



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Washington, D.C. 20240



In Reply Refer To:

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Memorandum

To: Regional Directors 1-8

From: Deputy Director *Rowan W. Gould*

Subject: Mosquito Management on National Wildlife Refuges

This Memorandum sets forth the U.S. Fish and Wildlife Service's (Service) interpretation of existing regulations and policies that allow for mosquito management activities on lands and waters within the National Wildlife Refuge System (Refuges). By issuance of this Memorandum, the Director's Memorandum dated April 8, 2005, *Subject: Interim Guidance for Mosquito Management on National Wildlife Refuges*, is hereby rescinded. Mosquito management activities may occur on Refuges to protect public health when local, current mosquito monitoring data collected by a public health authority or their authorized, designated representative (health authority) indicate that mosquitoes on a Refuge are contributing to a public health threat. Mosquito management activities must be consistent with authorities set forth in this document and with all applicable Federal laws and regulations. A Technical Handbook to guide Service employees is in preparation for interpreting regulations and policies as they pertain to mosquito management activities and understanding mosquitoes and management alternatives.

Refuge Administration Act

The National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997 (Administration Act) (16 U.S.C. §§ 668dd-668ee) authorizes the Service to establish regulations and policies for managing Refuges and to govern Refuge uses. The Administration Act also prohibits uses that are not compatible with the purpose(s) of an individual Refuge and the mission of Refuges. As authorized by the Administration Act, the Service will use existing regulations and policies to guide mosquito management decisions and actions on Refuges. Title 50 Code of Federal Regulations (CFR) Subchapter C, Part 25 -28 are the primary enabling regulations of the National Wildlife Refuge System. Guiding policies are: Comprehensive Conservation Planning Process (602 FW 3), Step-Down Management Planning Policy (602 FW 4), Biological Integrity, Diversity, and Environmental Health (601 FW3), Integrated Pest Management (569 FW 1), Appropriate Refuge Uses (603 FW 1), and Compatible Uses (603 FW 2).

The Refuge Administration Act, 668dd (k) emergency power, states that the Secretary of the Department of the Interior may temporarily suspend, allow, or initiate any activity in a Refuge to protect the health and safety of the public or a fish or wildlife population. Authority to make these decisions is delegated to the Refuge manager, but decision-making may include coordination with Regional and National Service personnel. We may expedite preparation of

special use permits, pesticide use proposals, and other compliance documentation for situations that require emergency response to protect the health and safety of the public.

Regulations of the National Wildlife Refuge System

Title 50 CFR Subchapter C, §25-38, Administrative Provisions, are the enabling regulations of the National Wildlife Refuges System as authorized by the Refuge Administration Act. 50 CFR §25.21 (a), (b), and (c) set forth the regulations that allow a Refuge manager to open or close a Refuge or take an action or temporarily allow a use to protect health and safety of the public. 50 CFR §25.31 sets forth the general provisions for public notification of changes in use. 50 CFR §25.41-43 establish responsibility and requirements for issuance or revocation of Refuge permits and the appeals procedures. 50 CFR §26.41 establishes regulations regarding determination of compatible Refuge uses. 50 CFR §27.51 establishes that disturbing, injuring, spearing, poisoning, destroying, collecting or attempting to disturb, injure, spear, poison, destroy or collect any plant or animal on a Refuge is prohibited except by special permit.

Comprehensive Conservation Planning Policy and Step-Down Management Planning

The Service's Comprehensive Conservation Planning (CCP) policy (602 FW 3) describes the process we use to establish long-range guidance and management direction to achieve Refuge purposes and fulfill the Refuge mission. Comprehensive Conservation Plans may include, but are not limited to, Refuge-specific Integrated Pest Management Plans, Invasive Species Management Plans, or Mosquito Management Plans, as appropriate. The Service's Step-Down Management Planning Policy 602 FW 4 allows for Step-Down Management Plans, such as Integrated Pest Management Plans and/or Mosquito Management Plans that may be prepared when necessary to provide strategies and implementation for meeting goals and objectives identified in a CCP; all are subject to National Environmental Policy Act of 1969 (42 U.S.C. 4321 - 4347) compliance documentation.

Biological Integrity, Diversity and Environmental Health Policy

The Service's Biological Integrity, Diversity and Environmental Health Policy (BIDEH) policy (601 FW 3) sets forth a process and directs Refuge managers to maintain and restore the biological integrity, diversity and environmental health of a Refuge. The underlying principle of BIDEH is to ensure wildlife conservation; biological integrity, diversity, and environmental health are critical components of wildlife conservation. If a public health authority has advised a Refuge manager of a public health risk or threat due to mosquitoes on a Refuge, BIDEH guides Refuge manager's review of the public health authority's proposed alternatives for mosquito management. A Refuge manager considers the Refuge mission and the biological integrity, diversity and environmental health of the Refuge, and works with the public health authority to select a mosquito management alternative that achieves the necessary reduction of public health threat while maintaining the Refuge purpose and minimizing adverse effects to biological integrity, diversity and environmental health.

Integrated Pest Management Policies

Department of the Interior 517 DM 1 Integrated Pest Management policy 517 DM 1.3 C allows for management of pests, defined as any living organism that may interfere with the site-specific purposes, operations, or management objectives or that jeopardizes human health and safety. Further, 517 DM 1.4 and 1.5 direct that the departmental bureaus will manage pests using integrated pest management (IPM) principles such that risks from both the pests and the associated pest management activities are reduced; that pest management be accomplished through cost-effective means that pose the least risk to humans, natural and cultural resources and the environment, and that all applicable Federal authorities are incorporated when addressing pest issues.

The Service's IPM policy, 569 FW 1, follows the Department policy. Under 569 FW 1.3 and 1.6 we manage pests that interfere with site management goals and objectives, when public health or safety is jeopardized, when there is a threat to wildlife health; and when action thresholds for the pest are exceeded. The Service receives no appropriated funds for mosquito management activities. Unless mosquito populations interfere with site management goals and objectives, or jeopardize human health or safety, the Department and Service policies authorize Refuge managers to allow native mosquito populations to exist unimpeded. When a public health authority identifies to the Service that there is a threat to public health from mosquitoes on a Refuge, Refuge managers are authorized to allow mosquito management actions on the Refuge as long as the activities are in full accordance with Service regulations, policies and permitting procedures. Public health authorities may work with Refuges to use IPM principles that include surveillance/monitoring and thresholds that will support actions to respond to public health threats and emergencies, to avoid and avert public health threats and to reduce the risk of public health threats due to mosquitoes on Refuges. Under the IPM policy, the National IPM Coordinator works with the Regional IPM Coordinators and other technical advisors to inform employees about mosquito management techniques and products.

Section 569 FW 1.4 directs managers to use the most effective IPM method or combination of methods that pose the lowest risk to fish, wildlife, and their habitats. Section 569 FW 1.7 also directs managers to choose pest management methods by considering human health, environmental integrity, effectiveness, and cost. Refuge managers evaluate the mosquito treatment options using this policy.

Appropriate and Compatible Use Policies

The Service's Appropriate Refuge Uses (603 FW 1) policy provides evaluation procedures (603 FW 1.11A (3)) for Refuge managers to ensure that a new or existing mosquito management action or control method is an appropriate Refuge use. There are five types of Refuge uses, mosquito management to protect human health and safety would be covered under 603 FW 1.10 D Specialized Uses.

The Service's Compatible Use (603 FW 2) policy and the associated regulations (50 CFR §26.41) provide guidelines and direct Refuge managers to ensure that a new or existing mosquito management method or activity will not interfere with or detract from the fulfillment of Refuge purpose(s) and the mission of the Refuge System, and that any use considered compatible is

periodically reviewed, and complies with all applicable laws, policies, and regulations. 603 FW 2.10C further describes the emergency power authorization provided in the Administration Act, as follows: “Authority to make decisions under this emergency power is delegated to the refuge manager. Temporary actions should not exceed 30 days and will usually be of shorter duration. The refuge manager will create a written record (memorandum to the file) of the decision, the reasons supporting it, and why it was necessary to protect the health and safety of the public or any fish or wildlife population.”

Summary

As authorized by the Administration Act, the Service will use the existing regulations and policies summarized above when considering and authorizing mosquito management actions on Refuges. Although mosquitoes are generally considered part of the natural ecosystem in most Refuge habitats in which they occur, the Service recognizes that Federal, State or local public health authorities (or their authorized, designated representative) may document and identify that there is a threat to public health from mosquitoes on a Refuge. Public health authorities may work with Refuges to plan surveillance and monitoring programs that provide information to respond to public health threats and emergencies, to implement actions to avoid public health threats and reduce the risk of public health threats due to mosquitoes on Refuges. When a public health authority advises the Service of a threat to health and safety of the public from mosquitoes arising from a Refuge, we will work with the public health authority to allow them to reduce the public health risk on the Refuge, as long as the activities are in full accordance with our regulations, policies and permitting procedures.