

FINDING OF APPROPRIATENESS OF A REFUGE USE

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

Refuge Name: _____

Use: _____

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)?		
(2) Is the use consistent with applicable Executive orders and Department and Service policies?		
(3) Is the use consistent with public safety?		
(4) Is the use consistent with the goals and objectives of approved management plans or other management document?		
(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.		
(6) Is the use manageable within available budget and staff?		
(7) Will the use be manageable in the future with existing resources? [603 FW 1.11 (A)(3)(h)].		
(8) Does the use contribute to the public's understanding and appreciation of the refuge's natural and cultural resources?		
(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?		
(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?		

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.

Consultation took place on: _____
(Month/Date/Year)

Proceed to Part F.

_____ 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: _____
(Month/Date/Year)

Proceed to Part G.

_____ 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).]

Refuge Manager _____ Date _____

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.

Refuge Supervisor _____ Date _____

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: National Elk Refuge

Use: Reauthorization of the Compatibility Determination for the Multi-Use Pathway

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."*

This use contributes to the refuge's purpose, goals, and objectives and the mission of the System as identified and described in the Environmental Assessment and FONSI: North Highway 89 Pathway Project (2009), Compatibility Determination for Shared Use Pathway (2009) and Compatibility Determination for Multi-Use Pathway (2021).

The reasons for checking all boxes "Yes" in Section D of this document are also identified and described in the previously referenced documents.