

The National Wildlife Refuge System

- Only extensive system on federal lands *managed chiefly for conservation of wildlife.*
- The FWS administers the system.
- Includes more than 95 million acres in 535 National Wildlife Refuges in all 50 states and several territories (including 20 refuges in Texas).



UNIVERSITY of HOUSTON

Professor Marcilynn A. Burke

Copyright©2006 Marcilynn A. Burke
All rights reserved. Provided for student use only.

The National Wildlife Refuge System

- Approximately 75 million of those acres are in Alaska.
- A refuge is located within an hour's drive of every major U.S. city.



UNIVERSITY of HOUSTON

Professor Marcilynn A. Burke

Copyright©2006 Marcilynn A. Burke
All rights reserved. Provided for student use only.

The National Wildlife Refuge System Cont'd

- **President Theodore Roosevelt designated Florida's Pelican Island as the first wildlife refuge in 1903.**
- **MBTA did not provide for acquisition of habitat so Congress passed the Migratory Bird Conservation Act in 1929.**
- **The Conservation Act remains the major source of authority for wildlife refuge acquisition today.**



UNIVERSITY of HOUSTON

Professor Marcilynn A. Burke

Copyright©2006 Marcilynn A. Burke
All rights reserved. Provided for student use only.

The National Wildlife Refuge System Cont'd

- **Refuges may be created or added by—**
 - **Executive order**
 - **Act of Congress**
 - **Transfers from other federal agencies, or**
 - **Purchase, donation or exchange under various authorities such as the Migratory Bird Conservation Act, the ESA, or the Land and Water Conservation Fund.**



UNIVERSITY of HOUSTON

Professor Marcilynn A. Burke

Copyright©2006 Marcilynn A. Burke
All rights reserved. Provided for student use only.

The National Wildlife Refuge System Cont'd

- The Migratory Bird Hunting Stamp Act enacted in 1934 assured a steady source of funding for acquisition of habitat under the Conservation Act.
- Act almost assured a refuge system keyed to migratory waterfowl.
- 1958 amendment allowed the use of funds to acquire "waterfowl production areas," which are small wetland or pothole areas.



UNIVERSITY of HOUSTON

Professor Marcilynn A. Burke

Copyright©2006 Marcilynn A. Burke
All rights reserved. Provided for student use only.

March 16, 2004 marked the 70th birthday of the Federal Duck Stamp Program. Since 1934, purchases of Federal duck stamps by hunters and other conservationists has raised over \$670 million to buy millions of acres of wetland habitat for refuges across the country.

"Buying a Federal Duck Stamp has been the best and simplest way for citizens to make a difference for conservation for more than seventy years, with nearly 98 cents of every dollar going directly to acquire important habitat for the Refuge System."

USFWS Director Steve Williams

<http://www.fws.gov/>



UNIVERSITY of HOUSTON

Professor Marcilynn A. Burke

Copyright©2006 Marcilynn A. Burke
All rights reserved. Provided for student use only.

The Organic Acts

- **National Wildlife Refuge Administration Act of 1966**
- **National Wildlife Refuge System Improvement Act of 1997 (NWRISA)**



UNIVERSITY of HOUSTON

Professor Marcilynn A. Burke

Copyright©2006 Marcilynn A. Burke
All rights reserved. Provided for student use only.

National Wildlife Refuge Administration Act of 1966

- **Placed restrictions on the transfer, exchange, or other disposal of lands within the system**
- **Clarified the Secretary of Interior's authority to accept donations of money to be used for acquisition of land**



UNIVERSITY of HOUSTON

Professor Marcilynn A. Burke

Copyright©2006 Marcilynn A. Burke
All rights reserved. Provided for student use only.

National Wildlife Refuge Administration Act of 1966 Cont'd

- Authorized the Secretary to “permit the use of any are within the System for any purpose, including but not limited to hunting, fishing, public recreation and accommodations, and access whenever he determines that such uses are *compatible* with the *major purposes* for which such areas were established.”

16 U.S.C. § 688dd(d)(1).



UNIVERSITY of HOUSTON

Professor Marcilynn A. Burke

Copyright©2006 Marcilynn A. Burke
All rights reserved. Provided for student use only.

National Wildlife Refuge Administration Act of 1966 Cont'd

- “Compatibility” is the guiding management principle in NWRs.
- Contrasted to “multiple use” management principle.
- Thus not to be managed as “single-use” lands but “*dominant use*” lands.



UNIVERSITY of HOUSTON

Professor Marcilynn A. Burke

Copyright©2006 Marcilynn A. Burke
All rights reserved. Provided for student use only.

National Wildlife Refuge System Improvement Act of 1997 (NWRISA)

- “[C]ompatible use’ means a wildlife-dependent recreational use or any other use of a refuge that, in the *sound professional judgment* of the Director, will not materially interfere with or detract from the fulfillment of the mission of the System or the purposes of the refuge.”



UNIVERSITY of HOUSTON

Professor Marcilynn A. Burke

Copyright©2006 Marcilynn A. Burke
All rights reserved. Provided for student use only.

NWRISA Cont'd

- Act defines sound professional judgment as “a finding, determination, or decision that is consistent with the principles of *sound fish and wildlife management and administration, available science and resources*, and adherence to the requirement of this Act and other applicable laws.”



UNIVERSITY of HOUSTON

Professor Marcilynn A. Burke

Copyright©2006 Marcilynn A. Burke
All rights reserved. Provided for student use only.

NWRSIA Cont'd

Hierarchy of Uses: Three Tiers

- 1. Conservation of wildlife, plants, and their habitats**
- 2. Wildlife-dependent recreational uses (hunting, fishing, wildlife observation and photography, or environmental education)**
- 3. All other uses (non-wildlife related recreation, grazing, timber harvesting, oil drilling, and water development)**



UNIVERSITY of HOUSTON

Professor Marcilynn A. Burke

Copyright©2006 Marcilynn A. Burke
All rights reserved. Provided for student use only.

NWRSIA Cont'd

Three New Policies

- Published on June 26, 2006 in the Fed. Reg. to become effective July 26.**
- 1. Mission Goals and Purposes Policy**
 - 2. Appropriate Refuge Uses Policy**
 - 3. Wildlife-Dependent Recreation Policy**



UNIVERSITY of HOUSTON

Professor Marcilynn A. Burke

Copyright©2006 Marcilynn A. Burke
All rights reserved. Provided for student use only.

NWRSIA Cont'd

Mission Goals and Purposes Policy

- **Conserve a diversity of fish, wildlife, and plants.**
- **Develop and maintain a network of habitats.**
- **Conserve those ecosystems, plant communities, wetlands that are unique within the United States.**



UNIVERSITY of HOUSTON

Professor Marcilynn A. Burke

Copyright©2006 Marcilynn A. Burke
All rights reserved. Provided for student use only.

NWRSIA Cont'd

Mission Goals and Purposes Policy Cont'd

- **Provide and enhance opportunities to participate in compatible wildlife-dependent recreation.**
- **Help to foster the public's understanding and appreciation of the diversity of fish, wildlife, and plants and their habitats.**



UNIVERSITY of HOUSTON

Professor Marcilynn A. Burke

Copyright©2006 Marcilynn A. Burke
All rights reserved. Provided for student use only.

NWRSIA Cont'd

Appropriate Refuge Uses Policy

- **Helps say “yes” to six wildlife-dependent recreational uses**
- **Provides a standard and process for managers to make decisions**
- **Does not apply to the taking of fish and wildlife regulated by the states**
- **Managers to review all existing uses within one year and modify or phase out if not appropriate**



UNIVERSITY of HOUSTON

Professor Marcilynn A. Burke

Copyright©2006 Marcilynn A. Burke
All rights reserved. Provided for student use only.

NWRSIA Cont'd

Wildlife-Dependent Recreation Policy

- **Hunting and fishing programs are to be consistent with state regulations to the extent practicable and consistent with laws, regulations, and policies.**
- **Provides guidance on developing a visitor services plan that will cover wildlife-dependent recreation program.**



UNIVERSITY of HOUSTON

Professor Marcilynn A. Burke

Copyright©2006 Marcilynn A. Burke
All rights reserved. Provided for student use only.

NWRSIA Cont'd

Wildlife-Dependent Recreation Policy Cont'd

- Outlines the criteria for providing quality programs.
- Provides tools and standards for managing programs.



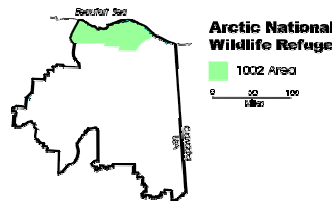
UNIVERSITY of HOUSTON

Professor Marcilynn A. Burke

Copyright©2006 Marcilynn A. Burke
All rights reserved. Provided for student use only.

Arctic National Wildlife Refuge (ANWR)

- 19.2 million acres
- Eight million acres designated as wilderness
- Three rivers designated as Wild and Scenic Rivers
- 1.5 million acres in the 1002 Area of the coastal plain



UNIVERSITY of HOUSTON

Professor Marcilynn A. Burke

Copyright©2006 Marcilynn A. Burke
All rights reserved. Provided for student use only.



ANWR Cont'd

- **Forty-five species of land and marine mammals, ranging from the pygmy shrew to the bowhead whale.**
- **Best known are the polar, grizzly, and black bear; wolf, wolverine, Dall sheep, moose, muskox, and the free-roaming caribou.**
- **Thirty-six species of fish occur in Arctic Refuge waters.**
- **180 species of birds have been observed on the refuge.**



UNIVERSITY of HOUSTON

Professor Marcilynn A. Burke

Copyright©2006 Marcilynn A. Burke
All rights reserved. Provided for student use only.

Section 1002 of ANILCA

Mandated Studies for Congress

- **Comprehensive inventory and assessment of fish and wildlife resources**
- **Analysis of potential impacts of oil and gas exploration and development on those resources**
- **Delineation of the extent and amount of potential petroleum resources**



UNIVERSITY of HOUSTON

Professor Marcilynn A. Burke

Copyright©2006 Marcilynn A. Burke
All rights reserved. Provided for student use only.

Section 1002 of ANILCA Cont'd

April 1987 Assessment

- **Secretary of Interior recommends oil and gas leasing program**
- **19% chance of economically recoverable oil**
- **Will directly affect only 12,650 acres (0.8% of the 1002 area)**



UNIVERSITY of HOUSTON

Professor Marcilynn A. Burke

Copyright©2006 Marcilynn A. Burke
All rights reserved. Provided for student use only.

Section 1002 of ANILCA Cont'd

April 1987 Assessment Cont'd

- **Potential displacement of portions of the Porcupine caribou herd seeking to calve in upper Jago River area**
- **Unlikely to result in appreciable decline in herd size**
- **Major restriction on subsistence in village of Kaktovik**



UNIVERSITY of HOUSTON

Professor Marcilynn A. Burke

Copyright©2006 Marcilynn A. Burke
All rights reserved. Provided for student use only.

Section 1002 of ANILCA Cont'd

2002 Update

- **Calf survival in concentrated calving areas is higher than for calves born in areas never used as a concentrated calving area (83.8% v. 73.9%).**
- **Weight gain of calves provide further evidence of the importance of an unrestricted location of annual calving grounds.**
- **Caribou will avoid petroleum development infrastructure.**



UNIVERSITY of HOUSTON

Professor Marcilynn A. Burke

Copyright©2006 Marcilynn A. Burke
All rights reserved. Provided for student use only.

Section 1002 of ANILCA Cont'd

2002 Update Cont'd

- **When 1002 area was unavailable, calf survival during June was 19% lower than when they could calve in the coastal plain and 1002 area.**
- **Calve survival will decline if grounds displaced and the effect will increase with displacement distance.**
- **Lower survival related to (1) reducing access to the highest quality habitats for foraging and (2) increasing exposure to predators.**



UNIVERSITY of HOUSTON

Professor Marcilynn A. Burke

Copyright©2006 Marcilynn A. Burke
All rights reserved. Provided for student use only.



Michael T. Delcomyn, Arctic National Wildlife Refuge Oil, 24 N. III. U. L. Rev. 789 (2003)

- Proponents
- Opponents
- Arguments for drilling
- Arguments against drilling



The White House
PRESIDENT GEORGE W. BUSH



UNIVERSITY of HOUSTON

Professor Marcilynn A. Burke

Copyright©2006 Marcilynn A. Burke
All rights reserved. Provided for student use only.

Arctic National Wildlife Refuge Oil Cont'd

Legal Responses

- Canadian
- Gwich'in Indians



UNIVERSITY of HOUSTON

Professor Marcilynn A. Burke

Copyright©2006 Marcilynn A. Burke
All rights reserved. Provided for student use only.