



United States Department of Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240



National Wildlife Refuge System Closure Determination and Notice

Pursuant to 50 C.F.R. §§ 25.21(e) and 36.42, as of December 26, 2018, all units of the National Wildlife Refuge System nationwide are closed to public visitation and use, subject to the conditions and exceptions described below. This national closure determination and notice is necessitated by a lapse in funds appropriated by the United States Congress for the operation of the National Wildlife Refuge System and will remain in effect until funding is restored. The period of time during which appropriated funds are not available may be referred to in this determination and notice as the "shutdown period."

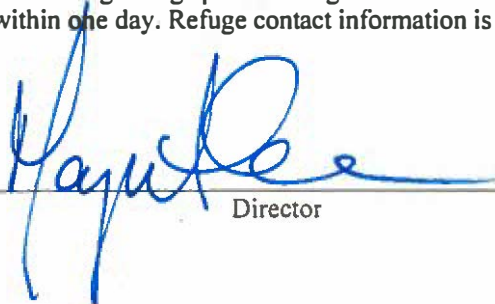
This closure determination and notice is necessary to maintain health and safety of the public or property and to protect the resources of the area in units of the National Wildlife Refuge System during the shutdown period. Consistent with the Department of the Interior Contingency Plan, available at www.doi.gov/shutdown, only a relatively small number of "excepted personnel" will be on duty during the shutdown period. Those personnel are not sufficient to provide a full range of public and resource protection services. Therefore, in light of the shutdown and Contingency Plan, measures less restrictive than a national closure will not suffice to maintain public health and safety and to protect refuge resources. Accordingly, I have determined that the lapse in appropriated funds qualifies as an "emergency" under 50 C.F.R. §§ 25.21(e) and 36.42(a); therefore, this determination and notice does not require any prior notice and hearing.

Condition and Exceptions:

1. National Wildlife Refuge System personnel who have been identified as excepted will continue to report for duty in accordance with the U.S. Fish and Wildlife Service Contingency Plan and as directed by their supervisors.
2. Members of the public who are currently visiting certain units of the National Wildlife Refuge System must vacate the refuge immediately. However, where public access to refuge lands does not require the presence of a federal employee or contractor, activities on refuge lands will be allowed to continue on the same terms as before the appropriations lapse, including any activities conducted under a previously issued permit (when required).
3. Despite limited staffing, the Service has undertaken an assessment and determined that allowing public access to Waterfowl Production Areas (WPAs) will not incur further government expenditure or obligation and is allowable under a government shutdown. Therefore, all WPAs will remain open to public use. As the shutdown continues, if the Service determines that maintaining the WPAs in open status, individually or cumulatively, would likely cause Service expenditures or obligations to be made in violation of the Anti-Deficiency Act, the Service will close public access.

4. All persons operating as concessionaires or cooperators under appropriate contracts or legal agreements for commercial services, including nonprofit Friends organizations operating bookstores, within the National Wildlife Refuge System must suspend their in-refuge operations. However, where public access is allowed to continue, (see #2 above), concessioners will be allowed to continue operations in instances where they do not rely on buildings or other structures closed by the shutdown, and otherwise do not require the presence of a federal employee or contractor. Refuge managers will determine on a case-by-case basis which concessioners may continue operations during the shutdown period.
5. The requirement to vacate all units of the National Wildlife Refuge System immediately does not apply to members of the public, concessioners, and holders of commercial use authorizations that are on multi-day backcountry trips that cannot be safely terminated before the end of the trip. Those individuals may continue and complete their multi-day backcountry trips in accordance with their approved permit or plan.
6. This closure determination and notice does not apply to private and public owners of interests in real property or other valid existing rights located within the exterior boundaries of units of the National Wildlife Refuge System. Refuge managers will continue to allow such owners reasonable access to their private property.
7. This closure determination and notice does not apply to roads that pass through units of the National Wildlife Refuge System which provide primary access between points located outside of the refuges. Members of the public may continue to use those roads during the shutdown period. However, refuge managers may not expend any appropriated funds to maintain or repair those roads. Moreover, refuge managers may close those roads, or portions of those roads, in accordance with 36 C.F.R. §§ 25.21(e) and 36.42, if such closure is warranted by weather, poor road conditions, or other circumstances.
8. Subsistence uses and access to in-holdings are authorized by the Alaska National Interest Lands Conservation Act and the public is continuing to undertake these activities in the areas of the National Wildlife Refuge System in Alaska in accordance with the respective provisions of 50 C.F.R. Part 36, Subpart B or 43 C.F.R. § 36.10 during the shutdown period. To the fullest extent possible, refuges will provide notice of closed facilities and operations and alert the public that limited, if any, U.S. Fish and Wildlife Service emergency responses or services will be available during the government shutdown.
9. Each refuge manager must take reasonable measures to comply, as applicable, with 50 C.F.R. §§ 25.31 and 36.42(t) and provide adequate public notice of this closure determination and notice.
10. This closure determination and notice will expire automatically at the end of the shutdown period.
11. Violation of this closure determination and notice is prohibited.

Questions regarding specific refuge sites should be directed to the refuge manager and will be responded to within one day. Refuge contact information is available at <https://www.fws.gov/refuges>.



Director

12-21-18

Date

National Wildlife Refuge System Closure Determination and Notice
Amendment #1

This amends the National Wildlife Refuge System Closure Determination and Notice of December 21, 2018 ("the Notice"), closing all units of the National Wildlife Refuge System to public visitation and use, subject to certain enumerated conditions and exceptions, issued pursuant to 50 C.F.R. §§ 25.21(e) and 36.42, which took effect December 26, 2018. All of the conditions and exceptions listed in the Notice, continue to remain in effect, with the addition of the following Condition and Exception.

1. Based on the continued availability of FY 2018 funds which the U.S. Fish and Wildlife Service (the Service) is authorized to expend for administration of the National Wildlife Refuge System, the Director of the Service may designate "exempted" personnel to open and operate specified lands and facilities within units of the National Wildlife Refuge System. Upon designation by the Director that specific personnel may open and operate certain lands and facilities within any Refuge, a notice shall be posted on the Website of the respective Refuge or Refuge Complex, enumerating the facilities that shall be opened and the public activities that may resume during the shutdown period. If the funding currently available for adding exempted personnel and opening lands and facilities within the National Wildlife Refuge System is depleted prior to the end of the shutdown period, it will be necessary to curtail the activities allowed under this Condition and Exception until funding is restored.



Director

1-8-2019

Date