

## SAM D. HAMILTON NOXUBEE NATIONAL WILDLIFE REFUGE COMPATIBILITY DETERMINATION

### **Establishing Authorities and Purposes:**

Noxubee NWR was established on June 14, 1940, by Executive Order 8444 under the authority of 16 U.S.C. Sec. 715 (Migratory Bird Conservation Act). The refuge was renamed Sam D. Hamilton Noxubee NWR on June 22, 2012. The Refuges' stated purpose was **"...for use as a Refuge and breeding ground for migratory birds and other wildlife..."** 16 U.S.C. Sec. 715 (Migratory Bird Conservation Act).

In conjunction with the primary establishing purposes, the Refuge will provide an area for the **"...conservation, management, and restoration of the fish, wildlife, and plant resources and their habitats for the benefit of present and future generations of Americans"** 16 U.S.C., 668(a)(2) (National Wildlife Refuge System Administration Act) as well as **"...for the development, advancement, management, conservation, and protection of fish and wildlife resources..."** 16 U.S.C., 742(b)(1) (Fish and Wildlife Act of 1956). The passage of the Endangered Species Act (ESA) in 1973 (as amended) required the Refuge to support recovery actions for federally listed endangered and threatened species.

### **National Wildlife Refuge System Mission:**

"The mission of the National Wildlife Refuge System is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans" (National Wildlife Refuge System Improvement Act of 1997). The United States Fish and Wildlife Service (USFWS) is the agency that administers the National Wildlife Refuge System.

### **Description of Use:** *Performing weddings and other ceremonies.*

#### *(a) Where would the use be conducted?*

Ceremonies are allowed in any public use "zone" of the Refuge. This includes the edge of Bluff Lake, Loakfoma Lake, Boardwalks, Overlooks Towers and trail entrances (within 200 feet). This use is not permitted in more sensitive areas managed for endangered species (i.e. the Woodpecker Trail in the RCW cluster) or protected species (i.e. bald eagle nest areas.)

#### *(b) When would the use be conducted?*

This use is allowed whenever the zones identified in "a" above are open for public access, or in compliance with stipulations set forth in the Special Use Permit.

#### *(c) How would the use be conducted?*

Each request must be presented in writing with details of who, what, where, when, why, and how the ceremony will be conducted, and must comply with the stipulations listed below. Each request has different logistics, and therefore, would be evaluated individually for impacts on the Refuge mission. Using professional judgment, as long as there is no significant negative impact to natural resources or visitor services, or violation of Refuge regulations, a Special Use Permit will be issued outlining the framework in which this use can be conducted. Refuge staff will ensure compliance with the Permit.

#### *(d) Why is this use being proposed?*

At least once per year, Sam D. Hamilton Noxubee NWR receives a request to conduct this use. In order to not issue a compatibility determination with each request this will be one determination that generally covers this use.

**Availability of Resources:**

Permitting this use is within the resources available to administer our Visitor Services Program. Each request is reviewed and a Special Use Permit is issued. Compliance with the terms of the Permit is within the regular duties of the station Law Enforcement Officer. Cost of time is minimal.

**Anticipated Impacts of the Use:**

There will be no significant negative impacts from this use; any ceremony request that does not comply with the stipulations below or is determined to pose a risk of significant negative impacts will not be approved and no Special Use Permit will be issued.

**Public Review and Comment:**

As part of the CCP process for Sam D. Hamilton Noxubee NWR this compatibility determination will be made available for a 30-day public review and comment period with the release of the Draft CCP/EA.

**Determination:**

Use is Not Compatible

Use is Compatible with the Following Stipulations

**Stipulations Necessary to Ensure Compatibility:**

Each request must be presented in writing with details of who, what, where, when, why, and how the ceremony will be conducted two weeks prior to ceremony. All public use stipulations listed in the brochure apply to the ceremony. Each request will then be evaluated for impacts to the Refuge.

Additional stipulations include:

- No portion of the Refuge will be closed to accommodate such ceremonies.
- Ceremonies are permitted at any public use “zone” of the Refuge (excluding buildings) with developed facilities for public access, such as Refuge trails, overlooks, and boardwalks, as long as the proposed use does not conflict with the public use of those areas or is in sensitive areas managed for endangered species.
- Ceremonies are limited to a maximum of 50 participants.
- No receptions are allowed following the ceremony.
- Props like music, archway, and aisle runners are allowed. Music will be limited to unplugged instruments of 5 or less pieces or hand-held players. Only shade canopies 10 feet by 10 feet or smaller are allowed. Ceremonial props are allowed to be in place one hour before the ceremony and must be removed within one hour after the ceremony. Any additional ceremony props will have to be approved before the ceremony. All items must be removed within 1 hour of the ceremonies conclusion.
- Special accommodations and settings for people with special needs (elderly, physically disabled) may be granted. If needed, this should be described in a written request.
- Refuge staff does not provide any assistance in setting up or removal of props for ceremonies.
- The Refuge is open to the public and does have scheduled events, the ceremony may not cause disturbance to wildlife or other public uses. The public may not be excluded from a site due to a ceremony.
- The ceremony must be held within normal operating hours: ½ hour before sun rise and ½ hour after sunset.
- No litter may be left on site, including biodegradable materials (i.e. rice, birdseed, flowers)

- No fires or lit candles are allowed.
- Requirement of a damage bond is at the discretion of the Refuge Manager, based on an analysis of the nature and scope of the event, and the associated level of risk for resource damage and anticipated cost of any restoration or repair of any damage. The permittee is responsible for site cleanup immediately following any ceremonial event. The Refuge Manager shall inspect the site prior to release of any bond.

As long as there is no significant negative impact to natural resource or visitor services, or violation of Refuge regulations, a Special Use Permit may be issued and the use allowed.

**Justification**

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-668cc), as amended by the National Wildlife Refuge System Improvement Act of 1997.

Allowing various ceremonies are not outlined in an approved plan; however in general, this one-time uses do not conflict with the Refuge goals and objectives. Therefore, although this use typically is not undertaken to benefit Refuge natural and cultural resources, it obviously provides participants an appreciation, or at least exposure to outdoor environments, and may provide a stronger connection to the Refuge and the mission of the FWS. This activity will not materially interfere with or detract from the mission of the NWRS or purposes for which Sam D. Hamilton Noxubee NWR was established.

**Mandatory 10-year re-evaluation date:** October, 2022  
(Date)

**Approval of Compatibility Determination:**

Refuge Manager:  10/4/2012  
(Signature and Date)

Regional Compatibility Coordinator: \_\_\_\_\_  
(Signature and Date)

Area Supervisor: \_\_\_\_\_  
(Signature and Date)

Regional Chief, National Wildlife Refuge System Southeast Region: \_\_\_\_\_  
(Signature and Date)

**FINDING OF APPROPRIATENESS OF A REFUGE USE**

Refuge Name: Sam D. Hamilton Noxubee National Wildlife Refuge

Use: Weddings and other ceremonies

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: Oct. 4, 2012

If found to be **Not Appropriate**, the refuge supervisor does not need to sign concurrence if the use is a new use.

If an existing use is found **Not Appropriate** outside the CCP process, the refuge supervisor must sign concurrence.

If found to be **Appropriate**, the refuge supervisor must sign concurrence.

Refuge Supervisor: \_\_\_\_\_

Date: Oct. 4, 2012

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