

Compatibility Determination Checklist

PURPOSE: The purpose of this checklist is to help individuals more effectively, accurately, and comprehensively prepare and review compatibility determination documents for proposed and existing uses of national wildlife refuges. The checklist is organized consistent with the compatibility determination format and includes the subjects that (when applicable to the use being considered) should be addressed under each heading. Individuals are referred to U.S. Fish and Wildlife Service (FWS) compatibility policy for more information (see 603 FW 2.12 A.).

IS A COMPATIBILITY DETERMINATION REQUIRED? The National Wildlife Refuge System (NWRS) Administration Act of 1966, as amended and FWS policy (603 FW 2.10) require development of compatibility determinations for all refuge uses (see 603 FW 2.6 Q.). FWS policy also identifies those activities and other situations for which development of a compatibility determination is not appropriate or necessary (see 603 FW 2.10). Examples include refuge management activities, uses over which the FWS does not have jurisdiction, illegal uses, unsafe uses, and overflights. **Review of this section of policy prior to investing the effort to develop and process a compatibility determination.**

INCORPORATE THROUGH REFERENCE: Much of the information needed to develop a compatibility determination may already be included in refuge plans or National Environmental Policy Act (NEPA) documents. Summarize and incorporate through reference, relevant material from those documents. Remember also that we can ask parties proposing use of a refuge to draft necessary compliance documents or provide us the information needed to develop those documents (this includes, for example, compatibility determinations, NEPA documents, Clean Water Act section 404 permit requests, Endangered Species Act section 7 biological assessments, National Historic Preservation Act section 106 survey reports, etc.).

PUBLIC REVIEW AND COMMENT: The NWRS Administration Act of 1966 as amended by the NWRS Improvement Act of 1997, and FWS implementing regulations and policy require public involvement as part of the compatibility determination process. Therefore, compatibility determinations should be written in a clear, professional, and unbiased manner, avoiding excessive use of technical and bureaucratic jargon, with the exception that they will be reviewed by members of the general public and special interest groups (see 603 FW 2.12 (9)).

ADMINISTRATIVE RECORD: A compatibility determination is the legal record documenting FWS decision that a proposed or existing refuge use is or is not compatible with the purpose(s) of the refuge and the mission of the NWRS. The original, signed compatibility determination; original, written public comments on the compatibility determination (if any); and copies of any written FWS responses to such public comments should all be maintained in refuge files as part of the official administrative record.

Compatibility Determination

USE: *Name Use*

- **Use Name:** Include name of use. Keep simple and whenever possible, name(s) should be one or more of those listed in the official list of “Secondary Uses of the NWRS” (see FileMaker Pro database file “uses95.fp5” on the compact disk “CD Helper”).
- **Groups of uses:** Can include more than one use, including a program of uses (e.g., a cooperative farming program or mosquito control program). Group similar uses together. Avoid grouping (potentially) controversial uses with other uses (e.g., a controversial hunting program with broadly supported wildlife observation program). Prepare separate compatibility determinations for hunting and fishing programs. Do not group priority (Big 6”) public uses and non-priority public uses together.
- **Associated uses and facilities:** Include associated uses and/or facilities that are necessary for supportive of primary use (e.g., fishing, new boat dock, new boat launching ramp, new rest room, and expanded parking area; or wildlife observation and photography, new observation/photography blind, and extended trail).

REFUGE NAME: *Name refuge*

- **Name of refuge:** Include official, full refuge name and location (e.g., Tualatin River National Wildlife Refuge, Washington County, near Sherwood Oregon; see <http://cmt.fws.gov/cmthome.cfm>).
- **Refuge Specific:** Compatibility determinations are to be refuge-specific. Develop separate compatibility determinations for each refuge even if same use is to be addressed for more than one refuge in same complex. Use modern electronic technology to assist.

ESTABLISHING AND ACQUISITION AUTHORITY(IES): *List legal authorities used in establishing and acquiring lands/waters for refuge.*

- **Names of authorities:** Include full, official name of all relevant refuge-specific and general laws, proclamations, executive orders, secretarial orders, agreements, public land orders, donation documents, or administrative memoranda used to establish, authorize, or expand the refuge.
- **Citations:** Include full legal citation (U.S. Code citation is preferred for Federal Laws) and/or date for each reference listed (e.g., Fish and Wildlife Act of 1956, as amended [16 U.S.C. 742a-742j, not including 742d-1], [Migratory Bird Conservation Act, as amended [16 U.S.C. 715-715d, 715e, 715f-715r], or Endangered Species Act of 1973, as amended [16 U.S.C. 1531-1544]). See <http://laws.fws.gov/lawsdigest/index.html> and <http://refuges.fws.gov/policyMakers/mandates/index.html>.

- Refuge additions: Ensure that all appropriate authorities are listed, especially if use would only occur on a portion of the refuge. In some instances, a different authority than that used to establish or initially acquire a refuge was used to expand it.

REFUGE PURPOSE(S): *List/describe refuge purpose(s).*

- Determine refuge purpose: FWS policy provides guidance on the process to be followed in determining the purpose of a refuge (see 601 FW 1.10-1.17 and Exhibit 1).
- Quote or paraphrase: For each of the authorities listed immediately above, quote or paraphrase relevant portions which describe the refuge's purpose(s) (e.g., "...for the development, advancement, management, conservation and protection of fish and wildlife resources...for the benefit of the U.S. Fish and Wildlife Service, in performing its activities and services..." [Fish and Wildlife Act of 1956]; "...for use as an innovative sanctuary, or for any other management purpose, for migratory birds..." [Migratory Bird Conservation Act]; "...to conserve (a) fish or wildlife which are listed as endangered species or threatened species...or (b) plants..." [Endangered Species Act of 1973]). See <http://refugedata.fws.gov/databases/purposes.taf?function=form> for a list of refuge purposes.
- Administrative purposes: Purposes for some refuges exist in administrative documents (e.g., in establishment/expansion acquisition documents or NEPA documents). Quote or paraphrase relevant portions, which describe the refuge's purpose.
- Wilderness areas: Include the purposes of the Wilderness Act of 1964, as amended (16 U.S.C. 1131.1136) if the use would occur in a designated Wilderness Area or a Wilderness Study Area (see 6 RM 8 or 610 FW 1-7).

NATIONAL WILDLIFE REFUGE SYSTEM MISSION: *State NWRS mission using following text.*

- The mission of the National Wildlife Refuge System is "to administer an network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans" (National Wildlife Refuge System Administration Act of 1966, as amended [National Wildlife System Administration Act of 1966, as amended [16 U.S.C.668dd-66833]).

DESCRIPTION OF USE: *Describe use.*

- Incorporate through reference: Summarize and incorporate through reference, relevant descriptions from refuge plans or NEPA documents.
- Proposed or existing: Is compatibility determination for a proposed or an existing use?

- **Big 6:** Is use one or more of the “Big 6” legislated wildlife-dependent, priority public uses of the NWRS (i.e., hunting, fishing, wildlife observation and photography, or environmental education and interpretation)?
- **Economic use:** Is use a refuge management economic use (e.g., farming, grazing, haying, timber harvesting, or trapping; see 603 FW 2.6 N.)?
- **Associated uses and facilities:** Are there other uses, equipment, and/or facilities necessary for or supportive of this use (e.g., automobiles as part of a wildlife-observation, photography, and/or interpretive auto tour route; new or expanded road, parking lot, restrooms, trail, and blinds associated with hunting; boating dock and boat launching ramp associated with fishing; or fencing, off-stream watering facilities, and corrals associated with grazing)? If yes, they should all be described and evaluated as part of the same compatibility determination.
- **Location:** Where would use occur on refuge (it’s often helpful to include a map)? What types of habitat; and key fish, wildlife, and plant species occur there?
- **Magnitude:** What is the magnitude of the use (e.g., estimated number of people participating at one time or daily, weekly, monthly, or annually; estimated number of vehicles/vessels; number of AUMs grazed or acres of crops farmed; acres of X, Y, and Z habitats and percent of refuge affected; and/or number and size [length, square feet, etc.] of associated facilities)?
- **Timing:** When would the use occur, how frequently, and for how long (e.g., one-time, weekend event; year-round, daily activity; or Wednesday, Saturday, and Sunday mornings during hunting season)?
- **Why?** Why is the use being proposed? Who is proposing use? Why is it being proposed for the refuge instead of on other public or private lands in the area? Do similar opportunities exist nearby?

AVAILABILITY OF RESOURCES: *Describe management resources needed to administer use and availability of those resources.*

- **Needed resources:** What resources are needed to properly (considering quality and compatibility) and safely administer use? Include funds, facilities, equipment, and supplies needed to develop, manage, maintain, and monitor use. Estimate both one-time (e.g., for rehabilitation or new construction) and recurring expenses (i.e., for annual operations and maintenance). Summarize and incorporate through reference, relevant descriptions from refuge plans or NEPA documents.
- **Revenues:** Identify offsetting revenues generated by entrance or user fees associated with the use that would be returned to the refuge.
- **Adequacy of existing resources:** Do exist refuge resources adequate to properly and safely administer use?
- **Soliciting outside resources:** Document “reasonable efforts” to secure needed resources from outside FWS (e.g., from State or private conservation group) in instances where refuge resources are inadequate to administer an otherwise compatible, wildlife-dependent, priority public use.

ANTICIPATED IMPACTS OF THE USE: *Describe effects of use.*

- **Incorporate through reference:** Summarize and incorporate through reference, relevant effects assessments from refuge plans or NEPA documents. For a controversial use, may wish to use a separate paragraph to summarize each major type of impact and include therein citations for all relevant information sources.
- **Effects:** How does use affect:
 - Refuge purpose(s) and the NWRS mission?
 - Refuge goals and/or objectives, and refuge management activities?
 - Fish, wildlife, plants, and their habitats; and the biological integrity, diversity, and environmental health of the refuge/NWRS?
 - Other refuge uses, especially existing or potential wildlife-dependent, priority public uses?
 - Public safety?
- **Future effects:** Will magnitude and/or frequency of use and associated effects likely change (increase) in future?
- **Cumulative and indirect/secondary effects:** What are cumulative effects of this use when added to existing/projected refuge uses? Will use have major indirect or secondary effects?
- **Mitigation:** What provisions have been incorporated to lessen or eliminate adverse effects?

PUBLIC REVIEW AND COMMENT: *Describe public involvement process used, and comments and responses.*

- **Public involvement:** Briefly describe what level/type of public involvement process was used to solicit public review comments. Include:
 - Type of notice (e.g., posting at refuge headquarters, publication of notice in newspaper with wide local distribution, publication of notice in Federal Register, sending letters to refuge mailing list, public meeting, or other technique);
 - When notice was posted, letters were sent, or meeting was held; and
 - The review time period.
- **Comments and responses:** State how many comments were received, and summarize substantive comments received during public review and FWS responses to those comments.

DETERMINATION (check one below): *Using sound professional judgment (see 603 FW 2.6 U. and 2.11 A.), place an "X" in the appropriate space to indicate whether use would or would not materially interfere with or detract from the NWRS mission or purpose(s) of the refuge (see 603 FW 2.11 B.).*

_____ Use is Not Compatible

_____ Use is Compatible With Following Stipulations

STIPULATIONS NECESSARY TO ENSURE COMPATIBILITY: *List/describe terms and conditions associated with allowing use.*

- **Timing and Zoning:** Temporal or special limitations for the use (e.g., daily or seasonal closures, designated access routes and campsites, or closures of sensitive wildlife areas).
- **Equipment:** Limitations on the types of equipment that can/cannot be used and manner of their use (e.g., no-wake zones for motorboats or weed-free hay for horses).
- **Magnitude:** For example, limitations on number of people, vehicles, vessels, or livestock using certain areas concurrently.
- **Monitoring:** Requirements to monitor uses (including compliance with stipulations) and the effects of those uses.
- **Staffing:** Requirements to have adequate FWS or other staff to ensure use is conducted properly and safely (e.g., visitor center staff, hunter check station, law enforcement officer, docent, adult leader for youth group, etc.).

JUSTIFICATION: *Explain why use would or would not materially interfere with or detract from the NWRS mission or purpose(s) of the refuge (i.e., is/is not compatible – see 603 FW 2.11 B.).*

- **Purpose(s) and mission:** Provide a logical rationale describing how the use would/would not support or materially interfere with/detract from the NWRS mission or purpose(s) of the refuge. Factors to consider include effects on the following as they affect fulfilling the mission or achieving purpose(s).
 - **Goals, objectives, and refuge management activities:** Does use support, or materially interfere with or detract from refuge goals, objectives, or refuge management activities?
 - **Biological resources:** Does use benefit or adversely impact fish, wildlife, plants, and their habitats; or biological integrity, diversity, and environmental health of the refuge/NWRS?
 - **Big 6:** Does use support or conflict with an existing or proposed/potential wildlife-dependent, priority public use?

SIGNATURE: Refuge Manager _____ (Signature) _____ (Date)

CONCURRENCE: Regional Chief _____ (Signature) _____ (Date)

MANDATORY 10 OR 15-YEAR RE-EVALUATION DATE: _____

- Provide month and year for “allowed” uses only. Maximum of 15 years for re-evaluation of priority public uses and maximum of 10 years for re-evaluation of all other uses.

