Appendix A. Appropriate Use Determinations

Introduction

The Appropriate Refuge Uses Policy outlines the process that the Service uses to determine when general public uses on refuges may be considered. Priority public uses previously defined as wildlife-dependent uses (hunting, fishing, wildlife observation and photography and environmental education and interpretation under the National Wildlife Refuge System Improvement Act of 1997, are generally exempt from appropriate use review. Other exempt uses include situations where the Service does not have adequate jurisdiction to control the activity and refuge management activities.

In essence, the appropriate use policy, 603 FW 1 (2006), provides refuge managers with a consistent procedure to first screen and then document decisions concerning a public use. When a use is determined to be appropriate, a refuge manager must then decide if the use is compatible before allowing it on a refuge. The policy also requires review of existing public uses. During the CCP process the refuge manager evaluated all existing and proposed refuge uses at both Julia Butler Hansen and Lewis and Clark Refuges using the following guidelines and criteria as outlined in the appropriate use policy:

- Do we have jurisdiction over the use?
- Does the use comply with applicable laws and regulations (Federal, State, tribal and local)?
- Is the use consistent with applicable Executive orders and Department and Service policies?
- Is the use consistent with public safety?
- Is the use consistent with goals and objectives in an approved management plan or other document?
- Has an earlier documented analysis not denied the use or is this the first the use has been proposed?
- Is the use manageable within available budget and staff?
- Will this be manageable in the future within existing resources?
- 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?
- Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D. for recreational uses description), compatible, wildlife dependent recreation into the future?

Using this process and these criteria, and as documented on the following pages, the refuge manager determined the following use(s) are not appropriate: Camping (Julia Butler Hansen Refuge), Dog training (Julia Butler Hansen Refuge), and Camping (Lewis and Clark Refuge). The refuge manager also determined the following refuge use(s) were appropriate, and directed that compatibility determinations be completed for each use: Haying, silage harvest, and cattle grazing (Julia Butler Hansen Refuge).

FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: Julia Butler Hansen Refuge for the Columbian White-Tailed Deer

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: May 1, 2009

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

Finding of Appropriateness of a Refuge Use
Supplement to FWS Form 3-2319
Camping (JBHNWR)

Further Explanation of answers provided for the Decision Criteria:

(a) The use takes place within the boundaries of the refuge.

(b) The use conflicts with 50 CFR 26.31 which states that "Public recreation will be permitted on national wildlife refuges as an appropriate incidental or secondary use only after it has been determined that such recreational use is practicable and not inconsistent with the primary objectives for which each particular area was established or with other authorized Federal operations." At Julia Butler Hansen Refuge allowing camping is not consistent with the refuge purpose of endangered species conservation.

(c) The use is inconsistent with Service Policy. Specifically, 8 RM 9.5 (b) states that "Camping and picnicking may be permitted only when required to implement or sustain an approved wildlife/wildlands oriented activity only when no other alternative is practical." At Julia Butler Hansen Refuge, camping is not required in order for the public to engage in wildlife –dependent public uses.

(d) The use is generally consistent with public safety.

(e) The use is not consistent with any goals or objectives in an approved refuge management plan or other refuge document.

(f) This use has previously been requested and denied on the refuge. The last documented official request for camping occurred prior to the implementation of Refuge's Appropriate Use policy.

(g) This use is not currently manageable with available budget and staff. The amount of oversight needed to adequately carry out this activity would require significant upgrades.

(h) Based on current staffing, budget etc., this use would not be manageable in future within existing resources.

(i) The use by itself does not necessarily contribute to public understanding of the refuge's natural or cultural resources. The use is not beneficial to the refuge's natural or cultural resources and because the use would reduce available wildlife habitat it would be detrimental to those resources.

(j) It is likely that this use would at least somewhat impair existing wildlife dependant uses by impacting other refuge recreational users.

FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: Julia Butler Hansen Refuge for the Columbian White-Tailed Deer

Use: Dog Training

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: May 1, 2009

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

Finding of Appropriateness of a Refuge Use
Supplement to FWS Form 3-2319
Dog Training (JBHNWR)

Further Explanation of answers provided for the Decision Criteria:

(a) The use takes place within the boundaries of the refuge.

(b) The use conflicts with 50 CFR 26.31 which states that "Public recreation will be permitted on national wildlife refuges as an appropriate incidental or secondary use only after it has been determined that such recreational use is practicable and not inconsistent with the primary objectives for which each particular area was established or with other authorized Federal operations." At Julia Butler Hansen Refuge allowing dog training is not consistent with the refuge purpose of endangered species conservation.

(c) The use may be consistent with Service Policy provided that the activity is compatible with refuge objectives. Specifically, 8 RM 8.1 states that "Field trials may be permitted on units of the refuge system provided the activity is compatible with refuge objectives." Since the appropriate use review is conducted prior to a compatibility determination, this decision criterion cannot be determined until after a compatibility determination is completed.

(d) The use is generally consistent with public safety.

(e) The use is not consistent with any goals or objectives in an approved refuge management plan or other refuge document.

(f) This use has previously been requested and denied on the refuge prior to the Appropriate Use policy implementation.

(g) This use is not currently manageable with available budget and staff. The amount of oversight needed to adequately carry out this activity would require significant upgrades.

(h) Based on current staffing, budget etc., this use would not be manageable in future within existing resources.

(i) The use does not contribute to public understanding of the refuges natural or cultural resources. The use is not beneficial to the refuge's natural or cultural resources and due to loss of habitat may be detrimental to those resources.

(j) It is likely that this use would impair existing wildlife dependant uses by impacting other refuge recreational users.

FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: Lewis and Clark National Wildlife Refuge

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: May 1, 2009

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

Finding of Appropriateness of a Refuge Use
Supplement to FWS Form 3-2319
Camping (LCNWR)

Further Explanation of answers provided for the Decision Criteria:

(a) The use takes place within the boundaries of the refuge.

(b) The use conflicts with 50 CFR 26.31 which states that "Public recreation will be permitted on national wildlife refuges as an appropriate incidental or secondary use only after it has been determined that such recreational use is practicable and not inconsistent with the primary objectives for which each particular area was established or with other authorized Federal operations." At Lewis and Clark NWR allowing camping is not consistent with the refuge purpose of endangered species conservation.

(c) The use is inconsistent with Service Policy. Specifically, 8 RM 9.5 (b) states that "Camping and picnicking may be permitted only when required to implement or sustain an approved wildlife/wildlands oriented activity only when no other alternative is practical." At Lewis and Clark NWR, camping is not required in order for the public to engage in wildlife –dependent public uses.

(d) The use is generally consistent with public safety.

(e) The use is not consistent with any goals or objectives in an approved refuge management plan or other refuge document.

(f) This use has previously been requested and denied on the refuge. The last documented official request for camping occurred prior to the implementation of Refuge's Appropriate Use policy.

(g) This use is not currently manageable with available budget and staff. The amount of oversight needed to adequately carry out this activity would require significant upgrades.

(h) Based on current staffing, budget etc., this use would not be manageable in future within existing resources.

(i) The use by itself does not necessarily contribute to public understanding of the refuge's natural or cultural resources. The use is not beneficial to the refuge's natural or cultural resources and because the use would reduce available wildlife habitat it would be detrimental to those resources.

(j) It is likely that this use would at least somewhat impair existing wildlife dependant uses by impacting other refuge recreational users.

FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: Julia Butler Hansen Refuge for the Columbian White-Tailed Deer

Use: Haying, Silage Harvest and Cattle Grazing

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: May 1, 2009

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

Finding of Appropriateness of a Refuge Use
Supplement to FWS Form 3-2319
Haying\Grazing (JBHNWR)

Further Explanation of answers provided for the Decision Criteria:

(a) The use takes place within the boundaries of the refuge.

(b) The use does not violate applicable laws and statues.

(c) The use is consistent with Service Policy. FWS policy at 6 RM 5 (Grassland Management) states that "Grazing programs may be implemented only when they benefit or are not harmful to wildlife and wildlife habitat" and "Frequency of grazing will vary according to productivity and condition of the site and should be held to the minimum necessary to achieve the desired results" (6 RM 5.6 A.). The policy also states that, "…annual haying of grasslands leads to reduced plant vigor, removal of organic material, and a reduction of wildlife values. However, under some circumstances annual haying may be necessary in order to provide emergent growth on seasonally flooded sites or otherwise support refuge objectives. In some situations, occasional haying can be used to remove excessive mulch accumulation that is inhibiting growth of desired plant species. Haying should be timed to achieve the desired results while minimizing the adverse effects…" (6 RM 5.6 C.).

(d) The use is generally consistent with public safety.

(e) The use is consistent with goals and objectives in an approved refuge management.

(f) Plan or other refuge document, specifically the objective to maintain short grass pastures for the benefit of Columbian White-tailed Deer and Canada Geese.

(g) This use has not been previously denied on the refuge.

(h) The use requires the issuance of permits and oversight by refuge personnel. The refuge currently has the available budget and staff that would be required to administer this use.

(i) This use is more economical than using refuge personnel and equipment to manage the entire refuge pasture system. It is anticipated that this cost savings would continue into the future.

(j) Although the use by itself does not necessarily contribute to public understanding of the refuge's natural or cultural resources, the use is definitely beneficial to the refuge's natural resources providing management of the refuges grasslands for the benefit of Columbian White-tailed Deer and Canada Geese.

(k) It is anticipated that this use would not impair existing wildlife dependant uses or impact other refuge recreational users.