

Final Rule Amending Public Use Regulations for the Kenai National Wildlife Refuge

Questions and Answers

1. What is a final rule?

In order to make a change in regulations for the federal government, we must first propose what we would like to do through a proposed rulemaking process. During the established public comment period we gather comments on our proposed rule both in writing and through public hearings.

The Refuge's amended public use regulations were published as a proposed rule on May 21, 2015, and open for a 60-day public comment period. Public hearings on the proposed rule were held in Soldotna and Anchorage on June 17 and 18, respectively. The rule was modified in response to written public comments and testimony provided at the hearings.

We are now publishing a final rule in the Federal Register that includes these modifications. The amended regulations will become effective 30 days following the publication date of the final rule.

2. What changes were made to the proposed rule now being finalized?

The changes made to the proposed rule are summarized in the following Table.

What we proposed in the proposed rule (80 FR 29277)	What we are making final in this final rule
Aircraft	
We did not include a legal description of expanded Chickaloon Flats area.	We are adding a legal description of expanded Chickaloon Flats area.
Boating	
We proposed that operation of motors with a total propshaft horsepower rating of greater than 10 horsepower would be prohibited on selected lakes.	We are not including that prohibition.
Firearms Discharge	
We did not include language on discharge of firearms in defense of life and property.	We are adding language that firearms discharge regulations do not preclude use of firearms for taking game in defense of life and property as defined under State law.

Fishing	
We proposed that fishing would be prohibited from June 1 through August 15 during hours of operation of the Russian River Ferry along the south bank of the Kenai River from a point 100 feet upstream to a point 100 feet downstream of the ferry dock.	We are removing the dates from the statement.
Camping	
We proposed that camping within 100 yards of the Upper Kenai River and the Middle Kenai River downstream of Skilak Lake (river mile 50 to river mile 45) would be restricted to designated sites.	We are retaining this restriction for the Upper Kenai River, but we are not including it for the Middle Kenai River. We have added information on the availability of a map denoting designated sites.
Maximum Group Size on Canoe Routes	
We proposed to retain a requirement that the maximum group size on the canoe routes is 15 people.	Under this final rule, the Refuge Manager may authorize larger groups under the terms and conditions of a special use permit (FWS Form 3-1383-G).
Leash Length in Campgrounds	
We proposed that pets in developed campgrounds and parking lots must be on a leash that is no longer than 6 feet in length.	We are adopting the current maximum leash length which requires that pets in developed campgrounds and parking lots must be on a leash that is no longer than 9 feet in length.

3. Why is the U.S. Fish and Wildlife Service publishing this final rule?

The Kenai NWR is Alaska’s most visited national wildlife refuge. Over a million people travel through the Refuge each year on the Sterling Highway, and an estimated 300,000 visitors spend extended periods of time on the Refuge. In recent years, we completed the Kenai National Wildlife Refuge Comprehensive Conservation Plan. The new regulations address issues and opportunities identified through this public planning process, and are aimed at ensuring sound resource stewardship and conservation, maintaining high quality experiences for visitors, and enhancing public safety.

4. How does the final rule change the Refuge's existing regulations?

Changes include regulations that would:

Aircraft Use

- Increase airplane access by expanding the area for allowable airplane use on the Chickaloon Flats, allow airplane use to start on September 10 on lakes that have swans with broods (20 days earlier than the current regulation allows), and open an additional lake for airplane use within the Kenai Wilderness for hunters who have drawn a State drawing permit for sheep/goat hunting.

Motorized Watercraft Use

- Enhance consistency with State boating regulations within the Kenai River Special Management Area by adopting motor horsepower, motor type and boat size restrictions for portions of the Kenai River within the Refuge;
- Clarify that jet skis and personal watercraft are included in the list of prohibited motorized watercraft.

Off-Road Vehicles

- Clarify that 4-WD vehicles that are legal for highway use can be used on refuge roads, right-of-ways that are open to public vehicular use, and on designated lakes during winter for ice-fishing.

Snowmobiles

- Add herding, hazing, pursuing and driving to clarify the current prohibition on use of snowmachines to "harass" wildlife.

Camping and Campfires

- Protect the Kenai River banks by limiting camping along the Upper Kenai River to at least 100 yards away from the shorelines, with the exception of 10 designated sites;
- Reduce the risks of accidental wildfires by requiring campfires to be completely extinguished prior to leaving a campsite.

Pack Animals

- Prevent the introduction and spread of invasive plants by requiring the use of certified weed-free hay and feed for pack animals and sled dogs.

Wildlife Attractants

- Reduce the potential for negative human-bear interactions and provide consistency with U.S. Forest Service regulations on adjacent lands in the area surrounding the confluence of the Kenai and Russian rivers by managing wildlife attractants, including food, refuse, and retained fish.

Hunting, Trapping, and Firearms

- Codify the hunting restrictions and trapping closure for the Skilak Wildlife Recreation Area established by the Refuge in 2013, consistent with the 2007 Skilak Wildlife Recreation Area Management Plan;
- Clarify that hunting over bait is prohibited on the Refuge, with an exception for hunting black bears over bait under terms of a Refuge special use permit.
- Prohibit the discharge of firearms in areas of high public use along the Kenai and Russian rivers, with exceptions for waterfowl and small game hunting.

5. How was Kenai National Wildlife Refuge established and what are the refuge purposes?

- Franklin D. Roosevelt established the Kenai National Moose Range on December 16, 1941, for the purpose of “protecting the natural breeding and feeding range of the giant Kenai moose on the Kenai Peninsula, Alaska. The Alaska National Interest Lands Conservation Act of 1980 (ANILCA) redesignated the Kenai National Moose Range as the Kenai NWR and increased the size of the Refuge to 1.92 million acres, of which approximately two-thirds are designated as wilderness.
- The purposes for Kenai NWR, as established by ANILCA, are:
 1. To conserve fish and wildlife populations and habitats in their natural diversity including, but not limited to, moose, bears, mountain goats, Dall sheep, wolves and other furbearers, salmonoids and other fish, waterfowl and other migratory and nonmigratory birds;
 2. To fulfill the international treaty obligations of the United States with respect to fish and wildlife and their habitats;
 3. To ensure, to the maximum extent practicable and in a manner consistent with the purposes set forth in (1), above, water quality and necessary water quantity within the Refuge;
 4. To provide, in a manner consistent with (1) and (2), above, opportunities for scientific research, interpretation, environmental education, and land management training; and
 5. To provide, in a manner compatible with these purposes, opportunities for fish and wildlife-oriented recreation; and

6. In the Kenai Wilderness, an area of the National Wilderness Preservation System, to secure an enduring resource of wilderness, to protect and preserve wilderness character, and to administer this area of the wilderness system for the use and enjoyment of the American people in a way that will leave it unimpaired for future use and enjoyment as wilderness.