

Compatibility Determination

Use: Commercial Recreational Fishing Guide Services

Primary Use: Fishing (guiding and outfitting)

Supporting Uses: Fixed-wing aircraft landings, boating (motorized and non-motorized), snowmobiling, environmental education and interpretation (not conducted by Refuge staff or authorized agents), hunting, firewood cutting, natural resource gathering, camping, picnicking, hiking and backpacking, snowshoeing, pets, swimming and beach use, wildlife photography and videography, wildlife observation.

Refuge Name: Kanuti National Wildlife Refuge

Establishing and Acquisition Authority:

The Alaska National Interest Lands Conservation Act (ANILCA) established the 1.6 million acre Kanuti National Wildlife Refuge (Kanuti Refuge) as part of the U. S. Fish and Wildlife Service National Wildlife Refuge System (Department of the Interior) in 1980.

Refuge Purposes:

ANILCA sets out the primary purposes for each refuge in Alaska. The purposes of the Kanuti National Wildlife Refuge are described in Section 302 (4) (B) of ANILCA and are as follows:

(i) to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited to, White-fronted Geese and other waterfowl and migratory birds, moose, caribou (including participation in coordinated ecological studies and management of the Western Arctic caribou herd), and furbearers;

(ii) to fulfill the international treaty obligations of the United States with respect to fish and wildlife and their habitats;

(iii) to provide, in a manner consistent with the purposes set forth in subparagraphs (i) and (ii), the opportunity for continued subsistence uses by local residents;

(iv) to ensure, to the maximum extent practicable and in a manner consistent with the purposes set forth in paragraph (i), water quality and necessary water quantity within the refuge.

National Wildlife Refuge System Mission:

The mission of the National Wildlife Refuge System is to administer a national network of lands and waters for the conservation, management, and, where appropriate, restoration of 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 [16 U.S.C.668dd-668ee]).

Description of Use:

This description of use includes a re-evaluation of the compatibility of use of Federal lands within Kanuti Refuge for commercially guided recreational fishing. The original compatibility determination for commercially guided recreational fishing was made in 1994, subject to reasonable regulation and special conditions provided with a special use permit. This compatibility determination addresses the full spectrum of uses associated with commercially guided recreational fishing. This includes all means of access, lodging and facilities, and other elements identified in the guides' operations plans. The compatibility of recreational fishing on Kanuti Refuge is evaluated in a separate compatibility determination. Commercial fishing guides could target three species of Pacific salmon, plus Arctic Grayling, Northern Pike, Whitefish, and Dolly Varden that occur within Kanuti Refuge. Commercially guided recreational fishing and related services could contribute to the fulfillment of refuge purposes and the National Wildlife Refuge System Mission by facilitating priority public use and management of healthy fish populations through managed fishing. Historically there have been no commercial fishing guides operating on Kanuti NWR. Guided fishing may have taken place ancillary to guided hunting and commercially guided wildlife observation tours, and it is anticipated that this use may increase in the future as activity increases along the Dalton Highway.

Means of authorized access for commercially guided fishing could include fixed-wing airplanes, motorboats, non-motorized boats, and hiking. Guided recreational fishing could occur spring through fall. Recreational fishing is managed under State of Alaska fishing regulations. Of the four major rivers on the refuge, all could be classified as having good recreational fishing opportunities, based on reasonable accessibility by float plane or boat, and sustainable populations of anadromous and/or resident fish. Although all these drainages provide opportunities for day use and overnight primitive camping, cost of traveling to these areas for day-use fishing is prohibitive for most visitors. All drainages provide opportunities for northern pike fishing; however, only the Koyukuk, South Fork Koyukuk, and Jim Rivers, and Fish and Henshaw Creeks could support guided salmon fishing.

Recreational fishing guides under permit from the refuge may operate from a temporary camp on a river or lake. Each guide would submit a year-end report to the refuge identifying the number of clients guided, the location(s) of fishing activities, and the number of fish caught by species.

Availability of Resources:

Adequate refuge personnel and base operational funds are available to manage commercially guided recreational fishing activities at current and projected levels. Administrative staff time primarily involves issuing permits, ensuring that licenses and certifications are current, collecting client use-day fees, and recording activity data. Fieldwork associated with administering the program primarily involves monitoring permittees' compliance with the terms of the permits. Estimated staff time to annually administer and monitor these permits is one week. An administrative fee of \$100.00 is assessed when each permit is issued. In addition, a client use fee is assessed for each day a guide has a client on the refuge. Fees collected are returned to the refuge to manage the program.

Anticipated Impacts of the Use:

Both the Federal Subsistence Board and State Board of Fisheries regularly adopt regulations in response to fish population levels and to address issues of fishery allocation. Providing an opportunity for continued subsistence uses of fishery resources by local residents receives the highest priority from the Federal Subsistence Board. Although salmon experienced a worrisome decline in the late 1990's, recent run strengths indicate that a small recreational fishery would be sustainable. The Refuge's Fisheries Management Plan (USFWS 1993) warned that fish populations within the refuge could decline without sufficient data to measure population trends.

Based on guidance provided in the Fisheries Management Plan, the refuge continues to work with the Fairbanks Fish and Wildlife Field Office to implement inventories and studies in the Plan and to conduct other research aimed at understanding fish populations on Kanuti Refuge. Guided recreational harvests would have to be monitored closely to protect fish, which are also an extremely important subsistence resource to people living near the refuge.

Two additional potential impacts or threats are associated with floatplane or motorboat access. The introduction of invasive species carried on boats or aircraft floats could affect refuge resources, although it is not known to have occurred on the Kanuti Refuge to date. In addition, frequent motorboat or aircraft traffic could impact nesting, molting or staging birds (Bouffard 1982, Miller 1994 and Ward et al. 1994). Temporary displacement and/or disturbance to wildlife can occur in response to low level overflights and during takeoffs and approaches to landings (Calef et al. 1976). There are no known long-term impacts to refuge wildlife populations from this disturbance. Refuge law enforcement officers would patrol the refuge to monitor compliance with State regulations and refuge permit conditions.

Public Review and Comment:

Public comment was solicited concurrently with the revision of the Refuge's Comprehensive Conservation Plan.

The State of Alaska commented on our display of regional special use permit stipulations in the compatibility determinations. The State suggested that the special use permit stipulations be preceded by an introductory statement such as, "A special use permit with stipulations is required for this use. The following are typical stipulations, some of which are necessary for compatibility." We made the recommended change.

The State questioned inclusion of "pets" as an incidental use in compatibility determinations. We included pets because many people travel with their pets, usually pet dogs, and we were making it clear that pets are allowed to accompany people engaging in various activities on the refuge.

The State also commented that the term "high quality" is found throughout the CDs. The inherent difficulty in defining "high" quality is a long standing state comment and we suggest performing a word search on all CDs to remove these qualifiers when they may indicate or imply a management standard. As the Service manual talks about quality hunting and fishing programs on refuges, we changed the phrase high quality to quality in this compatibility determination.

The State commented about the stipulation that stated, “The permittee will take no action that interferes with subsistence activities.” They said that this stipulation provides no allowance for accidental incidents or instances where a permit holder is not aware they are interfering with subsistence uses. We removed the stipulation as unnecessary.

Refuge Determination (check one below):

☐ Use is Not Compatible
☒ Use is Compatible with the Following Stipulations

Stipulations Necessary to Ensure Compatibility:

A special use permit with stipulations is required for this use. The following are typical stipulations, some of which are necessary for compatibility. Continuing law enforcement and administrative monitoring of permittees will be carried out to ensure compliance with the following conditions that are incorporated into all permits in order to minimize impacts to refuge lands and resources. These stipulations will be updated to comply with the final revised Kanuti National Wildlife Refuge Comprehensive Conservation Plan.

Regional Standard Special Conditions

- Failure to abide by any part of this special use permit; violation of any refuge related provision in Titles 43 (Part 36) or 50 (Subchapters B and C) Code of Federal Regulations; or violation of any pertinent State regulation (e.g., fish or game violation) will, with due process, be considered grounds for immediate revocation of this permit and could result in denial of future permit requests for lands administered by the U.S. Fish and Wildlife Service. This provision applies to all persons working under the authority of this permit (e.g., assistants). Appeals of decisions relative to permits are handled in accordance with 50 Code of Federal Regulations 36.41.
- The permittee is responsible for ensuring that all employees, party members, contractors, aircraft pilots, and any other persons working for the permittee and conducting activities allowed by this permit are familiar with and adhere to the conditions of this permit.
- Any problems with wildlife and/or animals taken in defense of life or property must be reported immediately to the Refuge Manager, and the Alaska Department of Fish and Game, and animals taken must be salvaged in accordance with State regulations.
- This permit may be canceled or revised at any time by the Refuge Manager for noncompliance or in case of emergency (e.g., public safety, unusual resource problems).
- This permit does not grant the permittee and his/her clients exclusive use of the site(s) or lands covered by the permit.
- This permit may be canceled or revised at any time by the Refuge Manager in case of emergency (e.g. high fire danger, flooding, unusual resource problems, etc.).
- The permittee or his/her designee shall notify the Refuge Manager during refuge working

hours in person or by telephone before beginning and upon completing activities allowed by this permit.

- Prior to beginning activities allowed by this permit, the permittee shall provide the Refuge Manager with: (1) the name and method of contact for the field party chief/supervisor; (2) the aircraft and other vehicle types to be used, including identification information; (3) names of assistant guides and helpers; and (4) any changes to information provided in the original permit application.
- The permittee shall maintain, throughout the use period specified on the permit, Comprehensive General Liability Insurance (\$300,000 each occurrence; \$500,000 annual aggregate) covering all ground or water based operations and (unless air transportation is already covered) Aviation Passenger Liability (\$150,000/seat plus \$100,000 property) covering all aircraft operations involving clients.
- The permittee shall provide the Refuge Manager with a report of the number and species of all fish taken, locations, numbers of clients, and number of client use days per trip. This report is within 30 days of permit expiration unless stated otherwise in the permit.
- In accordance with the Archaeological Resources Protection Act (16 U.S.C. 470aa), the removal or disturbance of archaeological or historical artifacts is prohibited. The excavation, disturbance, collection, or purchase of historical, ethnological, or archaeological specimens or artifacts is prohibited.
- Permittees shall maintain their use areas in a neat and sanitary condition. Latrines must be located at least 150 feet from springs, lakes, and streams to avoid contamination of water resources. All property (except cabins and/or tent frames) of the permittee must be removed from refuge lands upon completion of permitted activities.
- The construction of landing strips or pads is prohibited. Incidental hand removal of rocks and other minor obstructions may be permitted.
- The use of off-road vehicles (except snowmobiles with adequate snow cover) is prohibited unless specifically authorized in writing in this permit.
- The operation of aircraft at altitudes and in flight paths resulting in the herding, harassment, hazing, or driving of wildlife is prohibited. It is recommended that all aircraft, except for take-off and landing, maintain a minimum altitude of 2,000 feet above ground.
- Fuel caches are allowed only in designated areas and must be approved by the Refuge Manager or his/her designate prior to caches being established. If caches are established, fuel containers must be clearly marked with the permittee's name, address, local contact telephone number and type of fuel.
- Construction of cabins or other permanent structures is prohibited.

- All aircraft being used in commercial operations must have 12-inch identification numbers in contrasting colors, which are readily visible.
- This permit authorizes use on State selected lands. If any of these lands are conveyed during the term of this permit, the permittee will no longer be authorized to use those lands until and unless permission is obtained from the Alaska Department of Natural Resources.
- This permit authorizes use only on the Native selected lands specifically identified in the description block of this permit. If any of these Native selected lands are conveyed during the term of this permit, the permittee will no longer be authorized to use those lands unless permission is obtained from the Native corporation to which land ownership has been conveyed.
- Any action by a permittee or the permittee's employees which unduly interferes with or harasses other refuge visitors or impedes access to any site is strictly prohibited. Examples of prohibited acts include, but are not limited to: 1) intentional low flights over camps or persons at less than 500 feet, except when necessary for take off and landing; 2) parking aircraft or placing other objects (rocks, tents, etc.) on any landable area so as to restrict use by other aircraft; 3) otherwise intentionally interfering in the activity of other refuge users; 4) engaging in activity which is contrary to State and Federal laws.

Refuge-Specific Special Conditions

- All garbage and non-combustible debris will be removed from the refuge. Food, garbage, other materials will be stored so as not to attract bears and other wildlife.
- Motorboat operators must possess U.S. Coast Guard (USCG) licenses for all passenger-carrying operations, if required by USCG regulations.
- The permittee may not sublet any part of the authorized use area and is prohibited from subcontracting clients with any other guide.
- Provisions for human waste management and disposal must be approved by the Refuge Manager.
- A valid copy of the issued special use permit, signed by the Refuge Manager or designee, must be in the party leader's possession at all times while exercising the privileges of the permit.

Justification:

Commercially guided fishing services are a form of traditional activity that Congress intended to preserve with enactment of the Alaska National Interest Lands Conservation Act, which designated the refuge. Guides support not only angling, but also other activities, including wildlife observation and photography, all of which the National Wildlife Refuge System Administration Act of 1966 (as amended by the Refuge Improvement Act of 1997) identifies as priority public uses. When determined appropriate and compatible with refuge purposes, Service policy guides refuge managers to provide opportunity for all six wildlife-dependent recreational

uses, while maintaining quality of experience. The overarching goal of the wildlife-dependent recreation policy (605 FW 1) is to enhance wildlife-dependent recreation opportunities and access to quality visitor experiences on refuges while managing refuges to conserve fish, wildlife, plants, and their habitats. Guided recreational fishing operations on the refuge would provide the public with quality, safe, and unique recreational fishing opportunities found few places in the world. These visitor services are a valuable benefit to a segment of the public that is either not physically able to, not comfortable with, or for other reasons chooses not to participate in unguided fishing trips within the refuge.

Recreational fishing has been found compatible with refuge purposes and is one of the priority public uses of National Wildlife Refuges. Guides help facilitate public participation in this activity. After fully considering the impacts of this activity, as described previously in the “Anticipated Impacts” section of this document, it is my determination that commercially guided recreational fishing services within the refuge do not materially interfere with or detract from the purposes of the refuge or mission of the National Wildlife Refuge System.

Supporting Documents:

Bouffard, S. 1982. Wildlife values versus human recreation: Ruby Lake National Wildlife Refuge. Transactions of the North American Wildlife and Natural Resources Conference 47:553-558.

Calef, G.W., E.A. DeBock, and G.M. Lortie. 1976. The reaction of barren-ground caribou to aircraft. Arctic 29(4):201-212.

Comprehensive Conservation Plan 1987, Wilderness Review, and Environmental Impact Statement. U.S. Fish and Wildlife Service, Anchorage, Alaska 325 pp.

Kanuti National Wildlife Refuge, Fisheries Management Plan 1993, U.S. Fish and Wildlife Service, Fairbanks, Alaska, 52pp.

Miller, M. W. 1994. Route selection to minimize helicopter disturbance of molting Pacific black brant: a simulation. Arctic 47: 341–349.

U.S. Fish and Wildlife Service. 2007. Draft Revised Comprehensive Conservation Plan and Environmental Assessment Kanuti National Wildlife Refuge . U.S. Fish and Wildlife Service. Anchorage, Alaska.

Ward, D. H., R. A. Stehn, D. V. Derksen. 1994. Response of staging brant to disturbance at the Izembek Lagoon, Alaska. Wildl. Soc. Bull. 22: 220–228.

Refuge Determination:

Refuge Manager/

Project Leader Approval: /s/ Mike Spindler 8/4/2008
(Signature) (Date)

Concurrence:

Acting Regional Chief,

National Wildlife Refuge System: /s/ Mike Boylan 8/12/2008
(Signature) (Date)

Mandatory 10-Year Re-evaluation Date (for allowed uses only): 2018

Mandatory 15-Year Re-evaluation Date (for priority public uses):

NEPA Compliance for Refuge Use Decision:

Categorical Exclusion without Environmental Action Memorandum

Categorical Exclusions and Environmental Action Memorandum

X Environmental Assessment and Finding of No Significant Impact

Environmental Impact Statement and Record of Decision