

Compatibility Determination

Use: Trapping Cabin and Temporary Camps

Primary Use: Trapping cabin and temporary camps

Supporting and Incidental Uses: Boating (motorized and non-motorized), fixed-wing aircraft landings, hunting, natural-resource gathering, camping, picnicking, snowmobiling, hiking and backpacking, pets, wildlife photography and videography, swimming and beach use, firewood cutting.

Refuge Name: Kanuti National Wildlife Refuge

Establishment 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.

Kanuti 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 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 (National Wildlife Refuge System Administration Act of 1966, as amended [16 U.S.C. 668dd-668ee]).

Description of Use:

This determination re-evaluates one trapping cabin permit and the potential for temporary camp permits. This use was originally found to be compatible in the Refuge Comprehensive Conservation Plan (1987). In 1996 the refuge issued a Special Use Permit to a Bettles resident for a subsistence trapping cabin. The applicant built a small trapping cabin along the South Fork Koyukuk River. In 2005 the permit was re-issued as a trapping cabin permit. Most local rural residents conduct these uses on Refuge lands supported by use of cabins that are located on private native allotments; however, it is possible that there may be future applications for subsistence or trapping cabin or temporary camp permits. New subsistence and trapping cabin permits would require a separate compatibility determination. New temporary camp permits are addressed in this compatibility determination.

Availability of Resources:

Adequate refuge personnel and base operational funds are available to manage the trapping cabin permit and temporary camps at current and projected levels. Administrative staff time primarily involves phone conversations and written correspondence, and issuing permits. 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.

Anticipated Impacts of the Use:

Special conditions attached to each special use permit are designed to minimize the chances of adverse effects to resources within the refuge and to its visitors. There are two primary concerns: impacts to wildlife resources and habitat; and visual impacts. The single permitted structure is small, (about 12 ft x 12 ft), is screened by dense vegetation, and has been in place for many years. Any wildlife displacement that may have occurred has already. Most wildlife using the area near such permitted cabins is likely habituated to the presence of these structures and the activities that routinely occur in and near them. The structures provide relatively secure storage for food, trapping supplies and bait, and other materials that might attract bears.

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 commented that we should clarify that snowmobile use is only allowed during periods of adequate snow cover and that the refuge manager is authorized to announce when snow cover is or is not adequate for snowmobile use. We revised the text as recommended.

The State questioned why we included “temporary camps” in “primary uses” though there is no other reference to temporary camps in the document. The State also commented that the compatibility determination mixed references to “trapping cabins” and “subsistence trapping cabins”. The State commented that trapping in Alaska is considered a use and not differentiated by user group. Trapping cabins are not limited to subsistence use and subsistence cabins are not limited to trapping uses. The State requested the “Primary Use” heading match the compatibility determination title. We added temporary camps” to the text in several places, as we do permit temporary camps associated with subsistence and trapping. We added “and Temporary Camps” to the title and corrected the “Primary Use” heading. We do not distinguish between cabins authorized for subsistence trapping and other trapping in this compatibility determination.

The State requested that “local rural residents” be changed to “other trappers” because use of trapping cabins is not limited to local rural residents. We removed the phrase “local rural residents.”

The State commented on Regional Standard Special Conditions.

The sixth bullet states that the use of off-road vehicles is "prohibited on Kanuti Refuge unless specifically authorized in writing in this permit." There are no regulations "prohibiting" subsistence ORV use on the refuge, as use of the term would imply. The regulation at 43 CFR 36.11 is apparently the basis for including this regional stipulation; however this regulation addresses recreational use of ORVs, not subsistence use. We therefore request this condition be deleted.

If subsistence use of ORVs needs to be addressed in this CD, we recommend addressing this in the Description of Use with a reference to ANILCA Section 811 and a clarifying statement similar to the following: "Based on the Oral History of ORV Use in Appendix K, there is no known history of subsistence use of ORVs on the refuge."

We did not delete the condition as the regional special use permit conditions cannot be changed by the refuge and a cabin or temporary camp permit would authorize a structure not the use of off-road vehicles.

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.

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. Site-specific special use conditions related to maintenance of defensible space will be incorporated into permits on a case-by-case basis.

The management direction provided in the revised comprehensive conservation plan for the refuge will be implemented. Monitoring would be used to determine what additional management actions, if any, were needed to ensure compatibility. Continuing law enforcement and administrative monitoring of permits will be carried out to ensure compliance with the following conditions that are incorporated into all permits to minimize impacts on lands and resources within the refuge. The Refuge-specific stipulations will be updated to comply with the final revised Kanuti National Wildlife Refuge Comprehensive Conservation Plan, and if necessary, to comply with future step-down plans.

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.
- 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 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.
- Any major exterior rehabilitation of or additions to existing structures must have the Refuge Manager's prior approval in writing. This does not include minor remodeling or routine maintenance.
- Subject to available suppression resources and taking into consideration specific site conditions (including human presence), permitted cabins, structures, and/or related facilities may be protected from wildfire to the extent possible. Human safety will receive the highest priority consideration by land managers and fire suppression personnel.
- 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.
- Use of cabins is authorized for trapping or subsistence related activities only. Use of the cabin for any other purposes is prohibited and will result in revocation of the permit. The permittee must notify the Refuge Manager of any proposed or ongoing changes in use or in cabin users.
- This permit is not marketable or transferable and is subject to renewal five years from the date of issuance.

- The permittee acknowledges that he/she has no interest in the real property on which the cabin(s) and related structures are located. The granting of this permit in no way implies that the permittee has exclusive use of the site or lands covered by the permit, or of local resources.
- The permittee agrees to vacate the cabin(s) and related structures within one year of non-renewal or revocation of this permit, and will leave the surrounding grounds in a neat, clean and orderly condition. If the permittee fails to remove all such personal property within one year, the permittee will be liable for the cost of its removal and the restoration of the site.
- The permittee will take no action that interferes with subsistence activities of rural users or restricts the reasonable access of subsistence users to refuge lands. This may include, but is not limited to, disturbance of wildlife and their movements near subsistence hunters, and damage to cabins, trails, traditional campsites or caches used by subsistence users.
- A valid copy of the issued special use permit, signed by the Refuge Manager or designee, must be in the permittee's possession at all times while exercising the privileges of the permit.

Justification:

The impacts of these permanent, semi-permanent, and temporary facilities to refuge resources and other refuge users were considered in detail during the permit application and renewal process. 50 CFR 36.33 (d) states in part that “a nontransferable, five year special use permit shall only be issued upon a determination that the proposed construction, use and maintenance of the cabin is compatible with refuge purposes and that the cabin use ...is needed for continuation of an ongoing activity or use otherwise allowed within the refuge where the applicant lacks a reasonable off-refuge site. In addition these activities must have historically been supported by the construction and use of cabins in the geographic area. In general, new cabin permits will be given only to local residents to pursue a legitimate subsistence activity....” Trapping and subsistence are the primary uses that historically have been supported by cabins in the Kanuti Refuge area, therefore, the Refuge Manager must issue a permit if it is otherwise compatible with refuge purposes. Refuge staff will monitor compliance with permit special conditions to ensure that the cabins and use of the cabins will not adversely affect resources within the refuge or other visitors. After fully considering the impacts of these activities, as described previously in the “Anticipated Impacts” section of this document, it is my determination that the existing trapping cabin and future temporary camp use within the refuge does not materially interfere with or detract from the purposes of the refuge or mission of the National Wildlife Refuge System.

Supporting Documents:

U.S. Fish and Wildlife Service. 1987. Kanuti National Wildlife Refuge Final Comprehensive Conservation Plan, Wilderness Review, and Environmental Impact Statement. U.S. Fish and Wildlife Service. Anchorage, Alaska. 326 pp.

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.

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: 2018

NEPA Compliance for Refuge Use Decision:

- Categorical Exclusion without Environmental Action Memorandum
- Categorical Exclusions and Environmental Action Memorandum
- Environmental Assessment and Finding of No Significant Impact
- Environmental Impact Statement and Record of Decision