

## Appendix Q



George Gentry/ USFWS

*American Pintail*

## Findings of Appropriateness



FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: Chincoteague National Wildlife Refuge

Use: Commercial Filming, Still Photography, and Photography Workshops

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: \_\_\_\_\_

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

## Justification for a Finding of Appropriateness of a Refuge Use

**Refuge Name:** Chincoteague National Wildlife Refuge

**Use:** Commercial Filming, Still Photography, and Photography Workshops

### **Narrative:**

Commercial photography has the potential to inspire and educate the public about the Refuge System, natural habitats, and wildlife. Wildlife photography is a priority wildlife-dependent use for the Refuge System through which the public can develop an appreciation for fish and wildlife (Executive Order 12996, March 25, 1996 and the National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997 (Public Law 105-57)). The Service's policy is to provide expanded opportunities for wildlife-dependent uses when compatible and consistent with sound fish and wildlife management, ensuring that they receive enhanced attention during planning and management.

Specific refuge regulations address equity and quality of opportunities for visitors and help safeguard refuge habitats. Impacts from this proposal, short-term and long-term, direct, indirect, and cumulative, are expected to be minor and are not expected to diminish the value of the refuge for its stated objectives.

Stipulations as described in the Compatibility Determination for this use will ensure proper control of the means of use and provide management flexibility should detrimental impacts develop. Allowing this use also furthers the mission of the National Wildlife Refuge System by providing renewable resources for the benefit of the American public while conserving fish, wildlife, and plant resources on the refuge.

This activity will not materially interfere with or detract from the mission of the Refuge System or purposes for which the refuge was established. In addition, this activity will contribute to one or more purposes of the refuge or Refuge System.

FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: Chincoteague National Wildlife Refuge

Use: Grazing of Chincoteague Ponies

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: \_\_\_\_\_

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

## Justification for a Finding of Appropriateness of a Refuge Use

**Refuge Name:** Chincoteague National Wildlife Refuge

**Use:** Grazing of Chincoteague Ponies

### **Narrative:**

The Chincoteague ponies are important assets to the local communities, evoking a deeply meaningful sense of place and generating both economic and environmental benefits.

The Chincoteague ponies have long been a part of Assateague Island's history from the time the Eastern Shore was settled during the early 1600's through today. In 1947, the Chincoteague ponies reaped national and international attention with Marguerite Henry's children's classic, *Misty of Chincoteague*. The later movie version in 1961 further heightened the popularity of the authentic island pony and its lineage. To children and adults, "Misty of Chincoteague" is an iconic symbol of the spirited ponies freely roaming on Assateague Island.

The Assateague Island recreational beach, the ponies, and the Refuge are the Town of Chincoteague and Accomack County's major tourist attractions. Every year the Refuge experiences between 1.2 and 1.5 million visits. This makes the Refuge one of the top five most visited National Wildlife Refuges in America. Due to Refuge related tourism, over \$100 million dollars is spent in the regional economy for lodging, meals, gasoline, souvenirs, recreation, and other items.

In 2010, the town completed a visitor survey. Eighty percent (80%) of Chincoteague visitors selected Assateague Beach as their top destination. Viewing the wild ponies consistently ranked among the top three activities most important to visitors.

By allowing the use described in this determination, the visiting public, who might come just to see these world famous ponies, will also be exposed to natural resource related subjects and therefore, will have a better understanding and appreciation for wildlife, the cultural history of the Refuge, and the importance of the National Wildlife Refuge System. One of the secondary goals of the National Wildlife Refuge System is to provide opportunities for the public to develop an understanding and appreciation for wildlife wherever those opportunities are compatible. The draw of the Chincoteague ponies will contribute to the achievement of the public use goals of the Chincoteague National Wildlife Refuge.

This activity will not materially interfere with or detract from the mission of the Refuge System or purposes for which the refuge was established. In addition, this activity will contribute to one or more purposes of the refuge or Refuge System.

FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: Chincoteague National Wildlife Refuge

Use: Horseback Riding

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: \_\_\_\_\_

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.

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## Justification for a Finding of Appropriateness of a Refuge Use

**Refuge Name:** Chincoteague National Wildlife Refuge

**Use:** Horseback Riding

### **Narrative:**

Horseback riding has a long history on Assateague Island. Even before the establishment of the refuge in 1943, horseback riding was the preferred way of rounding-up livestock that was allowed to free range on the island. During World War II the United States Coast Guard patrolled the Assateague Island shoreline by horseback looking for German U-boats or evidence of human activity on the beach. However, recreational horseback riding has always been a favorite pastime of local/county residents and has been permitted with varying degrees of restrictions since the establishment of the Refuge.

Historically, horseback riding was allowed on the Beach Road, Spur Road to the OSV zone and, depending on the time of year, the area of Toms Cove I-look that was open to off road vehicle use and along a small section of Tom's Cove beyond the Coast Guard Station. Currently, horseback riders park their trailers at or near the southern terminus of the National Park Service assigned area and access the horseback riding area at that location. Horseback riding occurs along the southernmost Atlantic Ocean beachfront of Assateague Island and in the same area known as the Over Sand Vehicle (OSV) zone. In order to protect beach nesting migratory birds seasonal closures of the horseback riding/OSV zone will be implemented.

In the best professional opinion of the Refuge law enforcement officers obtained from observation and direct contact, in 2012, approximately 140 riders participated in this activity. Although horseback riding is considered a non-wildlife oriented form of recreation, it does facilitate wildlife observation and photography. Use is low and occurs in an area used by OSVs which results in little additional disturbance.

FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: Chincoteague National Wildlife Refuge

Use: Research & Studies Conducted by Outside Agencies, Universities, and Orgs.

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: \_\_\_\_\_

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.

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## Justification for a Finding of Appropriateness of a Refuge Use

**Refuge Name:** Chincoteague National Wildlife Refuge

**Use:** Research and Studies Conducted by Outside Agencies, Universities, and Organizations

### **Narrative:**

The Service encourages and supports research and management studies in order to provide scientific data upon which decisions regarding management of the refuge may be based. Allowing refuge approved research and management studies will provide valuable information to better manage the wildlife resources under the refuge's auspices.

Priority of approval will be based on studies that contribute to the enhancement, protection, use, preservation, and management of native wildlife populations and their habitat. Proposals that are privately funded or funded by other agencies may be approved at the refuge level. Those that require Service funds will be forwarded to the Regional or Washington Office for approval.

Approved research/study proposals will be issued a Special Use Permit with appropriate restrictions to lessen disturbance to wildlife, identify restricted areas, and other limits as needed. Permittee will be required to seek and receive any permits required by the NPS or other agencies when conducting research in areas within their jurisdiction.

Refuge staff will monitor research activities for potential impacts to the refuge and for compliance with conditions listed on the special use permits. The refuge manager may determine that previously approved research and SUP be terminated due to observed impacts. The refuge manager will also will have the ability to cancel a SUP if the researcher is not in compliance with the stated conditions.

FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: Chincoteague National Wildlife Refuge

Use: Shell Collecting

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: \_\_\_\_\_

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

## Justification for a Finding of Appropriateness of a Refuge Use

**Refuge Name:** Chincoteague National Wildlife Refuge

**Use:** Shell Collection

### **Narrative:**

Mollusks have probably been used by primates as a food source long before humans evolved. Shell collecting probably goes back as far as there have been humans living near beaches. Stone Age seashell necklaces have been found, sometimes in areas far from the ocean, indicating that they were traded. Shell jewelry is found at almost all archaeological sites, including at ancient Aztec ruins, digs in ancient China, and the Indus Valley. Shell collection has a long history on Assateague Island. It has historically taken place on the refuge since Native Americans used the area. Mollusks were used for food, their shells for tools and/or as currency. Since refuge establishment, visitors have wandered the beachfront in search of these treasures from the sea. Impacts are minimal as the beach is open to other recreational activity.

This use allows the collection of non inhabited-shells for personal enjoyment. Shell collecting would be authorized in areas open to public use, where it would not interfere with other public use activities. This is not a priority public use; however people participating in this activity are likely to experience other priority public uses like observing wildlife.

The current regulation allows the collection of 1 gallon/person/day of dead and/or unoccupied shells. This regulation is consistent with Assateague Island National Seashore (NPS) regulation concerning shell collection.

FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: Chincoteague National Wildlife Refuge

Use: Temp/Short-term activities conducted by other Fed, State, and Local Govs.

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: \_\_\_\_\_

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

## Justification for a Finding of Appropriateness of a Refuge Use

**Refuge Name:** Chincoteague National Wildlife Refuge

**Use:** Temporary/short-term activities conducted by other Federal, State, or local governments

**Narrative:**

These uses are minor, short-duration actions on the refuge by federal, state and local government agencies and/or their contractors, primarily those concerned with defense, such as the Department of the Navy, or geologic or atmospheric sciences, such as NASA and NOAA, for minor operational support purposes, when activities do not interfere with the needs of wildlife or other public use activities. These activities are not priority public uses of the Refuge System. In the past, uses of this type have been very limited in scope, temporary in nature, and require no permanent alteration of the landscape, although they have involved accessing and traversing refuge lands.

The Service recognizes the need of other agencies to use the Service's land base to accommodate the needs, goals, and mandates of those agencies. Within the scope of the refuge purposes and the Service mission, the Service wishes to cooperate when possible. The refuge has received a limited number of requests by outside agencies to conduct projects on refuge property.

Projects conducted by non-Service personnel will not materially interfere with or detract from the mission of the National Wildlife Refuge System or the purposes for which the Refuge was established, as long as stipulations put in Special Use Permits are adhered to.

FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: Chincoteague National Wildlife Refuge

Use: Horseshoe Crab Harvesting

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: \_\_\_\_\_

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  
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## Justification for a Finding of Appropriateness of a Refuge Use

**Refuge Name:** Chincoteague National Wildlife Refuge

**Use:** Horseshoe Crab Harvesting

### Narrative:

- The commercial harvest of horseshoe crabs is an economic use that takes place on tidal lands administered by the USFWS. In accordance with 16 U.S.C. 668 dd, 50 CFR, Subpart A, 29.1, entitled: *May we allow economic uses on national wildlife refuges?*, we may only authorize public or private economic use of the natural resources of any national wildlife refuge, in accordance with 16 U.S.C. 715s, where we determine that the use contributes to the achievement of the national wildlife refuge purposes or the National Wildlife Refuge System (NWRS) mission. The commercial harvesting of horseshoe crabs does not contribute to the refuge's migratory bird purpose, does not contribute to the public's understanding and appreciation of the refuge's natural or cultural resources, and is not beneficial to refuge resources.
- In accordance with USFWS policy on appropriate refuge uses (603 FW 1), of the ten decision criteria used to determine appropriateness of horseshoe crab harvesting on Chincoteague National Wildlife Refuge (NWR), we answered "no" to seven.
- The refuge was established under the Migratory Bird Conservation Act "...for use as an inviolate sanctuary or for any other management purpose, for migratory birds" (16 U.S.C. § 715d). The harvesting of horseshoe crabs would directly contribute to a decline of spawning horseshoe crabs on refuge. A decline in horseshoe crabs, and in particular horseshoe crab eggs, would adversely impact use of the refuge by shorebirds.
- No Special Use Permit (SUP) to harvest horseshoe crabs from the refuge has ever been issued, nor has a request to harvest horseshoe crabs from the refuge ever been received. Therefore, it is an unauthorized activity.

The Atlantic States Marine Fisheries Commission has implemented a fishery management plan to regulate the harvest of horseshoe crabs with the goal of ensuring sustainable population levels. The science, quotas, and harvest regulations of horseshoe crab management are not the primary issues that the U.S. Fish and Wildlife Service (USFWS) must address. Policy and law requires that "uses" taking place on national wildlife refuge lands and waters must be determined to be both "appropriate" and "compatible" with the primary purposes for which the refuge was established. A refuge use that results in the generation of a commodity that can be sold for income or revenue, or traded for goods or services, is considered a refuge management economic activity. The standard for allowing a refuge management economic activity on a national wildlife refuge is higher than other non-economic uses. In order to be appropriate and compatible, an

economic activity on a national wildlife refuge must contribute to the achievement of refuge purposes or the National Wildlife Refuge System (NWRS) mission.

Horseshoe crab harvesting is not identified as a priority public use of the NWRS under the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-668ee), as amended by the National Wildlife Refuge System Improvement Act of 1997 (Public Law 105-57). Harvesting horseshoe crabs from Chincoteague NWR has been found not appropriate. This use would not contribute to the achievement of the national wildlife refuge purposes or the NWRS mission, and could, based on available information, contribute to a decline of horseshoe crabs on refuge. A decline in horseshoe crabs could negatively impact shorebirds by reducing available food supplies during critical migration periods.