Congress determines otherwise, but the original refuge does not take on the purpose(s) of the addition unless Congress determines otherwise.

1.17 How does a wilderness designation and the Wilderness Act affect a refuge's purpose(s)? As written in the Wilderness Act of 1964, the purposes of the Act are to be "within and supplemental" to the purpose(s) of those refuges with designated wilderness. We interpret this to mean the wilderness purposes become additional purposes of the refuge, yet apply only to those areas of the refuge designated as wilderness. Wilderness designations provide additional considerations for determining the administrative and management actions we need to take to achieve a refuge's purpose(s) on designated wilderness areas within the Refuge System.

1.18 What is the process for determining the purpose(s) of a refuge? We use the decision process in Exhibit 1 to determine and refine the purpose(s) of refuges. The Director, by memorandum, must approve the statement of purpose(s) before it is added to the refuge purposes database. On those rare occasions when we believe the statement of purpose(s) of an existing refuge is not accurate and warrants change, we also will use Exhibit 1. Only Regional Chiefs/Assistant Manager, National Wildlife Refuge System may propose changes to the refuge purposes database. We justify these proposals in memorandums, and the appropriate Regional Director(s)/Manager, California/Nevada Operations Office; the Assistant Director, National Wildlife Refuge System; and the Director approve them before the refuge purposes data is changed.

1.19 How does the Refuge System focus planning and development of management goals and objectives for refuges where the purpose(s) seems overly broad? We use the CCP process to focus management toward achieving refuge purposes. We develop CCPs with refuge planning teams with participation by other Federal agencies, State fish and wildlife or other conservation agencies, tribes, nongovernmental groups, refuge neighbors, and the general public. An example of this focus is Sherburne National Wildlife Refuge, established in 1965, ". . . for use as an inviolate sanctuary, or for any other management purpose, for migratory birds" (Migratory Bird Conservation Act). During early CCP scoping, the planning team discussed this purpose at length in both an historic and present-day context. The team, using public input, focused management not only on the duck, geese, crane, and bald eagle conservation expressed when the refuge was established, but also recognized the current needs of all migratory birds, other species of interest and concern, and the conservation of ecosystem stability and health. The Sherburne CCP also contains goals and objectives related to compatible wildlife-dependent recreational uses. This approach supports section 1.5 that the refuge purpose remains paramount and recognizes that a vast majority of refuges will contribute to the mission and goals of the Refuge System while still achieving refuge purpose(s).

1.20 How does the Refuge System coordinate with State fish and wildlife agencies? Both the Service and the State fish and wildlife agencies have authorities and responsibilities for management of fish and wildlife on national wildlife refuges as described in 43 CFR 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 national wildlife refuges. Under both the Administration Act, as amended, and 43 CFR 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.

DECISION PROCESS FOR DETERMINING REFUGE PURPOSE(S)

Step I. Was the refuge established or authorized by a Secretary's Order, Executive order or proclamation, public land order, or specific legislation?

A. YES.

1. Does the document or legislation specify the purpose(s) of the refuge?

a. YES - Record purpose(s) for approval and inclusion in the refuge purposes database. **GO to I.A.2.**

b. NO - Further research is required, including legislative history, agency testimony in the Congressional Record, documents approved by the Director or responsible Service official, or, lacking these, the biological history of the resource, inventories, other resource-based documentation. Record the purpose(s) for inclusion in the refuge purposes database. **GO to I.A.2.**

2. Are any lands/waters in this refuge included under any other Secretary's Order, Executive order or proclamation, public land order, or specific legislation?

a. YES - RETURN to I.A.1 for each such land or water.

b. NO - GO to I.A.3.

3. Are any lands/waters at this refuge included under additional authorities?

a. YES - GO to Step II.

b. NO - GO to Step III.

B. NO - GO to Step II.

Step II. Was the refuge established or acquired by one or more land acquisition authorities?

General Legislation Authorizing the Service to Purchase Land

1. Migratory Bird Conservation Act of February 19, 1929 (16 U.S.C. 715-715d, 715e, 715f-715r), as amended.

2. Migratory Bird Hunting and Conservation Stamp Act of March 16, 1934 (16 U.S.C. 718-718h), as amended.

3. Fish and Wildlife Act of 1956 (16 U.S.C. 742a-742j), as amended.

4. Refuge Recreation Act of September 28, 1962 (16 U.S.C. 460k-460k-4), as amended.

5. Land and Water Conservation Fund (16 U.S.C. 4601-4601-11), as amended.
6. Endangered Species Act of December 28, 1973 (16 U.S.C. 1531-1543), as amended.
7. Emergency Wetlands Resources Act of November 10, 1986 (16 U.S.C. 3901-3931).
8. North American Wetlands Conservation Act of December 13, 1989 (16 U.S.C. 4401-4412).
9. Food Security Act of 1985 (Title XII, Public Law 99-198, 99 Stat. 1354, December 23, 1985), as amended.
10. Agricultural Credit Act of 1987, Public Law 100-233.

Legislation Authorizing the Service to Accept Donations of Land

1. Migratory Bird Conservation Act of February 19, 1929 (16 U.S.C. 715d), as amended.
2. Migratory Bird Hunting and Conservation Stamp Act of March 16, 1934 (16 U.S.C. 718d), as amended.
3. Fish and Wildlife Act of 1956 (16 U.S.C. 742f), as amended.
4. Fish and Wildlife Coordination Act of March 10, 1934 (16 U.S.C. 661), as amended.
5. Endangered Species Act of 1973 (16 U.S.C. 1534), as amended.
6. National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668d-668j), as amended.
7. Wilderness Act of 1964 (16 U.S.C. 1131-1136, 78 Stat. 890).

Legislation with Regard to Exchanging Lands

1. National Wildlife Refuge System Administration Act of 1966, (16 U.S.C. 668dd(b)(3)), as amended.
2. Migratory Bird Hunting and Conservation Stamp Act of March 16, 1934, (16 U.S.C. 718d(c)), as amended.
3. Fish and Wildlife Act of 1956 (16 U.S.C. 742f), as amended.
4. Federal Land Policy and Management Act of 1976, (43 U.S.C. 1716), as amended.
5. Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3101-3233) Section 1302(h).
6. Alaska Native Claims Settlement Act of 1971 as amended (48 U.S.C. prec. 21 note) Section 22(f), as amended.

7. Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471-535 and other U.S.C. sections), as amended.

Legislation Authorizing the Service to Receive a Transfer of Land from Another Federal Agency

1. Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471-535 and other U.S.C. sections), as amended.

2. Transfer of Certain Real Property for Wildlife Conservation Purposes Act of May 19, 1948 (16 U.S.C. 667d), as amended.

3. Fish and Wildlife Coordination Act of March 10, 1934 (16 U.S.C. 661-666c), as amended.

4. Bankhead - Jones Farm Tenant Act of July 22, 1937 (7 U.S.C. 1010), as amended.

A. YES. The purpose(s) for acquisition is stated in the law and becomes the purpose(s) of the refuge.

1. Record the purpose(s) for approval and inclusion in the refuge purposes database. **GO to II.A.2.**

2. Are any other lands/waters at the refuge included under the listed authorities?

a. **YES - RETURN to II.A.1.**

b. **NO - GO to Step III.**

B. NO - GO to Step IV.

Step III. Was the refuge donated/transferred to the Service?

A. YES - Research is required, including the legislation that grants authority for each donation/transfer; any biological reports on the refuge or adjacent area; a review of fish, wildlife, and plant species of significance using the refuge; consultation with the State fish and wildlife agency; and any conditions set forth in any instrument of donation/transfer. Record the purpose(s) for approval and inclusion in the refuge purposes database. **GO to Step IV.**

B. NO - GO to Step IV.

Step IV. Has Congress designated all or part of the refuge as wilderness?

A. YES - Record the purposes of the Wilderness Act, and, where appropriate, any other purposes specified in the specific wilderness area legislation for inclusion in the refuge purposes database.

B. NO - DONE.