

# Draft Compatibility Determination

## Title

Draft Compatibility Determination for Outdoor Recreation (General), National Elk Refuge

## Refuge Use Category

Outdoor Recreation (General)

## Refuge Use Type(s)

Competitive sporting events (fun runs)

## Refuge

National Elk Refuge

## Refuge Purpose(s) and Establishing and Acquisition Authority(ies)

The National Elk Refuge was established in 1912 as a “winter game (elk) reserve” (37 Stat 293, 16 USC 673), and the following year Congress designated the area as “a winter elk refuge” (37 Stat 847). In 1921 all lands included in the refuge or that might be added on the future were reserved and set apart as “refuges and breeding grounds for birds” (Executive Order 3596), which was affirmed in 1922 (Executive Order 3741). In 1927 the refuge was expanded to provide “for the grazing of, and as a refuge for, American Elk and other big game animals” (44 Stat 1246, USC 673a).

“...the establishment of a winter game (elk) reserve...” Stat. 293, August 10, 1912

“For the establishment and maintenance of a winter elk refuge in the state of Wyoming...” Stat 847, March 4, 1913

“...all lands that now or may hereafter be included within the boundaries of...the Elk Refuge, Wyoming...are hereby further reserved and set apart for the use of the Department of [Interior] as refuges and breeding grounds for birds.” Exec. Order 3596, December 22, 1921

“...for use of the Secretary of [the Interior] as a refuge and breeding ground for birds...” Exec. Order 3741, September 20, 1922

“...for grazing of, and as a refuge for, American elk and other big game animals...” Stat 1246, February 25, 1927

“...for the development, advancement, management, conservation, and protection of

fish and wildlife resources...” Fish and Wildlife Act of 1956

“...suitable for – (1) incidental fish and wildlife-oriented recreational development. (2) the protection of natural resources. (3) the conservation of endangered species or threatened species...” 16 USC 460-k-1 (Refuge Recreation Act of 1962)

“...(B) ensure that the biological integrity, diversity, and environmental health of the System are maintained for the benefit of present and future generations of Americans...” National Wildlife Refuge System Administration Act of 1966, as amended (16 USC 668dd-eee)

## **National Wildlife Refuge System Mission**

The mission of the National Wildlife Refuge System, otherwise known as Refuge System, is to administer a national 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 (Pub. L. 105-57; 111 Stat. 1252).

## **Description of Use**

Is this an existing use?

Yes

This use has been conducted on the refuge since 2018. This use has never been evaluated for compatibility.

What is the use?

Organized sports competition, specifically foot races (fun runs). Running or jogging on open public roads, paths, or trails.

Is the use a priority public use?

No

Where would the use be conducted?

Events will take place in Murie Family Park, along the Multi-Use Pathway, Refuge Road, or other facilities that are already open to the public.

When would the use be conducted?

These events take place through the spring, summer, and fall time periods. These events are typically one day events with a set-up day. Care will be taken so these activities do not conflict with priority public uses or other priority station activities.

How would the use be conducted?

The events will be conducted as per the sponsors' direction, but with a Special Use Permit and Special Conditions as outlined by the Refuge.

Why is this use being proposed or reevaluated?

The Refuge occasionally receives requests for competitive sporting events (fun runs) sponsored by charitable groups, non-profit groups, or other natural resource agencies. Events are held annually and would occur during the spring, summer, and fall. Participants use established roads, pathways, Murie Family Park, and other facilities that are already open to the public.

### **Availability of Resources**

These events generally involve staff time for meeting with sponsors, explaining Refuge regulations, issuing Special Use Permits, and providing oversight during portions or the entire event.

Existing staff is adequate to administer this use depending on the number of requests received and the size and scope of the event. If staff or volunteers are unavailable during the time of the event, the event may not be permitted. Events are held or based on existing public roads, pathways, or other facilities that are deemed adequate. Sponsors are required to furnish any additional facilities needed, such as portable toilets.

*Special equipment, facilities, or improvements necessary to support the use:* None

*Maintenance costs:* Minor and insignificant.

*Monitoring costs:* Minor and insignificant.

*Offsetting revenues:* None

### **Anticipated Impacts of the Use**

## Potential impacts of a proposed use on the refuge's purpose(s) and the Refuge System mission

These special events do not adversely affect Refuge purposes and help fulfill the mission of the NWRS by allowing visitors to build a connection to the Refuge through personal outdoor experiences that engage the senses and foster an appreciation of the outdoors. It also engages the public in the Refuge resources and helps garner their support for the NWRS.

### Short-term impacts

The short-term impact associated with these events is human disturbance to wildlife occupying habitat on the Refuge. Most events occur on established pathways and roads or at existing facilities or areas that already support a moderate level of human activity. Wildlife that occupy habitat in these areas are accustomed to a higher degree of human disturbance. Any alteration of behavior would be temporary and localized with wildlife quickly resuming normal activities. Wildlife habitat impacts will be evaluated for each request. If habitat will likely sustain damage during the event, mitigation measures must be in place to reduce the impact on that habitat, or the event will not be permitted.

There will be some short-term impact to other visitors engaged in wildlife-dependent recreation during the event. Visitors, not engaged in the event, will be permitted to continue their activity. With an increase of public use during walks or runs, an increase of litter is expected. Event coordinators will be required to clean the area when the event is complete. Clean-up events actually reduce litter and debris and thus have a positive impact on the visual character of the Refuge. Youth events often include service projects, so the events are also likely to have a positive impact on refuge facilities or habitats.

### Long-term impacts

Other than the potential for some increase in future visitation to the Refuge, long-term impacts associated with these events will be low. Long term impacts to habitat can be avoided by ensuring that multiple events do not occur in the same areas repeatedly. Refuge staff will ensure that adequate time is allowed between events for the areas impacted to be replenished from any disturbance.

## Public Review and Comment

The draft compatibility determination will be available for public review and comment for 14 days from April 22 through May 6, 2022. The public will be made aware of this comment opportunity through newspapers and other media outlets. A hard copy of this document will be posted at the Refuge Headquarters, 675 East Broadway, Jackson,

WY 83001. It will be made available electronically on the refuge website [www.fws.gov/refuge/national\\_elk\\_refuge](http://www.fws.gov/refuge/national_elk_refuge). Please let us know if you need the documents in an alternative format. Concerns expressed during the public comment period will be addressed in the final.

## Determination

Is the use compatible?

Choose an item.

### Stipulations Necessary to Ensure Compatibility

If it is not a compatible use, delete this text and the number list option and use this boilerplate text: “The use cannot be modified with stipulations sufficient to ensure compatibility.”

1. Events must include a Service message that helps further the understanding of the purposes of the Refuge and mission of the Refuge System. Private parties, weddings, and other non-mission oriented events will not be permitted.
2. Event sponsors will furnish complete information on event description, date, time, preferred location, number of participants, and logistics for health and safety, so that the manager can make a determination of best area and timing of events when issuing a Special Use Permit. Management reserves the right to deny any proposal that will cause an undue demand on staff or resources, is not related to a charitable or non-profit organization, or does not promote the goals of the Healthier US initiative designed to get Americans outdoors and active on their public lands.
3. Except for clean-ups, events will be scheduled only in areas open to public use and at appropriate times of the year to avoid significant wildlife and visitor disturbance. Events will be scheduled on a first-come, first-served basis, with no more than one event in the same area and time. All activities will be limited to designated routes on established roads, pathways, and public use facilities. Collection of money for fund raising aspects of events will be conducted off of Federal property. No gambling or merchandise sales are allowed on Federal property.
4. Water or rest stations will be approved by Refuge staff in advance of the event and will be located to avoid any sensitive sites and to minimize disturbance to wildlife foraging/perching/loafing in adjacent areas.
5. Event sponsors will be required to provide all personnel, materials, and supplies necessary to run the event. This requirement applies to any tables,

chairs, displays, signs, traffic aids, law enforcement, litter receptable, portable toilets, etc. needed.

### **Justification**

The stipulations outlined above would help ensure that the use is compatible at the National Elk Refuge. Competitive sporting event (fun runs), as outlined in this compatibility determination, would not conflict with the national policy to maintain the biological diversity, integrity, and environmental health of the refuge. Based on available science and best professional judgement, the Service has determined that the competitive sporting event (fun runs) at the National Elk Refuge, in accordance with the stipulations provided here, would not materially interfere with or detract from the fulfillment of the National Wildlife Refuge System mission or the purpose of the National Elk Refuge. Rather, appropriate and compatible competitive sporting event (fun run) would be the use of the National Elk Refuge through which the public can develop an appreciation for wildlife and wild lands.

**Signature of Determination**

Refuge Manager Signature and Date

**Signature of Concurrence**

Assistant Regional Director Signature and Date

**Mandatory Reevaluation Date**

2032