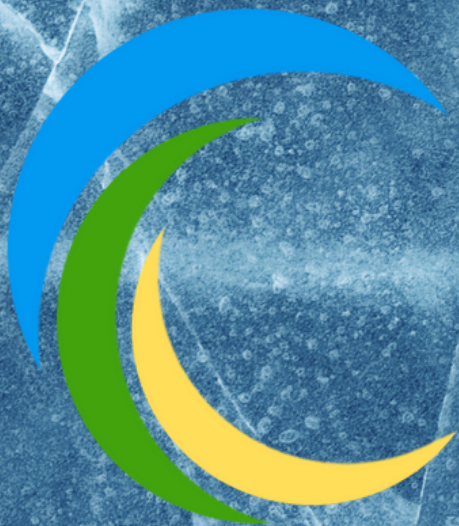


In Case of an Emergency Break the Seal:

Guidance to Protect USFWS Sites



**Coalition of Refuge
Friends and Advocates**

www.coalitionofrefugefriends.com

INTRODUCTION

The National Wildlife Refuge System (System) is a magnificent network of public lands and waters, dedicated to the conservation and management of our nation's fish, wildlife, and plant resources. This System is also managed for the benefit of current and future generations of Americans. However, to conserve these lands and waters, Friends need to be aware of shifting agency priorities. At times changes in uses, including ownership, on a refuge may threaten the conservation of these lands and waters; we must be vigilant, and when necessary, act.

The Coalition of Refuge Friends and Advocates (CORFA) and advisors have created this handbook to help Friends:

- Prepare to deal with potential threats.
- Understand Refuge System laws, regulations and policies.
- Monitor for potential changes.
- Evaluate potential changes and make comments on proposed actions.

Should you have to deal with any proposed changes in uses, we hope this handbook will guide you in determining what, if any, actions you can take to conserve this community asset we all know the refuges are.

We know some refuges have unique purposes and unusual situations. Should you need specific help with a particular issue, CORFA and the National Wildlife Refuge Association (NWRA) can help you sort out your issues and help you decide on an appropriate course of action. Do not hesitate to reach out to [CORFA](#) or [NWRA](#).

BASIC REFUGE & FRIENDS INFORMATION

Refuge Information:

- Official name of the Refuge with address.
- Staff organizational chart and list of employees with their titles, work email addresses, and phone numbers. If possible, obtain an organizational chart from several years ago – this may help you understand the staffing changes that have occurred.
- Name and contact information of your Regional USFWS Friends and Volunteer Coordinator.
- Your Refuge Comprehensive Conservation Plan
 - The CCP is a 15-year management plan that contains important refuge establishment information, refuge purposes, approved refuge uses and their associated compatibility determinations, and any planned new uses or refuge expansions. Funds are needed to update many CCPs.
 - A CCP for every refuge should be available either as a hard copy from your refuge office, or as a PDF. The CCP will often be accompanied by an Environmental Assessment. Both documents contain valuable reference information. If you have a hard time locating your refuge CCP, go to CORFA's website and click on the Resource Center tab. CCPs are under the FWS Resources.
 - Step Down Management Plans. Most refuges will have “step down” management plans that provide more specific details about how uses will be managed. These plans include Hunting Plans, Fishing Plans, Visitor Services Plans, and various habitat management plans. Copies of these plans may be available on-line or you may have to request a copy from the Refuge Manager if there is a specific activity in which you are interested.

Friends Group Information:

- Friends group establishment documents:
 - Articles of Incorporation
 - By-laws
 - Tax Exempt Determination letter.
 - Friends Group operating policies or manuals (varies from group to group).
- Signed Friends Partnership Agreement and any Supplemental Agreements.
- USFWS Friends Policy.
- Understand the subtle differences between Friends and Volunteers share this video with your members.



UNDERSTANDING REFUGE SYSTEM LAW, REGULATIONS AND POLICIES

There are three major categories of directives that govern how the refuge system is managed. In order of importance are Public Laws, Federal Regulations, and Service Policies.

- Public Laws are passed by Congress and signed into law by the President - once passed they are incorporated into the United States Code. Most Fish and Wildlife Service laws are found in Title 16 of the US Code. Refuge System laws: there are several Public Laws that pertain to the Refuge System: Wilderness Act, Refuge Recreation Act, Volunteer and Community Partnership Act, Endangered Species Protection Act, and etc. But the National Wildlife Refuge System Administration Act is considered to be the “organic act” for the System. This public law provides much of the foundational rules that govern the Refuge System.
- Federal Regulations are the official rules that are promulgated by federal agencies to let the public know how the US Code Laws are going to be enforced. Most Refuge System Federal Regulations are found in Chapter 50 of the Code of Federal Regulations. Here will be general regulations about public uses, as well as refuge specific regulations regarding hunting, fishing, and other refuge uses.
 - Refuge System Regulations: This is a link to the Code of Federal Regulations Part 50 which contains the codified permanent rules published by the Fish and Wildlife Service, stepping down Public Laws passed by Congress and signed into law, into agency regulation.

- The Fish and Wildlife Service Manual is a collection of agency policies that are written specifically for Service staff; they explain how Refuge System management is to be conducted in a systematic and equitable way consistent with Federal Law and Regulations. These policies tell Service employees how to conduct specific functions and management activities. There are policies that govern everything from wilderness management to cooperative farming. Most management activities that occur on a refuge will be covered by a specific policy chapter.
 - The Service Manual policies governs refuge system land management. Here you can find specific, detailed policies governing various aspects of refuge management, including refuge uses, habitat management, recreational use management, cultural resource management, and other major management activities on refuges. The Service Manual is where all operational activities are described and how the Service should manage those activities.
 - These are two key policies that are worth keeping at your forefront of knowledge: Uses (Part 603) Refuge Management.
 - 603 FW 1 Appropriate Refuge Uses
 - 603 FW 2 Compatibility
 - Exhibit 1 Compatibility Determination Flowchart
 - 2.Exhibit 2 Compatibility Determination
- Presidential Orders and Secretarial Orders are also used by the Executive Branch to direct how government agencies and employees are to carry out laws and regulations. An executive order functions as a formal, official document through which presidents direct and manage agencies and officials of the executive branch. They are to be based on legitimate constitutional or statutory authority and carry the force of law within the executive branch. Each executive order receives a consecutive number for easy reference. The key distinction between executive orders and congressional laws is that orders require no congressional approval. These Presidential Orders and Secretarial Orders may be issued at any time and are sometimes changed or eliminated by subsequent Administrations.

MONITORING FOR POTENTIAL CHANGES

How to know what changes is uses are proposed for your Refuge:

- Regular communication with Refuge Staff should provide opportunity for you to become aware of when changes in refuge uses and permitted activities are being proposed. It is important to be certain to have a solid understanding of what the new proposed use is.
- In some cases, a proposed new use is not one that the Refuge can control. Sometimes lands are acquired with certain land use rights granted to a prior owner. Information about these prior rights can be obtained by the Refuge Manager or the Regional Realty Officer. Sometimes navigable waters through a refuge may have surface water activities that the refuge does not have authority to control. Some Refuges have acquired lands where the oil/gas or mineral rights are held by others. Ask the Refuge Manager for clarification. Even if the Refuge does not control the use, they often can manage how that use right is fulfilled (control reasonable access). Read the appropriate Service Policy to understand how these access controls should be managed.
- If the Refuge does control the use, then the use decision must follow the FWS Policies governing those activities and the FWS Service Manual.
- Establish routine meetings with refuge staff liaison (biweekly/monthly) or a routine periodic call.
- Appoint a member to report “public postings” at the Refuge. The FWS is required to solicit all public reviews and comment on new or revised Compatibility Determination documents, Environmental Assessments, and certain management plans.
- Ask the Refuge which local newspaper they use for public notices of proposed use consideration and appoint someone to monitor that paper.



EVALUATING POTENTIAL CHANGES & MAKING COMMENTS ON PROPOSED ACTIONS

- Informal comments:
 - Raise issues at your regular meetings with Refuge staff liaison.
 - Ask about the reasons for the changes and the legal authority behind those changes.
 - LISTEN
 - Let your Refuge staff liaison know if you decide to make formal comments on the proposed action, as a Friends group.
- Tips for Submitting Formal Comments:
 - Agencies are required to consider all relevant, timely-submitted comments. If it decides to issue a final rule, the agency develops the regulatory text along with a preamble explaining the rule's basis and purpose and responding to all significant issues raised in the comments.
 - Agency decisions are not based on majority vote. Instead, they are supposed to study the problem, collect information, and use expertise, experience, and good judgment to produce the best overall answer. The best comments explain not only what the agency should do, but it should not do and why.
 - Read what the agency is proposing and identify (why it believes it is compatible/ why it believes this site has established).
 - Determines whether a use is compatible.
 - Documents all compatibility determinations in writing.
 - Ensures that USFWS provides public review and comment opportunities for all compatibility determinations, unless previously provided.
 - Refers all compatibility determinations to the Regional Chief for concurrence.

- What information is the agency relying on? Is this information correct? Is the agency missing vital facts?
 - What does the agency predict the costs and benefits to be? Is it missing something?
 - What questions does the agency want commenters to answer?
- Focus on parts of the proposal that will affect your refuge directly, or that you know about or have personal experience with.
 - Explain how you know what you're talking about.
 - Give details and specific examples.
 - Provide data or at least identify the kinds of information that it would be important to have.
- Express your views, concerns, or ideas clearly.
 - Stay on topic.
 - Always give reasons for what you want the agency to do – whether you agree or disagree with the proposed rule.
 - The strongest kinds of reasons are ones that help the agency do the job that Congress told it to do. So, pay attention to anything in the topic posts that explain the goals, requirements, or limits of the agency's statute.
- Show that you've considered the pros and cons. Make suggestions for how to improve the proposal.
 - There are almost always at least two sides to any issue, and the agency often must balance many different goals (e.g., consumer protection, cost, efficient operation). Showing that you realize this makes your comments seem more well-thought out.
 - Even good proposals can often be made better. Help the agency improve its work.
 - If you think the proposal is a bad idea, there are ways it could be made less bad. Sometimes Congress doesn't give the agency a choice about doing something, but the agency may still have different options on how to do it.

- If you disagree with other commenters or the agency, do it in a polite way.
 - The agency is supposed to take all viewpoints into consideration. If you just attack or ignore people who take a different position than you, you aren't helping the agency figure out why they should decide one way or the other.
 - Stay away from ridicule, sarcasm, and personalized attacks. It isn't useful to the agency-and you'll probably be violating the site use guidelines.
 - Even if you think the proposal is a bad idea, real people in the agency worked hard on it. You're not likely to change their minds by insulting them or their work.
- Don't just repeat what's already been said.
 - If you can add to what someone else has already said and make it better, reply to their comment and add your idea, reason, or information.
- If you can't improve what others have said, you can still "Endorse" their comment. This lets you be part of the discussion without saying more of the same thing.



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Photo credit: Kurt Svensgaard/USFWS