

### Finding of Appropriateness of a Refuge Use

Refuge Name: Deer Flat National Wildlife Refuge

Use: Sailing Regattas

This form is not required for wildlife-dependent recreational uses; take regulated by the State, 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?	✓	
(b) Does the use comply with applicable laws and regulations (federal, state, tribal, and local)?	✓	
(c) Is the use consistent with applicable executive orders and Department and Service policies?	✓	
(d) Is the use consistent with public safety?	✓	
(e) Is the use consistent with goals and objectives in an approved management plan or other document?	✓	
(f) Has an earlier documented analysis not denied the use, or is this the first time the use has been proposed?	✓	
(g) Is the use manageable within available budget and staff?	✓	
(h) Will this be manageable in the future within existing resources?	✓	
(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?		✓
(j) Can the use be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality (see section 1.6D. for description), compatible, wildlife-dependent recreation into the future?	✓	

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 State fish and wildlife agencies. Yes  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

Refuge Manager: \_\_\_\_\_ Date: \_\_\_\_\_

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: \_\_\_\_\_ Date: \_\_\_\_\_

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

**FWS Form 3-2319  
02/06**

## Appropriate Use Justification

**Refuge Name:** Deer Flat National Wildlife Refuge

**Use:** Sailing Regattas

**(a) Do we have jurisdiction over the use?**

Yes. On June 24, 2010, the Department of the Interior Office of the Solicitor concluded that the Service had jurisdiction over surface water uses on Lake Lowell and that Lake Lowell was not in existence at statehood and, therefore, is not classified as navigable water.

**(b) Does the use comply with applicable laws and regulations (Federal, State, Tribal, and local)?**

Yes. The Refuge is not aware of any laws or regulations that would preclude this use on the Lake Lowell Unit of Deer Flat NWR.

**(c) Is the use consistent with applicable Executive orders and Department and Service policies?**

Yes.

**(d) Is the use consistent with public safety?**

Yes. Due to the size of the vessels and the height of their sails, sailboats are highly visible to other users. This reduces the likelihood of collisions with other Refuge visitors and allows the area within the racing buoys to be open to other users. Safety is also increased by following all International Sailing Federation rules, boating rules set forth by the U.S. Coast Guard and the State of Idaho, and all Refuge rules and regulations. The speed restriction of 20 mph or less will also help to reduce potential safety issues with other sailors or non-regatta users.

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

Yes. We are currently at the maximum boating visits identified in the 1990 Refuge Management Plan, as updated in 1996 (USFWS 1996). As structured in the compatibility determination for sailing regattas, this activity should have a limited impact on the purpose of the Refuge.

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

Yes. No compatibility determinations have been previously completed for this use.

**(g) Is the use manageable within available budget and staff?**

Yes. This use is currently manageable in partnership with the Canyon County Sheriff's Department.

**(h) Will this be manageable in the future within existing resources?**

Yes, as long as our budget and staffing remain fairly consistent and we continue to partner with the Canyon County Sheriff's Department. If the Canyon County Sheriff's Department no longer conducted maintenance of boating docks, the resources needed to continue this use would need to be re-evaluated.

**(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?**

No. Boating at high speeds does not contribute to the public's understanding and appreciation of the Refuge, and it is not beneficial (and can actually be detrimental) to the Refuge's resources. These sailing vessels cover a larger area in a relatively short time in comparison to human-powered boats, affecting more area and providing less time for wildlife to react. Boating at high speeds is mostly for recreational purposes (such as tow-behind activities). High-speed boating displaces western and Clark's grebes from preferred habitats, disrupts nesting and feeding, and even causes loss of young (Burger 1997). Grebe adults and chicks are often killed by boats (Ivey 2004; Shaw 1998), and small chicks can become separated from their parents and die of exposure if adults have to dive to avoid boats (Storer and Nuechterlein 1992).

Some sailing regatta participants have engaged in wildlife viewing while sailing. It is possible that a participant may be introduced to the beauty of the Refuge and its wildlife through a sailing regatta, simply by being on the Refuge. However, the goal of a sailing regatta is to sail as fast as possible, compete with other sailors, and win a race, not to view wildlife. During the pre-race briefing there is no discussion of wildlife values or the Refuge's purpose. Because of the cursory nature of the participants' interaction with wildlife and the Refuge, it cannot be said that this use contributes to the public's understanding and appreciation of the Refuge's natural resources.

Because of the area in which sailing regattas take place, the speed restrictions assigned to regattas, and the limited number of participants, the regattas should have minimal impacts on wildlife; however, they cannot be said to benefit the Refuge's natural resources.

**(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?**

Yes. Given that regattas occur during a time of low visitation, are restricted to 25 vessels, must leave room for other users to dock, and allow other users to enter their course, other users should not be excluded from using the West Pool or the Lower Dam Recreation Area boat launches during sailing regattas.

Because sailing regattas are confined to the center of the West Pool, there is adequate open water habitat available outside of the racing area for wildlife and wildlife-dependent users to use undisturbed. Wildlife-dependent users who use the emergent zones would also be outside of the regatta course.

Wildlife-dependent users would also be able to cross the regatta race course to access other portions of the Refuge, keeping them from being inconvenienced.

## Conclusion

Limiting sailing regattas to the center of the lake, restricting the number of participants and speed of vessels, allowing other users to cross the race course, and ensuring adequate dock space for other users would limit the disturbance to wildlife (especially nesting wildlife) and other wildlife-dependent visitors. Thus the use is considered to be an appropriate use subject to stipulations necessary to ensure safety and compatibility. This finding of appropriateness only applies to Deer Flat NWR Lake Lowell Unit. It does not provide precedence for other competitive group event appropriateness findings at other refuges or for future appropriateness findings at Deer Flat NWR. Impacts to public safety, wildlife, and wildlife-dependent recreationists by the continuation of sailing regattas will be studied and alterations and changes to the use will be made if necessary.

## References

- Burger, A.E. 1997. Status of the western grebe in British Columbia. Wildlife Working Report WR-87. B.C. Ministry of Environment, Lands, and Parks. Victoria, British Columbia. 40 pp.
- Ivey, G.L. 2004. Conservation assessment and management plan for breeding western and Clark's grebes in California. Prepared for the American Trader Trustee Council, an Interagency Group Comprised of Representatives from the California Department of Fish and Game, National Oceanic and Atmospheric Administration, and the U.S. Fish and Wildlife Service.
- Shaw, D.W.H. 1998. Changes in population size and colony location of breeding waterbirds at Eagle Lake, California between 1970 and 1997. Thesis. California State University, Chico.
- Storer, R.W. and G.L. Nuechterlein. 1992. Western grebe (*Aechmophorus occidentalis*) and Clark's grebe (*Aechmophorus clarkia*). In: A. Poole and F. Gill, eds. Birds of North America, No. 26. Philadelphia, PA., Academy of Natural Sciences and American Ornithologists' Union. 24 pp.
- USFWS (U.S. Fish and Wildlife Service). 1996 (1990, updated in 1996). Refuge management plan (RMP). Deer Flat National Wildlife Refuge. Nampa, ID. 33 pp.