

Research

Richmond Times Dispatch	WNNT
The Journal	WKWI
Daily Press	NorthernNeckToday.com
WRAR	TidewaterReview.com

During the public review period, we received one comment from a researcher from Virginia Commonwealth University who made suggestions on improving our requirements for captive animal handling and suggested limiting the number of pages for research study proposals. Both suggestions were incorporated into the final determination. We received no other comments.

Determination (check one below):

Use is Not Compatible

 X

Use is Compatible With the Following Stipulations

Stipulations Necessary to Ensure Compatibility:

We will require all researchers to submit a detailed research proposal that follows Rappahannock River Valley National Wildlife Refuge study proposal guidelines (see attachment I) and Service Policy (Refuge Manual 4 RM 6). Researchers must give us at least 45 days to review proposals before the research begins. If the research involves the collection of wildlife, the refuge must be given 60 days to review the proposal. Researchers must obtain all necessary scientific collecting or other permits before starting the research. We will prioritize and approve proposals based on the need, benefit, compatibility, and funding required for the research.

We require researchers to submit a final report to the refuge on completing their work. For long-term studies, we may also require interim progress reports. We also expect that research will be published in peer-reviewed publications. All reports, presentations, posters, articles or other publications will acknowledge the Refuge System and Rappahannock River Valley Refuge as partners in the research.

We will issue SUPs for all research conducted by non-Service personnel. The SUP will list all conditions necessary to ensure compatibility. The SUPs will also identify a schedule for annual progress reports and the submittal of a final report or scientific paper.

We may ask our regional refuge biologists, other Service divisions, state agencies, or academic experts to review and comment on proposals. We will require all researchers to obtain appropriate state and federal permits.

Justification

The Service encourages research on national wildlife refuges to promote new information which will improve the quality of refuge and other Service management decisions, to expand the body of scientific knowledge about fish and wildlife, their habitats, the use of these resources, appropriate resource management, and the environment in general, and to provide the opportunity for students and others to learn the principles of field research.

In accordance with 50 CFR 26.41, research conducted by non-Service personnel, as described in this compatibility determination, will not materially interfere with, or detract from, the fulfillment of the National Wildlife Refuge System mission or the purposes for which the refuge was established.

Signature: Refuge Manager: Joseph F. McAuley 2/22/07
(Signature and Date)

Concurrence: Regional Chief: Anthony D. Lege 03/23/2007
(Signature and Date)

Mandatory 10- year Re-evaluation Date: March 23, 2017

Literature Cited

USFWS. 1982. Research and Management Studies. Refuge Manual, 6 RM 4, Washington D.C.

USFWS. 2006. Policy on Appropriate Refuge Uses. Fish and Wildlife Service Manual, 601 FW 3, Washington, D.C.

Attachment I. Rappahannock River Valley National Wildlife Refuge Study Proposal Guidelines¹

A study proposal is a justification and description of the work to be done, and includes cost and time requirements. The proposals must be specific enough to serve as blueprints for the investigation. They must spell out in advance systematic plans for the investigation at a level of detail commensurate with the cost and scope of the project and the needs of management. Please submit proposals electronically as a Microsoft[®] Word[®] document or hard copy to the refuge manager. Please limit submissions to 20 one-sided, or 10 double-sided pages.

The following list provides a general outline of first-order headings/sections for study proposals.

- Cover Page
- Table of Contents (for longer proposals)
- Abstract
- Statement of Issue
- Literature Summary
- Objectives/Hypotheses
- Study Area
- Methods and Procedures
- Quality Assurance/Quality Control
- Specimen Collections
- Deliverables
- Special Requirements, Concerns, Necessary Permits
- Literature Cited
- Peer Review
- Budget
- Personnel and Qualifications

Cover Page

The cover page must contain the following information.

- Title of Proposal
- Current Date
- Investigator's(s')—name, title, organizational affiliation, address, telephone and fax numbers and e-mail address of all investigators or cooperators.
- Proposed Starting Date
- Estimated Completion Date
- Total Funding Support Requested from the U.S. Fish and Wildlife Service if applicable
- Signatures of Principal Investigator(s) and other appropriate institutional officials

¹ Adapted from Lake Umbagog NWR Study Proposal Guidelines

Abstract

The abstract should contain a short summary description of the proposed study, including reference to major points in the sections “Statement of Issue,” “Objectives,” and “Methods and Procedures.”

Statement of Issue

Provide a clear precise summary of the problem to be addressed and the need for its solution. This section should include statements of the importance, justification, relevance, timeliness, generality, and contribution of the study. Describe how any products will be used, including any anticipated commercial use. What is the estimated probability of success of accomplishing the objective(s) within the proposed timeframe?

Literature Summary

This section should include a thorough but concise literature review of current and past research that pertains to the proposed research, especially any pertinent research conducted on national wildlife refuges. A discussion of relevant legislation, policies, and refuge planning and management history, goals, and objectives should also be included if applicable.

Objectives/Hypotheses

A very specific indication of the proposed outcomes of the project should be stated as objectives or hypotheses to be tested. Project objectives should be measurable. Provide a brief summary of what information will be provided at the end of the study and how it will be used in relation to the problem. These statements should flow logically from the statement of issue and directly address the management problem.

Establish data quality objectives in terms of precision, accuracy, completeness, and comparability as a means of describing how good the data need to be to meet the project’s objectives.

Study Area

Provide a detailed description of the geographic area(s) to be studied and include a clear map delineating the proposed study area(s) and showing specific locations where work will occur.

Methods and Procedures

This section should describe as precisely as possible, how the objectives will be met or how the hypotheses will be tested. Include detailed descriptions and justifications of the field and laboratory methodology, protocols, and instrumentation. Explain how each variable to be measured directly addresses the research objective/ hypothesis. Describe

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the experimental design, population, sample size, and sampling approach (including procedures for sub-sampling). Summarize the statistical and other data analysis procedures to be used. List the response variables and tentative independent variables or covariates. Describe the experimental unit(s) for statistical analysis. Also include a detailed project time schedule that includes start, fieldwork, analysis, reporting, and completion dates.

Quality Assurance/Quality Control

Adequate quality assurance/quality control (QA/QC) procedures help insure that data and results are credible and not an artifact of sampling or recording errors; of known quality; able to stand up to external scientific scrutiny; and accompanied by detailed method documentation. Describe the procedures to be used to insure that data meet defined standards of quality and program requirements, errors are controlled in the field, laboratory, and office, and data are properly handled, documented, and archived. Describe the various steps (e.g. personnel training, calibration of equipment, data verification and validation) that will be used to identify and eliminate errors introduced during data collection (including observer bias), handling, and computer entry. Identify the percentage of data that will be checked at each step.

Specimen Collections

Clearly describe the kind (species), numbers, sizes, and locations of animals, plants, rocks, minerals, or other natural objects to be sampled, captured, or collected. Identify the reasons for collecting, the intended use of all the specimens to be collected, and the proposed disposition of collected specimens. For those specimens to be retained permanently as voucher specimens, identify the parties responsible for cataloging, preservation, and storage and the proposed repository.

Deliverables

The proposal must indicate the number and specific format of hard and/or electronic media copies to be submitted for each deliverable. The number and format will reflect the needs of the refuge and the refuge manager. Indicate how many months after the project is initiated (or the actual anticipated date) that each deliverable will be submitted. Deliverables are to be submitted or presented to the refuge manager.

Deliverables that are required are as follows.

Reports and Publications

Describe what reports will be prepared and the timing of reports. Types of reports required in fulfillment of natural and social science study contracts or agreements include:

- 1). Progress report(s) (usually quarterly, semiannually, or annually): (may be required)
- 2). Draft final and final report(s): (always required).

A final report must be submitted in addition to a thesis or dissertation (if applicable) and all other identified deliverables. Final and draft final reports should follow refuge guidelines (attachment I).

In addition, investigators are encouraged to publish the findings of their investigations in refereed professional, scientific publications and present findings at conferences and symposia. Investigator publications will adhere to Service design standards. The refuge manager appreciates opportunities to review manuscripts in advance of their publication.

Data Files

Provide descriptions of any spatial (GIS) and non-spatial data files that will be generated and submitted as part of the research. Non-spatial data must be entered onto Windows CD-ROMs in Access or Excel. Spatial data, which includes GPS-generated files, must be in a format compatible with the refuge's GIS system (ArcGIS 8 or 9, Arcview 3.3, or e00 format). All GIS data must be in UTM 18, NAD 83. A condition of the permit will be that the Service has access to and may utilize all GIS information generated.

Metadata

For all non-spatial and spatial data sets or information products, documentation of information (metadata) describing the extent of data coverage and scale, the history of where, when, and why the data were collected, who collected the data, the methods used to collect, process, or modify/ transform the data, and a complete data dictionary must also be provided as final deliverables. Spatial metadata must conform to U.S. Fish and Wildlife Service (FGDC) metadata standards.

Oral Presentations

Three types of oral briefings should be included: pre-study, annual, and closeout. These briefings will be presented to refuge staff and other appropriate individuals and cooperators. In addition, investigators should conduct periodic informal briefings with refuge staff throughout the study whenever an opportunity arises. During each refuge visit, researchers should provide verbal updates on project progress. Frequent dialogue between researchers and refuge staff is an essential element of a successful research project.

Specimens and Associated Project Documentation

A report on collection activities, specimen disposition, and the data derived from collections, must be submitted to the refuge following refuge guidelines.

Other:

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Researchers must provide the refuge manager with all of the following.

- 1) Copies of field notes/ notebooks/ datasheets
- 2) Copies of raw data (in digital format), including GIS data, as well as analyzed data
- 3) Copies of all photos, slides (digital photos preferred), videos, films
- 4) Copies of any reports, theses, dissertations, publications or other material (such as news articles) resulting from studies conducted on refuge.
- 5) Detailed protocols used in study
- 6) Aerial photographs
- 7) Maps/GIS
- 8) Interpretive brochures and exhibits
- 9) Training sessions (where appropriate)
- 10) Survey forms
- 11) Value-added software, software developed, models

Additional deliverables may be required of specific studies.

Special Requirements, Permits, and Concerns

Provide information on the following topics where applicable. Attach copies of any supporting documentation that will facilitate processing of your application.

Refuge Assistance

Describe any refuge assistance needed to complete the proposed study, such as use of equipment or facilities or assistance from refuge staff. It is important that all equipment, facilities, services, and logistical assistance expected to be provided by the Fish and Wildlife Service be specifically identified in this section so all parties are in clear agreement before the study begins.

Ground Disturbance

Describe the type, location, area, depth, number, and distribution of expected ground-disturbing activities, such as soil pits, cores, or stakes. Describe plans for site restoration of significantly affected areas.

Proposals that entail ground disturbance may require an archeological survey and special clearance prior to approval of the study. You can help reduce the extra time that may be required to process such a proposal by including identification of each ground disturbance area on a USGS 7.5-minute topographic map.

Site Marking and/or Animal Marking

Identify the type, amount, color, size, and placement of any flagging, tags, or other markers needed for site or individual resource (e.g. trees) identification and location. Identify the length of time it is needed and who will be responsible for removing it.

Identify the type, color, placement of any tags placed on animals (see special use permit for stipulations on marking and handling of animals)

Access to Study Sites

Describe the proposed method and frequency of travel to and within the study site(s). Explain any need to enter restricted areas. Describe the duration, location, and number of participants, and approximate dates of site visits.

Use of Mechanized and Other Equipment

Describe any vehicles, boats, field equipment, markers, or supply caches by type, number, and location. You should explain the need to use these materials and if or how long they are to be left in the field.

Safety

Describe any known potentially hazardous activities, such as electro-fishing, scuba diving, whitewater boating, aircraft use, wilderness travel, wildlife capture or handling, wildlife or immobilization.

Chemical Use

Identify chemicals and hazardous materials that you propose using within the refuge. Indicate the purpose, method of application, and amount to be used. Describe plans for storage, transfer, and disposal of these materials and describe steps to remediate accidental releases into the environment. Attach copies of Material Safety Data Sheets. Pesticide Use Proposals (PUP) may be required. If so, the cooperator must provide all required information to the Deputy Refuge Manager in order to prepare the PUP.

Animal Welfare

If the study involves vertebrate animals, you must follow protocols mandated by the Health Research Extension Act of 1985. It is recommended that you submit a copy of your proposal to the Institutional Animal Care and Use Committee for approval and submit a copy of the IACUC approval letter with your study proposal, or submit a copy of your protocols showing that you are following IACUC requirements. If your IACUC application is in process, you may submit your study proposal in advance of IACUC approval, but you must have approval prior to starting the project. Include qualifications of personnel relevant to animal handling and care. Describe alternatives considered, and outline procedures to be used to alleviate pain or distress. Include contingency plans to be implemented in the event of accidental injury to or death of the animal. Include state and federal permits. Where appropriate, coordinate with and inform state natural resource agencies.

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Literature Cited

List all reports and publications cited in the proposal.

Peer Review

Provide the names, titles, addresses, and telephone numbers of individuals with subject-area expertise who have reviewed the research proposal. If the reviewers are associated with the investigator's research institution or if the proposal was not reviewed, please provide the names, titles, addresses, and telephone numbers of 3 to 5 potential subject-area reviewers who are not associated with the investigator's institution. These individuals will be asked to provide reviews of the proposal, progress reports, and the draft final report.

Budget

The budget must reflect both funding and assistance that will be requested from the U.S. Fish and Wildlife Service and the cooperator's contributions on an identified periodic (usually annual) basis. If Service funds are requested, the following budget items must be itemized:

Personnel Costs

Identify salary charges for principal investigator(s), research assistant(s), technician(s), clerical support, and others. Indicate period of involvement (hours analysis and report writing and editing).

Fringe Benefits

Itemize fringe benefit rates and costs.

Travel

Provide separate estimates for fieldwork and meetings. Indicate number of trips, destinations, estimated miles of travel, mileage rate, air fares, days on travel, and daily lodging and meals charges. Vehicle mileage rate cannot exceed standard government mileage rates if federal funds are to be used. Charges for lodging and meals are not to exceed the maximum daily rates set for the locality by the Federal Government (contact the refuge for current rates).

Equipment

Itemize all equipment to be purchased or rented and provide a brief justification for each item costing more than \$1,000. Be sure to include any computer-related costs. For proposals funded under US Fish and Wildlife Service agreement or contract, the refuge reserves the right to transfer the title of purchased equipment

with unit cost of \$1,000 or more to the Federal Government following completion of the study. These items should be included as deliverables.

Supplies and Materials

Purchases and rentals under \$1,000 should be itemized as much as is reasonable.

Subcontract or Consultant Charges

All such work must be supported by a subcontractor's proposal also in accordance with these guidelines.

Specimen Collections

Identify funding requirements for the cataloging, preservation, storage, and analyses of any collected specimens that will be permanently retained.

Printing and Copying

Include costs for preparing and printing the required number of copies of progress reports, the draft final report, and the final report. In general, a minimum of two (2) copies of progress reports (usually due quarterly, semiannually, or as specified in agreement), the draft final report, and the final report are required.

Indirect Charges

Identify the indirect cost (overhead) rate and charges and the budget items to which the rate is applicable.

Cooperator's Contributions

Show any contributing share of direct or indirect costs, facilities, and equipment by the cooperating research institution.

Outside Funding

List any outside funding sources and amounts.

Personnel and Qualifications

List the personnel who will work on the project and indicate their qualifications, experience, and pertinent publications. Identify the responsibilities of each individual and the amount of time each will devote. A full vita or resume for each principal investigator and any consultants should be included here.

Interim and Final Report Guidelines

Draft final and final reports should follow Journal of Wildlife Management format, and should include the following sections.

- Title Page
- Abstract
- Introduction/ Problem statement
- Study Area
- Methods (including statistical analyses)
- Results
- Discussion
- Management Implications
- Management Recommendations
- Literature Cited

FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: Rappahannock River Valley NWR

Use: Retrieval of Hunting Dogs

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: Joseph F. Lee Coulter

Date: 11/14/07

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: Sten Zunderburk

Date: 11/19/07

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

FWS Form 3-2319
02/06

Justification for Hunting Dog Retrieval as an Appropriate Use
Eastern Virginia Rivers NWR Complex
Rappahannock River Valley NWR

Rappahannock River Valley National Wildlife Refuge was established

“...for use as an inviolate sanctuary, or for any other management purpose, for migratory birds ... 16 U.S.C. § 715d (Migratory Bird Conservation Act,” and

“... to conserve (A) fish or wildlife which are listed as endangered species or threatened species ... or (B) plants ... 16 U.S.C. § 1534 (Endangered Species Act of 1973),” and

“... the conservation of the wetlands of the Nation in order to maintain the public benefits they provide and to help fulfill international obligations contained in various migratory bird treaties and conventions ... 16 U.S.C. § 3901(b), 100 Stat. 3583 (Emergency Wetlands Resources Act of 1986),” and

“for the development, advancement, management, conservation, and protection of fish and wildlife resources ... 16 U.S.C. § 742f(a)(4) (Fish and Wildlife Act of 1956).

The purpose of this use is to allow dog owners and handlers to retrieve hunting dogs when they have accidentally entered the Rappahannock River Valley National Wildlife Refuge during general firearms hunting season for deer. We would issue a special use permit, which would also allow the temporary presence of accidentally introduced hunting dogs on the refuge while they are being retrieved.

Hunting deer with pursuit dogs is a traditional and legal method in the counties of the Northern Neck and Middle Peninsula. However, Refuge System regulations prohibit domestic animals, including dogs, to roam at large on any national wildlife refuge. State regulations that allow retrieval of hunting dogs from private land do not apply to refuge lands. We recognize that to strictly enforce Federal regulations would essentially eliminate this traditional method of hunting from lands in close proximity to refuge lands. Therefore we have instituted this permit to allow hunting dogs, hunting dog owners, and those acting on behalf of hunting dog owners, to legally enter the refuge and retrieve their dogs during hunting season when dogs frequently enter the refuge accidentally from adjoining private lands. The permit is based on several assumptions, as described below:

We have had many conversations with dog owners over the past several years in an attempt to develop a mutually-acceptable solution to this issue. We acknowledge that the problem of dogs running at large on the refuge outside of the hunting season has decreased significantly due to cooperation from dog owners. We understand that the refuge attracts dogs released on adjoining lands due to the presence of game animals. We believe that dog owners in general want to retrieve their dogs from refuge lands because if game animals being pursued stay on refuge lands, they are unavailable for harvest by hunters on private lands. However, we recognize that by instituting this permit system, we are opening up the potential for its abuse. For example:

Since many refuge properties are open for deer hunting, dog owners and/or fellow hunt club members could apply for a refuge hunting permit and release dogs on adjoining private lands with the expectation that the dogs would run deer in their direction. This would essentially be the same as hunting with dogs on the refuge, which is prohibited. If we document this activity, the permit may be revoked and violation notices may be issued to the individuals involved.

Similarly, dog owners may release their dogs immediately adjacent to refuge lands with the expectation that the dogs will pursue game through refuge lands to hunters waiting on or near the refuge boundary on the opposite side of the tract. This type of activity shows the intentional release of dogs near or around the refuge and again, if this activity is documented, the permit may be revoked and violation notices may be issued.

There are certain dates when dogs on the refuge during the permitted period are more problematic. These include the refuge muzzleloader hunt dates, dates of wildlife surveys such as the annual Christmas Bird Count, and special public events. The Christmas Bird Count is held each year on the first or second Saturday before Christmas. At the time the permit is prepared and signed, or at least within 30 days of the events, we will inform permit holders of these dates and ask that they take special care not to allow their dogs to enter the refuge. Retrieval permits will not be valid on those dates.

This permit is the only method the refuge has to allow free-roaming dogs to be on the refuge legally, and for them to be legally retrieved. Persons whose dogs may roam on the refuge will be afforded the opportunity to sign and hold an annual permit. Dog owners whose animals are found on the refuge and who have refused to sign a permit, are subject to prosecution.

Dogs that are found roaming at large on the refuge outside of the permitted dates (as specified on the permit or on special occasions where dog owners are notified within 30 days as outlined above), will constitute a violation of federal law title 50 CFR 26.21(b), and the owner of such dogs may have their permit revoked, and or may be issued a federal violation notice with a fine (at time of writing) of not less than \$95 for each dog.

We expect to continue to work cooperatively with dog owners and other hunters to refine and adjust the permit conditions as is necessary to protect refuge visitors, protect wildlife, provide refuge hunters with a quality hunting experience, and promote the traditions of hunting that have existed for generations on the Northern Neck and Middle Peninsula. We therefore have determined that retrieval of dogs during the State firearms hunting season for white-tailed deer is an appropriate use of the refuge.

COMPATIBILITY DETERMINATION

Project Title: Retrieval of Hunting Dogs
Station Name: Rappahannock River Valley National Wildlife Refuge
Date Established: May 28, 1996

Establishing Authorities:

The Emergency Wetlands Resources Act of 1986 (100 Stat. 3582-91) for: "...the conservation of the wetlands of the Nation in order to maintain the public benefits they provide and to help fulfill international obligations contained in various migratory bird treaties and conventions..." (16 U.S.C. §3901(b); 100 Stat. 3583).

The Endangered Species Act of 1973 (16 U.S.C. §1531-1543), as amended: "...to conserve (A) fish or wildlife which are listed as endangered species or threatened species...or (B) plants..." (16 U.S.C. §1534).

The Land and Water Conservation Fund Act (P.L. 88-578; 16 U.S.C. §4601; 78 Stat. 897) for: "...the acquisition of areas needed for conserving endangered or threatened species of fish, wildlife and plants..." (P.L. 94-422; 90 Stat. 1313).

Purpose for which Established:

The purposes for which the Rappahannock River Valley National Wildlife Refuge was established are:

"...for use as an inviolate sanctuary, or for any other management purpose, for migratory birds ... 16 U.S.C. § 715d (Migratory Bird Conservation Act)," and

"... to conserve (A) fish or wildlife which are listed as endangered species or threatened species or (B) plants ... 16 U.S.C. § 1534 (Endangered Species Act of 1973)," and

"... the conservation of the wetlands of the Nation in order to maintain the public benefits they provide and to help fulfill international obligations contained in various migratory bird treaties and conventions ... 16 U.S.C. § 3901(b), 100 Stat. 3583 (Emergency Wetlands Resources Act of 1986)," and

"for the development, advancement, management, conservation, and protection of fish and wildlife resources ... 16 U.S.C. § 742f(a)(4) (Fish and Wildlife Act of 1956)."

National Wildlife Refuge System Mission: 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.

Description of Proposed Use: The following questions and answers provide a concise description of the proposed use.

1. What is the use? Is the use a priority public use? The use is retrieval of hunting dogs on the refuge during the State regular firearms hunting season for white-tailed deer. This use is not a priority public use of the National Wildlife Refuge System under the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-668ee), as amended by the National Wildlife Refuge System Improvement Act of 1997.

2. Where would the use be conducted? We would allow this use on all refuge properties, but we expect it will be primarily confined to those tracts that are in proximity to private lands where deer hunting occurs.

Retrieval of Hunting Dogs

3. When would the use be conducted? Retrieval of hunting dogs would be allowed only during the regular firearms hunting season for white-tailed deer. This is currently the only time when the use of pursuit dogs for deer hunting is permitted by the State.

4. How would the use be conducted? Special use permits would be issued upon request to the owners of dogs that are used to pursue deer during the State firearms season. If hunting dogs accidentally enter the refuge during the hunting season, dog owners would be permitted to enter the refuge by foot or vehicle to catch and remove the dogs without committing a violation of refuge regulations. The following special conditions will apply to each permit issued:

1. The permittee will make a reasonable effort to ensure that his/her dogs, or dogs under their custody, do not enter refuge lands at any time. If the permittee makes a reasonable effort to ensure that their dogs do not enter refuge lands, accidental entry of dogs will be permitted on the refuge temporarily while the owner, custodian, or a person under their behalf makes efforts to catch said dogs until they are removed from the refuge.
2. During the general firearms season for deer hunting, as set by the Virginia Department of Game and Inland Fisheries, if the permittee's dogs, or dogs under his/her custody, enter the refuge accidentally, the permittee will be allowed access to refuge lands for the purpose of retrieving his/her dogs or other dogs under his/her custody.
3. Prior to entering the refuge to retrieve dogs, the permittee must call the headquarters office at 804-333-1470 to inform refuge staff and will provide such information as is requested, such as location, estimated time needed to retrieve the dogs, number of dogs, vehicle information, etc. If no one answers, they must leave a message which includes their name, date, time, and location of the incident.
4. After getting permission to retrieve dogs or leaving a message, dog owners will immediately make reasonable efforts to retrieve their dogs until they are caught and removed from the refuge.
5. Dog retrieval is permitted by foot or vehicle. All vehicles must remain on hard surface refuge roads; no driving in fields or along mowed paths. Vehicles must not block road, or access to any road or mown path for permitted hunters. If a particular refuge tract is gated and locked, the permittee will be given the combination of the lock and may proceed through the gate. Gates must be locked while the permittee is on the refuge to prevent unauthorized access, and must be locked again upon leaving the refuge. The combination to locks will be changed routinely, so permittees must call the office at the number listed above under condition #3 to obtain or verify the combination prior to attempting to retrieve their dogs. Normal office hours are Monday through Friday, 8:00 a.m. to 4:30 p.m. If permittees expect a need to retrieve their dogs at a time when the office is unstaffed, they should call during office hours to obtain the combination. If for any reason the permittee cannot obtain the combination or if the lock will not open, access will be by foot only.
6. If any refuge staff member observes a dog on the refuge and contacts the owner, the owner will take immediate steps to remove the dog from the refuge.
7. All dogs will, at a minimum, be equipped with a dog collar bearing the name and phone number of the owner or custodian.
8. During the periods listed above in #2, upon a minimum of 30 days notice from the refuge, the permittee will refrain from letting his/her dogs loose where they might be expected to interfere with planned refuge activities, such as the Christmas Bird Count, refuge muzzleloader hunts dates, or special public events.
9. Permittee must not possess deer, tagged or untagged, or any other game while searching for dogs on the refuge.

10. Permittee must adhere to all other refuge, State, and local regulations while retrieving dogs, including but not limited to: unauthorized possession of a firearm or weapon (on their person or in a vehicle), operating a vehicle off designated roadway, entering or remaining on the refuge after dark, use of artificial light to locate wildlife on the refuge. When in doubt, ask the refuge manager, refuge personnel, or law enforcement officer.

11. This permit may be revoked if the permittee violates the conditions of the permit or any other refuge regulation.

12. All conditions of this permit are enforceable by law under title 50 Code of Federal Regulations Wildlife and Fisheries PART 26—PUBLIC ENTRY AND USE Subpart B—Public Entry § 26.22 General exception for entry... (b) A permit shall be required for any person entering a national wildlife refuge, unless otherwise provided under the provisions of subchapter C. The permittee will abide by all the terms and conditions set forth in the permit.

5. Why is the use being proposed?

The purpose of this special use permit is to allow dog owners and handlers to retrieve hunting dogs when they have accidentally entered the Rappahannock River Valley National Wildlife Refuge during general firearms hunting season for deer. The permit also allows the temporary presence of accidentally introduced hunting dogs on the refuge while they are being retrieved.

Hunting deer with pursuit dogs is a traditional and legal method in the counties of the Northern Neck and Middle Peninsula. However, Refuge System regulations prohibit domestic animals, including dogs, to roam at large on any national wildlife refuge. State regulations that allow retrieval of hunting dogs from private land do not apply to refuge lands. We recognize that to strictly enforce Federal regulations would essentially eliminate this traditional method of hunting from lands in close proximity to refuge lands. Therefore we have instituted this permit to allow hunting dogs, hunting dog owners, and those acting on behalf of hunting dog owners, to legally enter the refuge and retrieve their dogs during hunting season when dogs frequently enter the refuge accidentally from adjoining private lands. The permit is based on several assumptions, as described below:

We have had many conversations with dog owners over the past several years in an attempt to develop a mutually-acceptable solution to this issue. We acknowledge that the problem of dogs running at large on the refuge outside of the hunting season has decreased significantly due to cooperation from dog owners. We understand that the refuge attracts dogs released on adjoining lands due to the presence of game animals. We believe that dog owners in general want to retrieve their dogs from refuge lands because if game animals being pursued stay on refuge lands, they are unavailable for harvest by hunters on private lands. However, we recognize that by instituting this permit system, we are opening up the potential for its abuse. For example:

Since many refuge properties are open for deer hunting, dog owners and/or fellow hunt club members could apply for a refuge hunting permit and release dogs on adjoining private lands with the expectation that the dogs would run deer in their direction. This would essentially be the same as hunting with dogs on the refuge, which is prohibited. If we document this activity, the permit may be revoked and violation notices may be issued to the individuals involved.

Similarly, dog owners may release their dogs immediately adjacent to refuge lands with the expectation that the dogs will pursue game through refuge lands to hunters waiting on or near the refuge boundary on the opposite side of the tract. This type of activity shows the intentional release of dogs near or around the refuge and again, if this activity is documented, the permit may be revoked and violation notices may be issued.

There are certain dates when dogs on the refuge during the permitted period are more problematic. These include the refuge muzzleloader hunt dates, dates of wildlife surveys such as the annual Christmas Bird Count, and special public events. The Christmas Bird Count is held each year on

Retrieval of Hunting Dogs

the first or second Saturday before Christmas. At the time the permit is prepared and signed, or at least within 30 days of the events, we will inform permit holders of these dates and ask that they take special care not to allow their dogs to enter the refuge. Retrieval permits will not be valid on those dates.

This permit is the only method the refuge has to allow free-roaming dogs to be on the refuge legally, and for them to be legally retrieved. Persons whose dogs may roam on the refuge will be afforded the opportunity to sign and hold an annual permit. Dog owners whose animals are found on the refuge and who have refused to sign a permit, are subject to prosecution.

Dogs that are found roaming at large on the refuge outside of the permitted dates (as specified on the permit or on special occasions where dog owners are notified within 30 days as outlined above), will constitute a violation of federal law title 50 CFR 26.21(b), and the owner of such dogs may have their permit revoked, and or may be issued a federal violation notice with a fine (at time of writing) of not less than \$95 for each dog.

We expect to continue to work cooperatively with dog owners and other hunters to refine and adjust the permit conditions as is necessary to protect refuge visitors, protect wildlife, provide refuge hunters with a quality hunting experience, and promote the traditions of hunting that have existed for generations on the Northern Neck and Middle Peninsula.

Availability of Resources: Staff resources required to administer this program include the time it takes to prepare permits, issue permits, enforce permit conditions, prepare news releases, and answer inquiries. We expect this will amount to an annual cost of less than \$500, with the exception of law enforcement. Enforcement of the permit will be done in conjunction with other law enforcement patrol duties during the hunting seasons and therefore will result in no added costs. Sufficient funds to administer this permit program are available in the expected annual base budget of \$850,000.

Anticipated Impacts on Refuge Purpose: As noted on page one of this compatibility determination, there are four purposes for establishment and management of this refuge. In general, they relate to four primary conservation and management responsibilities:

1. Migratory birds,
2. Threatened and endangered plant and animal species,
3. Wetlands, and
4. Other fish and wildlife resources.

Following is a discussion on the anticipated impacts of the proposed uses related to the resources listed within refuge purposes.

Potential impacts to birds: The presence of dogs and pedestrians on the refuge, either on trails or off trails, is likely to cause temporary disturbance to birds. A study done in Colorado (Miller et al. 2001) found that robins, representing forest species, and western meadowlarks and vesper sparrows, representing grassland species, flushed when approached by dogs on and off leash. Dogs alone generally resulted in less disturbance than when pedestrians were present, either alone or holding a leashed dog. The authors surmised that because dogs resemble coyotes and foxes, which are not considered significant predators of songbirds (Leach and Frazier 1953, Andelt et al. 1987), they may not have been perceived as an important threat. Disturbance was generally greater off trails than on trails.

There are two primary factors which lead us to believe that the level of disturbance will not materially interfere with our migratory bird purposes. One is that dogs alone are not likely to cause significant disturbance beyond that caused by foxes and coyotes. This belief is supplemented by the fact that hunting season occurs outside the breeding season for birds, which would be a more sensitive period in terms of protecting songbirds from disturbance. Secondly, most dog owners retrieving their animals will do so from existing roads. They will try to intercept the dogs as they

move through the tracts, rather than chase after them through fields and woods. They also employ calls to retrieve dogs, so the dogs come to them rather than them chasing the dogs. Any disturbance would be temporary and should not lead to loss of migratory birds or their habitats.

Potential impacts to threatened and endangered species: The only federal-threatened species known to exist on the refuge is the sensitive joint-vetch, a plant with a very restricted range. It is only found in freshwater tidal marshes, usually along the edge of the marsh where it meets a stream or other habitat type. It is unlikely that this species will be encountered by either dogs or humans, but if it is, the impacts will be negligible as the plant will have set seeds and gone dormant by the hunting season. Some disturbance may even favor the plant as it is somewhat dependent on disturbance to set new seed.

Bald eagles were delisted as a threatened species in 2007, but remain a management focus for the refuge. We have no evidence to suggest that the temporary presence of dogs or permittees on the refuge will have negative effects on bald eagle nesting or roosting. If necessary to prevent disturbance, we will post sensitive bald eagle areas, such as nests and known roosts, as closed areas for dog retrieval purposes.

Potential impacts to wetlands: It is likely that dogs will enter refuge wetlands and cause minor trampling of wetland vegetation. Because this would occur during the dormant season for plants, the disturbance by dogs would not impact growth or productivity of wetland plants. It is less likely that persons retrieving dogs would enter wetlands, but it is a possibility. However, the result is much the same, as it would occur during the dormant season.

Potential impact to other fish and wildlife resources: We have reviewed literature on the effects of dogs, feral and hunting dogs, on white-tailed deer, rabbits, and raccoons (Sweeney et al. 1971, Marchinton et al. 1970, Corbett et al. 1971, Murphy et al. undated, Causey and Cude 1980, and Cantrell 1989). From this review, we have determined that the temporary presence of hunting dogs on the refuge during the fall is likely to cause deer, and possibly other wildlife, to move and perhaps temporarily leave their home range. However, there is no evidence to suggest that this level of disturbance would have an adverse impact on populations, nor is there evidence to suggest that direct mortality of healthy individual animals would occur from this level of disturbance.

Public Review and Comment: This determination will be available for a public review and comment period in conjunction with the release of the Draft Comprehensive Conservation Plan for the refuge.

Determination (check one below):

_____ Use is Not Compatible

 X Use is Compatible With the Following Stipulations

Stipulations Necessary to Ensure Compatibility: The keys to continued compatibility of this program are compliance with the conditions of the special use permit, and strict enforcement of these conditions along with other refuge regulations. If these criteria are met, there should be no other stipulations necessary to ensure compatibility. We will continue to monitor the program and make necessary adjustments to ensure continued effectiveness and compatibility.

Justification

Hunting deer with pursuit dogs is a tradition on the Northern Neck and Middle Peninsula of Virginia where the Rappahannock River Valley National Wildlife Refuge is located. Hunting is one of the six

Retrieval of Hunting Dogs

priority uses of the National Wildlife Refuge System, and is a traditional form of wildlife-dependent recreation supported by the Service. Public hunting is also one of the most efficient methods of maintaining the health and balance of deer populations. Refuge regulations prohibit free-roaming domestic animals, including dogs. To strictly enforce this regulation would eliminate a legal, traditional method of deer hunting on private lands surrounding the refuge. The refuge manager has the authority to issue special use permits, provided that the use is compatible with refuge purposes and the mission of the Refuge System. We have researched the potential impacts from the temporary presence of dogs, and persons retrieving dogs, during the State firearms hunting season and find that the impacts will not prevent the refuge from accomplishing its purposes.

Therefore, in accordance with 50 CFR 26.41, permitting dog owners or their surrogates to retrieve hunting dogs that have entered the Rappahannock River Valley National Wildlife Refuge during the regular State firearms season for deer hunting as described herein, will not materially interfere with, or detract from, the fulfillment of the National Wildlife Refuge System mission or the purposes for which the refuge was established.

Signature: Refuge Manager: _____
(Signature and Date)

Concurrence: Regional Chief: _____
(Signature and Date)

Mandatory 10- year Re-evaluation Date: _____

Literature Cited

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- Miller, S.G., R.L. Knight and C.K. Miller. 2001. Wildlife responses to pedestrians and dogs. *Wildlife Society Bulletin* 29(1):124-132.
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FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: Rappahannock River Valley NWR

Use: Bicycling Off-road

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**

Eastern Virginia Rivers NWR Complex
Rappahannock River Valley NWR

Rationale for determination of **bicycling off-road** as inappropriate

Prior to allowing any use of the refuge, the refuge manager must first determine if the use is appropriate, and if so, he or she must then complete a compatibility determination. The six priority wildlife dependent recreational uses (environmental education, fishing, hunting, interpretation, wildlife observation and wildlife photography) are considered by policy to be appropriate. Therefore, only general public uses or specialized uses must be evaluated for their appropriateness.

We have evaluated bicycling off road and the refuge manager has determined that this use is not appropriate.

The primary reason for this determination is derived from Service policy on Appropriate Refuge Uses (603 FW 1). The policy states that: "General public uses that are not wildlife-dependent recreational uses (as defined by the Improvement Act) and do not contribute to the fulfillment of refuge purposes or goals or objectives as described in current refuge management plans 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."

Rappahannock River Valley National Wildlife Refuge was established for the following purposes:

"...for use as an inviolate sanctuary, or for any other management purpose, for migratory birds ... 16 U.S.C. § 715d (Migratory Bird Conservation Act)," and

"... to conserve (A) fish or wildlife which are listed as endangered species or threatened species or (B) plants ... 16 U.S.C. § 1534 (Endangered Species Act of 1973)," and

"... for the conservation of the wetlands of the Nation in order to maintain the public benefits they provide and to help fulfill international obligations contained in various migratory bird treaties and conventions ... 16 U.S.C. § 3901(b), 100 Stat. 3583 (Emergency Wetlands Resources Act of 1986)," and

"for the development, advancement, management, conservation, and protection of fish and wildlife resources ... 16 U.S.C. § 742f(a)(4) (Fish and Wildlife Act of 1956).

The refuge manager has determined that bicycling off road has not met seven of the ten criteria for a general public use to be considered appropriate. A brief explanation follows:

Bicycling off road on trails or cross country could cause damage to refuge soils and vegetation, as well as unacceptable levels of wildlife disturbance. It is not consistent with Service policy on secondary uses and is not consistent with any approved refuge management plan. Allowing bicycles on wildlife observation trails would likely divert future resources from accomplishing priority tasks and cause conflicts with priority public uses. We would have to spend more time and funding to repair ruts and tracks from bicycles and the trails are not wide enough to support bicycles and pedestrians and would be particularly problematic if wheelchairs were being used on the trails. As a means of transportation or exercise, bicycling in itself does not add to the understanding or appreciation of natural resources. However, as a means of access to refuge facilities, bicycling would not create any more disturbance than motorized vehicles, and therefore will not be prohibited on refuge roads.

There are other uses that are prohibited by regulation as listed in Title 50 of the Code of Federal Regulations. We will not list all prohibited activities, but following are summaries of some of the

more commonly seen violations and the accompanying citations from 50 CFR:

The following activities are prohibited on the refuge:

Trespass in a closed or unauthorized area [50 CFR 26.21(a)];
Permitting unconfined domestic animals to enter or roam at large [50 CFR 26.21(b)];
Motor vehicle use except on designated routes of travel [50 CFR 27.31];
Disturbing, injuring, collecting, or attempting to do the same to any plant or animal [50 CFR 27.51];
Introducing or liberating plants and animals or their parts taken elsewhere [50 CFR 27.52];
Destruction, defacement, or removal of public property, including natural objects [50 CFR 27.61];
Search for or removal of objects of antiquity [50 CFR 27.62];
Tampering with, or attempting to tamper with, any vehicle or equipment [50 CFR 27.65];
Interfering with any employee of the United States or any state or local government engaged in official business [50 CFR 27.84].

This is by no means an exhaustive list of prohibited activities. Please be an informed visitor and consult the refuge manager when in doubt about a particular activity.

FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: Rappahannock River Valley NWR

Use: Camping

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**

Camping

Eastern Virginia Rivers NWR Complex
Rappahannock River Valley NWR

Rationale for determination of **camping** as inappropriate

Prior to allowing any use of the refuge, the refuge manager must first determine if the use is appropriate, and if so, he or she must then complete a compatibility determination. The six priority wildlife dependent recreational uses (environmental education, fishing, hunting, interpretation, wildlife observation and wildlife photography) are considered by policy to be appropriate. Therefore, only general public uses or specialized uses must be evaluated for their appropriateness.

We have evaluated camping and the refuge manager has determined that this use is not appropriate.

The primary reason for this determination is derived from Service policy on Appropriate Refuge Uses (603 FW 1). The policy states that: "General public uses that are not wildlife-dependent recreational uses (as defined by the Improvement Act) and do not contribute to the fulfillment of refuge purposes or goals or objectives as described in current refuge management plans 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."

Rappahannock River Valley National Wildlife Refuge was established for the following purposes:

"...for use as an inviolate sanctuary, or for any other management purpose, for migratory birds ... 16 U.S.C. § 715d (Migratory Bird Conservation Act)," and

"... to conserve (A) fish or wildlife which are listed as endangered species or threatened species or (B) plants ... 16 U.S.C. § 1534 (Endangered Species Act of 1973)," and

"... for the conservation of the wetlands of the Nation in order to maintain the public benefits they provide and to help fulfill international obligations contained in various migratory bird treaties and conventions ... 16 U.S.C. § 3901(b), 100 Stat. 3583 (Emergency Wetlands Resources Act of 1986)," and

"for the development, advancement, management, conservation, and protection of fish and wildlife resources ... 16 U.S.C. § 742f(a)(4) (Fish and Wildlife Act of 1956).

The refuge manager has determined that camping has not met five of the ten criteria for a general public use to be considered appropriate. A brief explanation follows:

Camping is not consistent with Service policy on secondary uses and would divert existing and future resources from accomplishing priority tasks. It also presents unacceptable levels of risk from the potential spread of campfires to wildfires. This use is also not consistent with any approved refuge management plan.

There are other uses that are prohibited by regulation as listed in Title 50 of the Code of Federal Regulations. We will not list all prohibited activities, but following are summaries of some of the more commonly seen violations and the accompanying citations from 50 CFR:

The following activities are prohibited on the refuge:

- Trespass in a closed or unauthorized area [50 CFR 26.21(a)];
- Permitting unconfined domestic animals to enter or roam at large [50 CFR 26.21(b)];
- Motor vehicle use except on designated routes of travel [50 CFR 27.31];
- Disturbing, injuring, collecting, or attempting to do the same to any plant or animal [50 CFR 27.51];

Introducing or liberating plants and animals or their parts taken elsewhere [50 CFR 27.52];
Destruction, defacement, or removal of public property, including natural objects [50 CFR 27.61];
Search for or removal of objects of antiquity [50 CFR 27.62];
Tampering with, or attempting to tamper with, any vehicle or equipment [50 CFR 27.65];
Interfering with any employee of the United States or any state or local government engaged in official business [50 CFR 27.84].

This is by no means an exhaustive list of prohibited activities. Please be an informed visitor and consult the refuge manager when in doubt about a particular activity.

FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: Rappahannock River Valley NWR

Use: Dog Training and Field Trials

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**

Eastern Virginia Rivers NWR Complex
Rappahannock River Valley NWR

Rationale for determination of **dog training and field trials** as inappropriate

Prior to allowing any use of the refuge, the refuge manager must first determine if the use is appropriate, and if so, he or she must then complete a compatibility determination. The six priority wildlife dependent recreational uses (environmental education, fishing, hunting, interpretation, wildlife observation and wildlife photography) are considered by policy to be appropriate. Therefore, only general public uses or specialized uses must be evaluated for their appropriateness.

We have evaluated dog training and field trials and the refuge manager has determined that this use is not appropriate.

The primary reason for this determination is derived from Service policy on Appropriate Refuge Uses (603 FW 1). The policy states that: "General public uses that are not wildlife-dependent recreational uses (as defined by the Improvement Act) and do not contribute to the fulfillment of refuge purposes or goals or objectives as described in current refuge management plans 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."

Rappahannock River Valley National Wildlife Refuge was established for the following purposes:

"...for use as an inviolate sanctuary, or for any other management purpose, for migratory birds ... 16 U.S.C. § 715d (Migratory Bird Conservation Act)," and

"... to conserve (A) fish or wildlife which are listed as endangered species or threatened species or (B) plants ... 16 U.S.C. § 1534 (Endangered Species Act of 1973)," and

"... for the conservation of the wetlands of the Nation in order to maintain the public benefits they provide and to help fulfill international obligations contained in various migratory bird treaties and conventions ... 16 U.S.C. § 3901(b), 100 Stat. 3583 (Emergency Wetlands Resources Act of 1986)," and

"for the development, advancement, management, conservation, and protection of fish and wildlife resources ... 16 U.S.C. § 742f(a)(4) (Fish and Wildlife Act of 1956).

The refuge manager has determined that dog trials have not met six of the ten criteria for a general public use to be considered appropriate. A brief explanation follows:

Dog training and field trials are inconsistent with Service policy on secondary uses and would divert existing and future resources from accomplishing priority tasks. They are not consistent with any approved refuge management plan. These activities would not contribute to a better understanding or appreciation of refuge resources and could interfere with other priority uses.

There are other uses that are prohibited by regulation as listed in Title 50 of the Code of Federal Regulations. We will not list all prohibited activities, but following are summaries of some of the more commonly seen violations and the accompanying citations from 50 CFR:

The following activities are prohibited on the refuge:

Trespass in a closed or unauthorized area [50 CFR 26.21(a)];
Permitting unconfined domestic animals to enter or roam at large [50 CFR 26.21(b)];
Motor vehicle use except on designated routes of travel [50 CFR 27.31];

Disturbing, injuring, collecting, or attempting to do the same to any plant or animal [50 CFR 27.51];
Introducing or liberating plants and animals or their parts taken elsewhere [50 CFR 27.52];
Destruction, defacement, or removal of public property, including natural objects [50 CFR 27.61];
Search for or removal of objects of antiquity [50 CFR 27.62];
Tampering with, or attempting to tamper with, any vehicle or equipment [50 CFR 27.65];
Interfering with any employee of the United States or any state or local government engaged in official business [50 CFR 27.84].

This is by no means an exhaustive list of prohibited activities. Please be an informed visitor and consult the refuge manager when in doubt about a particular activity.

FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: Rappahannock River Valley NWR

Use: Horseback riding

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**

Eastern Virginia Rivers NWR Complex
Rappahannock River Valley NWR

Rationale for determination of **horseback riding** as inappropriate

Prior to allowing any use of the refuge, the refuge manager must first determine if the use is appropriate, and if so, he or she must then complete a compatibility determination. The six priority wildlife dependent recreational uses (environmental education, fishing, hunting, interpretation, wildlife observation and wildlife photography) are considered by policy to be appropriate. Therefore, only general public uses or specialized uses must be evaluated for their appropriateness.

We have evaluated horseback riding and the refuge manager has determined that this use is not appropriate.

The primary reason for this determination is derived from Service policy on Appropriate Refuge Uses (603 FW 1). The policy states that: "General public uses that are not wildlife-dependent recreational uses (as defined by the Improvement Act) and do not contribute to the fulfillment of refuge purposes or goals or objectives as described in current refuge management plans 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."

Rappahannock River Valley National Wildlife Refuge was established for the following purposes:

"...for use as an inviolate sanctuary, or for any other management purpose, for migratory birds ... 16 U.S.C. § 715d (Migratory Bird Conservation Act)," and

"... to conserve (A) fish or wildlife which are listed as endangered species or threatened species or (B) plants ... 16 U.S.C. § 1534 (Endangered Species Act of 1973)," and

"... for the conservation of the wetlands of the Nation in order to maintain the public benefits they provide and to help fulfill international obligations contained in various migratory bird treaties and conventions ... 16 U.S.C. § 3901(b), 100 Stat. 3583 (Emergency Wetlands Resources Act of 1986)," and

"for the development, advancement, management, conservation, and protection of fish and wildlife resources ... 16 U.S.C. § 742f(a)(4) (Fish and Wildlife Act of 1956).

The refuge manager has determined that horseback riding has not met five of the ten criteria for a general public use to be considered appropriate. A brief explanation follows:

Horseback riding is not consistent with Service policy on secondary uses and would divert existing and future resources from accomplishing priority tasks. It also presents unacceptable levels of risk from the potential spread of invasive species from horse droppings and could present conflicts with other refuge users. This use is not consistent with any approved refuge management plan.

There are other uses that are prohibited by regulation as listed in Title 50 of the Code of Federal Regulations. We will not list all prohibited activities, but following are summaries of some of the more commonly seen violations and the accompanying citations from 50 CFR:

The following activities are prohibited on the refuge:

- Trespass in a closed or unauthorized area [50 CFR 26.21(a)];
- Permitting unconfined domestic animals to enter or roam at large [50 CFR 26.21(b)];
- Motor vehicle use except on designated routes of travel [50 CFR 27.31];

Disturbing, injuring, collecting, or attempting to do the same to any plant or animal [50 CFR 27.51];
Introducing or liberating plants and animals or their parts taken elsewhere [50 CFR 27.52];
Destruction, defacement, or removal of public property, including natural objects [50 CFR 27.61];
Search for or removal of objects of antiquity [50 CFR 27.62];
Tampering with, or attempting to tamper with, any vehicle or equipment [50 CFR 27.65];
Interfering with any employee of the United States or any state or local government engaged in official business [50 CFR 27.84].

This is by no means an exhaustive list of prohibited activities. Please be an informed visitor and consult the refuge manager when in doubt about a particular activity.

FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: Rappahannock River Valley NWR

Use: Jogging Off-road

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**

Eastern Virginia Rivers NWR Complex
Rappahannock River Valley NWR

Rationale for determination of **jogging off road** as inappropriate

Prior to allowing any use of the refuge, the refuge manager must first determine if the use is appropriate, and if so, he or she must then complete a compatibility determination. The six priority wildlife dependent recreational uses (environmental education, fishing, hunting, interpretation, wildlife observation and wildlife photography) are considered by policy to be appropriate. Therefore, only general public uses or specialized uses must be evaluated for their appropriateness.

We have evaluated jogging off road and the refuge manager has determined that this use is not appropriate.

The primary reason for this determination is derived from Service policy on Appropriate Refuge Uses (603 FW 1). The policy states that: "General public uses that are not wildlife-dependent recreational uses (as defined by the Improvement Act) and do not contribute to the fulfillment of refuge purposes or goals or objectives as described in current refuge management plans 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."

Rappahannock River Valley National Wildlife Refuge was established for the following purposes:

"...for use as an inviolate sanctuary, or for any other management purpose, for migratory birds ... 16 U.S.C. § 715d (Migratory Bird Conservation Act)," and

"... to conserve (A) fish or wildlife which are listed as endangered species or threatened species or (B) plants ... 16 U.S.C. § 1534 (Endangered Species Act of 1973)," and

"... for the conservation of the wetlands of the Nation in order to maintain the public benefits they provide and to help fulfill international obligations contained in various migratory bird treaties and conventions ... 16 U.S.C. § 3901(b), 100 Stat. 3583 (Emergency Wetlands Resources Act of 1986)," and

"for the development, advancement, management, conservation, and protection of fish and wildlife resources ... 16 U.S.C. § 742f(a)(4) (Fish and Wildlife Act of 1956).

The refuge manager has determined that jogging off road has not met four of the ten criteria for a general public use to be considered appropriate. A brief explanation follows:

Jogging is not consistent with Service policy on secondary uses and is not consistent with any approved refuge management plan. As a form of exercise, it does to contribute to a greater understanding or appreciation of natural resources. If we were to allow it on wildlife observation and interpretive trails, we believe it would cause conflicts with priority public uses. Jogging as a means of access to refuge facilities will be no more disturbing than vehicles or bicycles, and as such will not be prohibited on refuge roads.

There are other uses that are prohibited by regulation as listed in Title 50 of the Code of Federal Regulations. We will not list all prohibited activities, but following are summaries of some of the more commonly seen violations and the accompanying citations from 50 CFR:

The following activities are prohibited on the refuge:

Trespass in a closed or unauthorized area [50 CFR 26.21(a)];
Permitting unconfined domestic animals to enter or roam at large [50 CFR 26.21(b)];
Motor vehicle use except on designated routes of travel [50 CFR 27.31];
Disturbing, injuring, collecting, or attempting to do the same to any plant or animal [50 CFR 27.51];
Introducing or liberating plants and animals or their parts taken elsewhere [50 CFR 27.52];
Destruction, defacement, or removal of public property, including natural objects [50 CFR 27.61];
Search for or removal of objects of antiquity [50 CFR 27.62];
Tampering with, or attempting to tamper with, any vehicle or equipment [50 CFR 27.65];
Interfering with any employee of the United States or any state or local government engaged in official business [50 CFR 27.84].

This is by no means an exhaustive list of prohibited activities. Please be an informed visitor and consult the refuge manager when in doubt about a particular activity.

FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: Rappahannock River Valley NWR

Use: Pets on Refuge Roads and Trails

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**

Eastern Virginia Rivers NWR Complex
Rappahannock River Valley NWR

Rationale for determination of having pets on roads and trails as inappropriate

Prior to allowing any use of the refuge, the refuge manager must first determine if the use is appropriate, and if so, he or she must then complete a compatibility determination. The six priority wildlife dependent recreational uses (environmental education, fishing, hunting, interpretation, wildlife observation and wildlife photography) are considered by policy to be appropriate. Therefore, only general public uses or specialized uses must be evaluated for their appropriateness.

We have evaluated the use of having pets accompany visitors on roads and trails, and the refuge manager has determined that this use is not appropriate.

The primary reason for this determination is derived from Service policy on Appropriate Refuge Uses (603 FW 1). The policy states that: "General public uses that are not wildlife-dependent recreational uses (as defined by the Improvement Act) and do not contribute to the fulfillment of refuge purposes or goals or objectives as described in current refuge management plans 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."

Rappahannock River Valley National Wildlife Refuge was established for the following purposes:

"...for use as an inviolate sanctuary, or for any other management purpose, for migratory birds ... 16 U.S.C. § 715d (Migratory Bird Conservation Act)," and

"... to conserve (A) fish or wildlife which are listed as endangered species or threatened species or (B) plants ... 16 U.S.C. § 1534 (Endangered Species Act of 1973)," and

"... for the conservation of the wetlands of the Nation in order to maintain the public benefits they provide and to help fulfill international obligations contained in various migratory bird treaties and conventions ... 16 U.S.C. § 3901(b), 100 Stat. 3583 (Emergency Wetlands Resources Act of 1986)," and

"for the development, advancement, management, conservation, and protection of fish and wildlife resources ... 16 U.S.C. § 742f(a)(4) (Fish and Wildlife Act of 1956).

The refuge manager has determined that having pets on refuge roads and trails has not met six of the ten criteria for a general public use to be considered appropriate. A brief explanation follows:

There are two primary issues of concern regarding pets, primarily dogs, on refuge roads and trails. First is disturbance to wildlife from dogs that are let off leash to run free. Initially, pets on a hand-held leash were permitted on the refuge. However, our experience shows that dog owners in particular routinely disregard leash provisions and let their animals run free. As of 2007, most of our roads and trails are adjacent to managed grasslands. Grassland-dependent birds are particularly susceptible to disturbance from free-roaming pets. Current, and predicted, law enforcement staff is insufficient to curtail this illegal activity. Additionally, free-roaming dogs can interfere with the intended use of wildlife observation trails by flushing birds from areas immediately adjoining trails, preventing them from being observed by legitimate users of these trails. Unleashed dogs may also accost other visitors, and dog feces along trails is both unaesthetic and a safety hazard.

There are other uses that are prohibited by regulation as listed in Title 50 of the Code of Federal Regulations. We will not list all prohibited activities, but following are summaries of some of the more commonly seen violations and the accompanying citations from 50 CFR:

The following activities are prohibited on the refuge:

Trespass in a closed or unauthorized area [50 CFR 26.21(a)];
Permitting unconfined domestic animals to enter or roam at large [50 CFR 26.21(b)];
Motor vehicle use except on designated routes of travel [50 CFR 27.31];
Disturbing, injuring, collecting, or attempting to do the same to any plant or animal [50 CFR 27.51];
Introducing or liberating plants and animals or their parts taken elsewhere [50 CFR 27.52];
Destruction, defacement, or removal of public property, including natural objects [50 CFR 27.61];
Search for or removal of objects of antiquity [50 CFR 27.62];
Tampering with, or attempting to tamper with, any vehicle or equipment [50 CFR 27.65];
Interfering with any employee of the United States or any state or local government engaged in official business [50 CFR 27.84].

This is by no means an exhaustive list of prohibited activities. Please be an informed visitor and consult the refuge manager when in doubt about a particular activity.

FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: Rappahannock River Valley NWR

Use: Picnicking

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**

Picnicking

Eastern Virginia Rivers NWR Complex
Rappahannock River Valley NWR

Rationale for determination of **picnicking** as inappropriate

Prior to allowing any use of the refuge, the refuge manager must first determine if the use is appropriate, and if so, he or she must then complete a compatibility determination. The six priority wildlife dependent recreational uses (environmental education, fishing, hunting, interpretation, wildlife observation and wildlife photography) are considered by policy to be appropriate. Therefore, only general public uses or specialized uses must be evaluated for their appropriateness.

We have evaluated picnicking and the refuge manager has determined that this use is not appropriate.

The primary reason for this determination is derived from Service policy on Appropriate Refuge Uses (603 FW 1). The policy states that: "General public uses that are not wildlife-dependent recreational uses (as defined by the Improvement Act) and do not contribute to the fulfillment of refuge purposes or goals or objectives as described in current refuge management plans 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."

Rappahannock River Valley National Wildlife Refuge was established for the following purposes:

"...for use as an inviolate sanctuary, or for any other management purpose, for migratory birds ... 16 U.S.C. § 715d (Migratory Bird Conservation Act)," and

"... to conserve (A) fish or wildlife which are listed as endangered species or threatened species or (B) plants ... 16 U.S.C. § 1534 (Endangered Species Act of 1973)," and

"... for the conservation of the wetlands of the Nation in order to maintain the public benefits they provide and to help fulfill international obligations contained in various migratory bird treaties and conventions ... 16 U.S.C. § 3901(b), 100 Stat. 3583 (Emergency Wetlands Resources Act of 1986)," and

"for the development, advancement, management, conservation, and protection of fish and wildlife resources ... 16 U.S.C. § 742f(a)(4) (Fish and Wildlife Act of 1956).

The refuge manager has determined that picnicking has not met five of the ten criteria for a general public use to be considered appropriate. A brief explanation follows:

Picnicking, as a stand-alone activity, is not consistent with Service policy on secondary uses, nor is it consistent with any approved refuge management plan. Creation and maintenance of picnic areas would divert existing and future resources from accomplishing priority tasks. In itself, picnicking does not contribute to a better understanding or appreciation of refuge resources. While we will not provide facilities for picnicking or promote it as a stand-alone activity, we recognize that eating a snack or prepared meal in association with other permitted activities (such as fishing, hunting, and bird watching) can be essential to good health and safety and will not be prohibited.

There are other uses that are prohibited by regulation as listed in Title 50 of the Code of Federal Regulations. We will not list all prohibited activities, but following are summaries of some of the more commonly seen violations and the accompanying citations from 50 CFR:

The following activities are prohibited on the refuge:

Trespass in a closed or unauthorized area [50 CFR 26.21(a)];
Permitting unconfined domestic animals to enter or roam at large [50 CFR 26.21(b)];
Motor vehicle use except on designated routes of travel [50 CFR 27.31];
Disturbing, injuring, collecting, or attempting to do the same to any plant or animal [50 CFR 27.51];
Introducing or liberating plants and animals or their parts taken elsewhere [50 CFR 27.52];
Destruction, defacement, or removal of public property, including natural objects [50 CFR 27.61];
Search for or removal of objects of antiquity [50 CFR 27.62];
Tampering with, or attempting to tamper with, any vehicle or equipment [50 CFR 27.65];
Interfering with any employee of the United States or any state or local government engaged in official business [50 CFR 27.84].

This is by no means an exhaustive list of prohibited activities. Please be an informed visitor and consult the refuge manager when in doubt about a particular activity.

FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: Rappahannock River Valley NWR

Use: Swimming / Sunbathing

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**

Eastern Virginia Rivers NWR Complex
Rappahannock River Valley NWR

Rationale for determination of **swimming/sunbathing** as inappropriate

Prior to allowing any use of the refuge, the refuge manager must first determine if the use is appropriate, and if so, he or she must then complete a compatibility determination. The six priority wildlife dependent recreational uses (environmental education, fishing, hunting, interpretation, wildlife observation and wildlife photography) are considered by policy to be appropriate. Therefore, only general public uses or specialized uses must be evaluated for their appropriateness.

We have evaluated swimming/sunbathing and the refuge manager has determined that these uses are not appropriate.

The primary reason for this determination is derived from Service policy on Appropriate Refuge Uses (603 FW 1). The policy states that: "General public uses that are not wildlife-dependent recreational uses (as defined by the Improvement Act) and do not contribute to the fulfillment of refuge purposes or goals or objectives as described in current refuge management plans 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."

Rappahannock River Valley National Wildlife Refuge was established for the following purposes:

"...for use as an inviolate sanctuary, or for any other management purpose, for migratory birds ... 16 U.S.C. § 715d (Migratory Bird Conservation Act)," and

"... to conserve (A) fish or wildlife which are listed as endangered species or threatened species or (B) plants ... 16 U.S.C. § 1534 (Endangered Species Act of 1973)," and

"... for the conservation of the wetlands of the Nation in order to maintain the public benefits they provide and to help fulfill international obligations contained in various migratory bird treaties and conventions ... 16 U.S.C. § 3901(b), 100 Stat. 3583 (Emergency Wetlands Resources Act of 1986)," and

"for the development, advancement, management, conservation, and protection of fish and wildlife resources ... 16 U.S.C. § 742f(a)(4) (Fish and Wildlife Act of 1956).

The refuge manager has determined that swimming/sunbathing have not met three of the ten criteria for a general public use to be considered appropriate. A brief explanation follows:

Swimming and sunbathing are not consistent with Service policy on secondary uses and are not consistent with any approved refuge management plan. They do not in themselves contribute to a better understanding or appreciation of refuge resources.

There are other uses that are prohibited by regulation as listed in Title 50 of the Code of Federal Regulations. We will not list all prohibited activities, but following are summaries of some of the more commonly seen violations and the accompanying citations from 50 CFR:

The following activities are prohibited on the refuge:

Trespass in a closed or unauthorized area [50 CFR 26.21(a)];
Permitting unconfined domestic animals to enter or roam at large [50 CFR 26.21(b)];
Motor vehicle use except on designated routes of travel [50 CFR 27.31];
Disturbing, injuring, collecting, or attempting to do the same to any plant or animal [50 CFR 27.51];
Introducing or liberating plants and animals or their parts taken elsewhere [50 CFR 27.52];
Destruction, defacement, or removal of public property, including natural objects [50 CFR 27.61];
Search for or removal of objects of antiquity [50 CFR 27.62];
Tampering with, or attempting to tamper with, any vehicle or equipment [50 CFR 27.65];
Interfering with any employee of the United States or any state or local government engaged in official business [50 CFR 27.84].

This is by no means an exhaustive list of prohibited activities. Please be an informed visitor and consult the refuge manager when in doubt about a particular activity.

FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: Rappahannock River Valley NWR

Use: Use of All-terrain Vehicles

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**

Eastern Virginia Rivers NWR Complex
Rappahannock River Valley NWR

Rationale for determination of **all-terrain vehicle use** as inappropriate

Prior to allowing any use of the refuge, the refuge manager must first determine if the use is appropriate, and if so, he or she must then complete a compatibility determination. The six priority wildlife dependent recreational uses (environmental education, fishing, hunting, interpretation, wildlife observation and wildlife photography) are considered by policy to be appropriate. Therefore, only general public uses or specialized uses must be evaluated for their appropriateness.

We have evaluated the use of all-terrain vehicles and the refuge manager has determined that this use is not appropriate.

The primary reason for this determination is derived from Service policy on Appropriate Refuge Uses (603 FW 1). The policy states that: "General public uses that are not wildlife-dependent recreational uses (as defined by the Improvement Act) and do not contribute to the fulfillment of refuge purposes or goals or objectives as described in current refuge management plans 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."

Rappahannock River Valley National Wildlife Refuge was established for the following purposes:

"...for use as an inviolate sanctuary, or for any other management purpose, for migratory birds ... 16 U.S.C. § 715d (Migratory Bird Conservation Act)," and

"... to conserve (A) fish or wildlife which are listed as endangered species or threatened species or (B) plants ... 16 U.S.C. § 1534 (Endangered Species Act of 1973)," and

"... for the conservation of the wetlands of the Nation in order to maintain the public benefits they provide and to help fulfill international obligations contained in various migratory bird treaties and conventions ... 16 U.S.C. § 3901(b), 100 Stat. 3583 (Emergency Wetlands Resources Act of 1986)," and

"for the development, advancement, management, conservation, and protection of fish and wildlife resources ... 16 U.S.C. § 742f(a)(4) (Fish and Wildlife Act of 1956).

The refuge manager has determined that the use of all-terrain vehicles has not met seven of the ten criteria for a general public use to be considered appropriate. A brief explanation follows:

Use of all-terrain vehicles is not consistent with two executive orders, E.O. 11644 and E.O. 11989 which require that refuges promote safety, minimize conflicts among users, monitor effects of ATV use if allowed, and to close areas to ATV use if they will cause adverse effects on soil, vegetation, wildlife, habitat or cultural or historic resources. This use is not consistent with any approved refuge management plan and would divert existing and future resources from accomplishing priority tasks. We do not believe it would contribute to public appreciation or understanding of the refuge's resources and we believe it could cause conflicts with priority public uses.

There are other uses that are prohibited by regulation as listed in Title 50 of the Code of Federal Regulations. We will not list all prohibited activities, but following are summaries of some of the more commonly seen violations and the accompanying citations from 50 CFR:

The following activities are prohibited on the refuge:

Trespass in a closed or unauthorized area [50 CFR 26.21(a)];
Permitting unconfined domestic animals to enter or roam at large [50 CFR 26.21(b)];
Motor vehicle use except on designated routes of travel [50 CFR 27.31];
Disturbing, injuring, collecting, or attempting to do the same to any plant or animal [50 CFR 27.51];
Introducing or liberating plants and animals or their parts taken elsewhere [50 CFR 27.52];
Destruction, defacement, or removal of public property, including natural objects [50 CFR 27.61];
Search for or removal of objects of antiquity [50 CFR 27.62];
Tampering with, or attempting to tamper with, any vehicle or equipment [50 CFR 27.65];
Interfering with any employee of the United States or any state or local government engaged in official business [50 CFR 27.84].

This is by no means an exhaustive list of prohibited activities. Please be an informed visitor and consult the refuge manager when in doubt about a particular activity.

Eastern Virginia Rivers NWR Complex
Rappahannock River Valley NWR

Rationale for determination of **use of pursuit dogs for hunting** as inappropriate

Prior to allowing any use of the refuge, the refuge manager must first determine if the use is appropriate, and if so, he or she must then complete a compatibility determination. The six priority wildlife dependent recreational uses (environmental education, fishing, hunting, interpretation, wildlife observation and wildlife photography) are considered by policy to be appropriate. Therefore, only general public uses or specialized uses must be evaluated for their appropriateness.

We have evaluated use of pursuit dogs for hunting and the refuge manager has determined that this use is not appropriate.

The primary reason for this determination is derived from Service policy on Appropriate Refuge Uses (603 FW 1). The policy states that: "General public uses that are not wildlife-dependent recreational uses (as defined by the Improvement Act) and do not contribute to the fulfillment of refuge purposes or goals or objectives as described in current refuge management plans 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."

Rappahannock River Valley National Wildlife Refuge was established for the following purposes:

"...for use as an inviolate sanctuary, or for any other management purpose, for migratory birds ... 16 U.S.C. § 715d (Migratory Bird Conservation Act)," and

"... to conserve (A) fish or wildlife which are listed as endangered species or threatened species or (B) plants ... 16 U.S.C. § 1534 (Endangered Species Act of 1973)," and

"... for the conservation of the wetlands of the Nation in order to maintain the public benefits they provide and to help fulfill international obligations contained in various migratory bird treaties and conventions ... 16 U.S.C. § 3901(b), 100 Stat. 3583 (Emergency Wetlands Resources Act of 1986)," and

"for the development, advancement, management, conservation, and protection of fish and wildlife resources ... 16 U.S.C. § 742f(a)(4) (Fish and Wildlife Act of 1956).

The refuge manager has determined that use of pursuit dogs for hunting has not met five of the ten criteria for a general public use to be considered appropriate. A brief explanation follows:

Free roaming dogs on refuge lands are prohibited by 50 CFR 26.21(b). Use of pursuit dogs for hunting, primarily deer hunting, is not consistent with certain criteria for a quality refuge recreational experience. The Service Manual (603 FW 1 and 605 FW 2) states that a quality recreational experience minimizes or eliminates conflicts with other compatible wildlife-dependent recreation, minimizes conflict with neighboring landowners, promotes accessibility and availability to a broad spectrum of the American people, and promotes stewardship and conservation. Free roaming dogs may jeopardize the safety of refuge visitors and staff, and may interfere with priority recreational uses, including still hunting for white-tailed deer. The use of pursuit dogs is not consistent with the approved refuge deer hunting plan.

There are other uses that are prohibited by regulation as listed in Title 50 of the Code of Federal Regulations. We will not list all prohibited activities, but following are summaries of some of the more commonly seen violations and the accompanying citations from 50 CFR:

The following activities are prohibited on the refuge:

Trespass in a closed or unauthorized area [50 CFR 26.21(a)];
Permitting unconfined domestic animals to enter or roam at large [50 CFR 26.21(b)];
Motor vehicle use except on designated routes of travel [50 CFR 27.31];
Disturbing, injuring, collecting, or attempting to do the same to any plant or animal [50 CFR 27.51];
Introducing or liberating plants and animals or their parts taken elsewhere [50 CFR 27.52];
Destruction, defacement, or removal of public property, including natural objects [50 CFR 27.61];
Search for or removal of objects of antiquity [50 CFR 27.62];
Tampering with, or attempting to tamper with, any vehicle or equipment [50 CFR 27.65];
Interfering with any employee of the United States or any state or local government engaged in official business [50 CFR 27.84].

This is by no means an exhaustive list of prohibited activities. Please be an informed visitor and consult the refuge manager when in doubt about a particular activity.