

FINDING OF APPROPRIATENESS OF A REFUGE USE

Use of this form is required for documenting all appropriate use findings (603 FW 1)

Refuge Name: Cape Romain National Wildlife Refuge

Use: Rights to Access for the harvest of horseshoe crabs

This is a: New Use

Existing Use

A. Does this use qualify for an appropriateness review exemption?

(Please Check One)

Some refuge uses are exempted from an appropriateness review [603 FW 1.2; 603 FW 1.2(A)]. Appropriate use finding exemptions are documented through the use of this form.

This use is "protected," "conditioned," or otherwise provided for under law or regulation.

Examples include the use of snow machines, airplanes, or motorboats on Alaska refuges under certain conditions per the ANILCA. Provide a written justification as to how this use qualifies for this particular exemption.

The Service does not have jurisdiction over the use

This could be as a result of treaty rights, court orders, consent decrees, pre-existing rights (such as subsurface Non-Federal oil and gas or mineral rights, grandfathered easements, etc.). Provide a written justification as to how this use qualifies for this particular exemption.

This is a Right-of-Way Permit request

Right-of-way requests are subject to 340 FW 3 and compatibility determinations (603 FW 2). Attach a brief explanation as to how this use qualifies for this particular exemption.

This use DOES NOT qualify for an appropriateness review exemption.

Proceed to evaluate the use under Part B.

If the use meets one of the three qualifying exemptions above, then it is exempt from an appropriate use determination. Skip Parts B, C, D and E and complete Parts F and G, sign and date, and submit a copy to the Refuge Supervisor.

B. Is the use administratively determined as appropriate in law or policy?

(Please Check One)

The following refuge uses are appropriate because they have been administratively determined as appropriate uses by statute or policy [603 FW 1.11(A)(1); 603 FW 1.6(A)(3)].

This use is a wildlife-dependent recreational use.

Hunting, Fishing, Wildlife Observation, Wildlife Photography, Environmental Education, or Interpretation.

This use involves the take of fish and wildlife under state/territorial regulations.

Including other forms of state-regulated take beyond hunting and fishing.

This use HAS NOT been administratively determined as appropriate by statute or policy.

Proceed to evaluate the use under Part C.

If the use meets one of the two qualifying definitions above, then it is appropriate. Complete Parts E, F, and G, sign and date, and submit a copy to the Refuge Supervisor.

C. Is the use appropriate because it contributes to the refuge's purpose(s), goals, or objectives or Refuge System mission?

(Please check one.)

Refuge managers, in their sound professional judgement, may determine a refuge use to be appropriate if it contributes to fulfilling the refuge purpose(s), goals, or objectives described in the refuge's comprehensive conservation plan, or the Refuge System mission [603 FW 1.11 (A)(2)]. Urban wildlife refuges have the additional goal of fostering environmental awareness through outreach programs and activities that develop an informed and involved populace that supports fish and wildlife conservation [110 FW 1.5].

This use contributes to the refuge purpose(s), goals, or objectives, or Refuge System mission.

Provide a written justification of how the use contributes to the qualifying purpose(s), goals, or objectives or Refuge System mission. Complete Parts E, F, and G, sign and date, and submit a copy to the Refuge Supervisor.

This use DOES NOT contribute to refuge purpose(s), goals, objectives, or Refuge System mission.

Proceed to evaluate the use under Part D.

D. Is this use appropriate?

Decision Criteria:	YES	NO
(1) Does the use comply with applicable laws and regulations (Federal, State/Territorial, tribal, and local)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2) Is the use consistent with applicable Executive orders and Department and Service policies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Is the use consistent with public safety?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(4) Is the use consistent with the goals and objectives of approved management plans or other management document?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(5) If this is the first time the use has been proposed or if it was previously found appropriate, check Yes. If the use was previously analyzed but denied, check No.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(6) Is the use manageable within available budget and staff?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(7) Will the use be manageable in the future with existing resources? [603 FW 1.11 (A)(3)(h)].	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(8) Does the use contribute to the public's understanding and appreciation of the refuge's natural and cultural resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(9) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality [603 FW 1.6 (D)], compatible, wildlife-dependent recreation into the future?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(10) Is the use on an urban wildlife refuge [110 FW 1.15] and/or will it help new audiences become familiar and comfortable with fish, wildlife and their habitats?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If the answer is "NO" to (1), (2), or (3), mark the use as "Not Appropriate" under Part G. If the answer is "NO" to any of (4) through (10), the use will generally be "Not Appropriate." Refuge managers may, however, check one or more of boxes (4) through (10) and still find the use "Appropriate" by providing a written justification of the finding and how the factor(s) are mitigated or of minimal effect.

Complete Parts E, F, and G, sign and date, and submit a copy to the Refuge Supervisor.

E. Consultation with State/Territorial Fish and Wildlife Agency

(Please check one.)

Refuge managers must consult with the applicable State/Territorial fish and wildlife agency when a request for a use could affect fish, wildlife, or other resources that are of concern to a State fish and wildlife agency [603 FW 1.7E(3) and 1.12].

Consultation WAS required.

Proceed to Part F. Consultation took place on: 4/4/22
(Month/Date/Year)

Consultation WAS NOT required.
Proceed to Part F.

F. Is the use significantly complex or potentially controversial?

(Please check one.)

Yes

If Yes, date the Regional Chief was briefed: 4/16/21
(Month/Date/Year)

No
Proceed to Part G.

G. Finding

Based on my review of all relevant factors, I find the refuge use identified above:

Exempted Not Appropriate Appropriate*

[* Includes findings that a use is administratively determined as appropriate (Section B and C) or is found appropriate through the use of the decision tool (Section D).]

SARAH
Refuge Manager* DAWSEY Digitally signed by SARAH DAWSEY
Date: 2022.03.16 14:11:18 -04'00' Date _____

*Upon signature, all fields except date, Refuge Supervisor signature and date, will be locked as "read only".

H. Concurrence

The Refuge Supervisor MUST concur and sign a finding of "Not Appropriate" for an EXISTING use if the designation is made OUTSIDE of the Comprehensive Conservation Plan process. The Refuge Supervisor MUST concur and sign a finding of "Appropriate" for any proposed NEW use. Signature from the Refuge Supervisor WILL NOT be necessary for a finding of "Not Appropriate" with a proposed NEW use.

EMERY
Refuge Supervisor* HOYLE Digitally signed by EMERY HOYLE
Date: 2022.05.12 20:09:19 -05'00' Date _____

*Upon signature, all fields except date will be locked as "read only".

Any use found to be "Appropriate" will require the development of a compatibility determination before the use may be allowed on Refuge lands.

JUSTIFICATION FOR FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: Cape Romain National Wildlife Refuge

Use: Rights to Access for the harvest of horseshoe crabs

NARRATIVE:

Note: Include in the Justification narrative:

- *Your reason for checking a box in Section A to exempt the use from appropriateness review.*
- *Your reason for determining in Section C that the use contributes to the refuge's purpose, goals and objectives, or the Refuge System mission.*
- *Your reason for checking each of the boxes in Section D. Include a concise, substantive explanation as to why boxes were checked, either "YES" or "NO", for each decision criteria. Also, for boxes (4) through (10), if any are checked "NO", be sure to describe how the factor(s) are mitigated, or of minimal effect, if use is determined to be "Appropriate."*

See Attached Justification