

Appendix B. Appropriate Use Findings

B.1 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 those where the Service does not have adequate jurisdiction to control the activity and refuge management activities. In essence, the Appropriate Refuge 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. During the CCP process the Refuge Manager evaluated all existing and proposed refuge uses at Rose Atoll National Wildlife Refuge using the following guidelines and criteria as outlined in the Appropriate Refuge Use policy:

- Do we have jurisdiction over the use?
- Does the use comply with applicable laws and regulations (Federal, State/Territorial, 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, 603 FW 3, for 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 uses are appropriate:

Refuge Use – Rose Atoll NWR	Appropriate?
Research, Survey, and Scientific Collections	Yes

FINDING OF APPROPRIATENESS OF A REFUGE USE

Refuge Name: Rose Atoll National Wildlife Refuge, Manu'a District, American Samoa

Use: Research, Surveys, and Scientific Collections

This form is not required for wildlife-dependent recreational uses, take regulated by the Territory, 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?	X	
(b) Does the use comply with applicable laws and regulations (Federal, State/Territorial, tribal, and local)?	X	
(c) Is the use consistent with applicable Executive orders and Department and Service policies?	X	
(d) Is the use consistent with public safety?	X	
(e) Is the use consistent with goals and objectives in an approved management plan or other document?	X	
(f) Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?	X	
(g) Is the use manageable within available budget and staff?	X	
(h) Will this be manageable in the future within existing resources?	X	
(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?	X	
(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?	X	

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 Territorial fish and wildlife agencies. Yes X 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 X

Refuge Manager: *Michael Penellita*

Date: 9-4-13 *(Signature) 9/19/13*

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: *Barry W. [Signature]*

Date: 9/17/13

A compatibility determination is required before the use may be allowed.

FWS Form 3-2319

02/06

Justification for “Appropriate” finding.

The use evaluated herein for appropriateness is more fully described and evaluated in the compatibility determination (CD) for this use and the documents referenced in that CD.

a. Do we have jurisdiction over the use?

The area for this use lies within Rose Atoll National Wildlife Refuge (Refuge). The Refuge lands and waters are administered by the U.S. Fish and Wildlife Service (Service), consistent with Title 50 of the Code of Federal Regulations (CFR). The Service has jurisdiction over public uses of the Refuge.

b. Does the use comply with applicable laws and regulations (Federal and Territorial)?

This use will comply with applicable laws and regulations. Permittees will be required to obtain necessary Territorial and Federal permits.

c. Is the use consistent with applicable Executive orders and Department and Service policies?

This use will be consistent with applicable Executive orders and U.S. Department of the Interior and Service policies, including the policies on Research and Management Studies (4 Refuge Manual [RM] 6) and Administration of Specialized Uses (5 RM 17).

d. Is the use consistent with public safety?

This use will be consistent with public safety. Permittees will be required to limit their use of the Refuge to specifically designated areas, and review and understand Refuge rules and regulations, and any hazardous conditions.

e. Is the use consistent with goals and objectives in an approved management plan or other document?

This use will not be inconsistent with any Refuge goals, and will usually support several goals. Each research proposal will need to be evaluated individually to determine the degree of support.

f. Has an earlier documented analysis not denied the use or is this the first time the use has been proposed?

Earlier documented analysis has not denied this use.

g. Is the use manageable within available budget and staff?

Research, surveys, and scientific collections will be manageable within available budget and staff. Stipulations contained within the compatibility determination will help ensure that administration of the uses remain manageable within available budget and staff.

h. Will this be manageable in the future within existing resources?

The activity will be manageable in the future with existing resources. Research, surveys, and collections will be conducted by the Service, partnering agencies, and other research institutions.

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?

The Service believes that wildlife and habitat conservation and management on the Refuge should be based upon statistically viable scientific research combined with long-term monitoring. The information gained through appropriate, compatible research on Refuge lands will be beneficial to the Refuge's natural resources through application of this information into adaptive management strategies. The Refuge will also distribute any information gained to the public or incorporate into environmental education and interpretation programs and products, which will allow them to better understand and appreciate the Refuge resources and the need for protecting them.

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?

Research activities as described will not impair quality wildlife-dependent recreation should it be permitted in the future.

