

COMPATIBILITY DETERMINATION

Use: Commercial Big-game Hunting Guide Services

Refuge Name: Arctic National Wildlife Refuge

Establishment and Acquisition Authority: The Arctic National Wildlife Refuge (Refuge, Arctic Refuge) was established by the Alaska National Interest Lands Conservation Act (ANILCA) (Public Law 96-487 Stat. 2371) on December 2, 1980. The Refuge boundary encompassed 19.64 million acres of land, including the 8.83-million acre Arctic National Wildlife Range (Range), which was established on December 6, 1960, by Public Land Order 2214. ANILCA re-designated the Range as part of Arctic Refuge, designated 7.16 million acres of the Refuge as Wilderness, and designated three wild rivers. In 1988, Public Law 100-395 added 325,000 acres of lands managed by the Bureau of Land Management (BLM) to the Refuge. An additional 1.3 million acres of land, originally selected by the State of Alaska under the Alaska Statehood Act (Public Law 85-508) but later relinquished, was added to the Refuge in two actions occurring in 1983 and 1985. Both these additions were of lands already within the boundaries of the Refuge.

Refuge Purposes: ANILCA established four purposes for the Refuge (including lands and waters in the original Range):

- i. *to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited to, the Porcupine caribou herd (including participation in coordinated ecological studies and management of this herd and the Western Arctic caribou herd), polar bears, grizzly bears, muskox, Dall's sheep, wolves, wolverines, snow geese, peregrine falcons and other migratory birds and Arctic char and grayling;*
- 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; and*
- 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.*

Public Land Order 2214 established the original Arctic National Wildlife Range “for the purpose of preserving unique wildlife, wilderness and recreational values....” These pre-ANILCA purposes apply only to those lands and waters in the original Range, and they remain in force and effect only to the extent they are not inconsistent with ANILCA or the Alaska Native Claims Settlement Act (ANILCA Section 305; 603 FW 2.8).

The Wilderness Act of 1964 (Public Law 88-577) creates the following additional purposes for the designated Wilderness area within the Refuge's boundaries; these purposes are within and supplemental to the Refuge's ANILCA and Range purposes: secure an enduring resource of Wilderness; protect and preserve the Wilderness character of areas within the National Wilderness Preservation System (NWPS); administer the NWPS for the use and enjoyment of the American people in a way that will leave these areas unimpaired for future use and enjoyment as Wilderness; and gather and disseminate information regarding the use and enjoyment of Wilderness areas.

National Wildlife Refuge System Mission: The mission of the National Wildlife Refuge System (Refuge 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(s): This is a re-evaluation of the compatibility of use of Federal lands in the Refuge for guided hunting of big-game. This use is an existing activity that supports wildlife-dependent priority public uses. Commercial big-game hunting guide activities would occur during State-regulated hunting seasons. This compatibility determination addresses the full spectrum of uses associated with the overall activity of commercially guided hunting of big game, including all means of access, lodging and facilities, and other elements identified in the guides' operations plans. Authorized modes of access for guided hunts in all areas in the Refuge include fixed-wing aircraft, motorboats, non-motorized boats, dogsled, foot, snowshoe, and cross-country ski. Lodging and facilities include tents and other temporary structures, and caches. The compatibility of non-guided general hunting on the Refuge is evaluated in a separate compatibility determination.

The State of Alaska is primarily responsible for managing fish and resident wildlife through setting seasons, bag limits, methods and means of harvest, and licensing of commercial guiding operators. The State of Alaska divides the State into game management units (GMUs), and big-game hunting guides are authorized to provide services in a specified portion of a GMU (registered guide use area). The following GMUs fall within the boundaries of the Refuge: 25A, 25B, 25D, 26B, and 26C. The Refuge manages sixteen commercial big-game guiding areas on the Refuge through an exclusive special use permit process. Fifteen areas are currently awarded to 12 guides. One guide area is not currently offered. Guides and their clients are required to follow current State and Federal hunting regulations, including the requirements for applicable licenses and permits. Clients of big-game hunting guides seek black and grizzly bears, caribou, Dall's sheep, moose, wolves, and wolverines. Many of the hunters on Arctic Refuge hunt several species during the same hunt. It is common for a hunter to have sheep, caribou, and grizzly bear tags for a hunt north of the Brooks Range, or moose, caribou, and grizzly bear tags for a south-side hunt.

On average, it appears that hunters make up 28 percent, and other recreational visitors make 72 percent, of the total number of commercially-supported visitors. Guided hunters made up about 25 percent of the total number of commercially-supported general hunters, while non-guided hunters using commercial air operators made up about 75 percent (Service 2010).

Approximately 80 hunters a year utilize big-game hunting guide services (C. Villa, Service, unpublished data).

Availability of Resources: Permits are issued competitively for five years, with provision for renewal for an additional five-year term. The competitive process requires a substantial level of time and effort for the applicants and for Refuge and agency staff. Adequate Refuge personnel and base operational funds are available to manage guided big-game hunting activities at existing and projected levels.

Service staff participation includes the following. During the initial competitive process, Refuge employees review and rank applications; this process can take three employees up to four weeks, depending on the number of GMUs and applicants. The scores and applications are forwarded to the Refuge manager, who spends approximately one month writing and reviewing the prospectus, conducting guide interviews and making a selection, writing decision documents, and addressing appeals that may result in litigation. Appropriate staff assist the Refuge manager throughout the decision process.

After initial selection, Refuge employees spend about 10 days per year on oversight, permit compliance, and other guiding issues. Staff may spend one week issuing or renewing permits, administering use-day fee collections, monitoring permit compliance, and conducting related activities. Law enforcement officers spend an average of four to six weeks per year patrolling during the hunting season to monitor permit and hunting regulation compliance. In summary, staff time primarily involves reviewing applications, researching and writing decisions, responding to appeals, issuing and renewing special use permits every five years, ensuring licenses and certificates are current, collecting client use-day fees, and reporting data on an annual basis. An administrative fee is assessed when each permit is issued. In addition, client use-day fees are assessed for each day a guide has a client on the Refuge. Fees collected are returned to the Refuge to administer the program.

The Refuge's administrative oversight of the activity and comprehensive State and Federal regulations continually evolve to respond to management needs. Compliance with regulations and permit conditions will be routinely checked by Refuge staff. Refuge law enforcement personnel will also help minimize direct impacts from commercial air transportation services by enforcing compliance with special use conditions.

Anticipated Impacts of Use(s): Criteria in the competitive scoring and selection process used to select big-game guide permittees are intended to minimize impacts to resources in the Refuge and to other visitors. These criteria include impacts on wildlife resources; other Refuge resources such as water quality, soil, and vegetation; and other Refuge users, especially subsistence users. The criteria address such factors as target species, number of clients, transportation modes, amount of aircraft use, fuel storage, garbage and human waste management, methods to protect wildlife and habitat, type and location of lodging, and location of access points. These selection criteria are used to rank or score applicants and provide a strong incentive to maintain a low-impact guide service. Permit conditions and stipulations noted in the following sections also contribute to minimizing potential impacts.

Commercial big-game hunting is also regulated by the State, and new draft regulations (AS 08.54 and 12 AAC 75) are under review by the Big Game Commercial Services Board. Commercial big-game guiding operations may, in some cases, result in some competition or

interference with subsistence users and/or other non-guided general hunters for the limited number of game animals in river corridors. Refuge staff members are aware of these potential conflicts and monitor use levels each hunting season. Should allocation conflicts arise, the U.S. Fish and Wildlife Service (Service) will work to address them through the Federal Subsistence Board and the Alaska Board of Game and may develop further stipulations to address these concerns. These boards establish regulations aimed at managing populations of animals at sustainable levels and to avoid conflicts between user groups.

Perceived crowding in high-use drainages at peak times of the year is an issue, as well as physical impacts such as waste accumulation and localized vegetation damage. If the Refuge manager determines there are threats to resources or substantive user conflicts due to repeated landings, the permit may be modified to restrict the permit holder. The Refuge manager may also require removal of human waste at landing sites that are heavily used in the guide area. However, as these are emerging issues, further monitoring will need to be conducted. Future stipulations may be developed to address these concerns.

Other impacts associated with this activity could be minimal and transitory to minor, and long-term. Disturbance to vegetation is site specific, minor, and long-term and would likely be restricted to campsites that receive repetitive use and to aircraft landings on non-durable surfaces. Landing aircraft on non-durable surfaces can cause minor to moderate site-specific and long-term effects to Refuge habitats and vegetation. In several areas, soil compaction, scarring, and occasionally rutting have been documented. This is not a problem where aircraft land on durable surfaces such as gravel and sand bars, water, ice and snow, and certain other durable or resistant surfaces. These effects can be minimized or prevented by limitations, including temporal limits, on where aircraft can land, or under what conditions, including aircraft weight or tire configuration. Although not known to occur on the Refuge, landing aircraft could introduce invasive species that could impact resources in the Refuge. We will continue to monitor for such occurrences. Low over-flights, and sometimes landings and take-offs, can disturb or displace wildlife and bother visitors, although the effects are brief and usually minor.

Landings on vegetated lowland tundra and disturbance to vegetation outside established landing areas have been limited in the Kongakut drainage under the stipulations of the special use permit. Access to the Refuge during summer months would be by landing aircraft primarily on gravel bars and, occasionally on tundra/vegetated areas. Landings on vegetated lowland tundra and disturbance to vegetation outside established landing areas could be limited under the stipulations of the special use permit. The introduction of invasive species could affect resources in the Refuge, although it is not known to have occurred by this activity in the Refuge to date. Staff will continue to monitor these areas for such occurrences.

Compliance with regulations and permit conditions will be routinely checked by officers. Refuge officers and State wildlife protection officers would routinely patrol the Refuge during hunting seasons.

Public Review and Comment:

Public comments on compatibility determinations were solicited concurrently with the draft of the Refuge's Revised Comprehensive Conservation Plan (Plan) and Environmental Impact Statement. Public comments on compatibility determinations were accepted during the public review period for the draft Plan, which was announced in the Federal Register, on local radio

stations, and in local newspapers. The 90-day public comment period began on August 15, 2011, and ended on November 15, 2011. We mailed the full draft Plan, and a summary of the Plan, to the individuals and organizations on our mailing list and posted both on the Refuge's web site. Six public hearings were held in Anchorage, Arctic Village, Fairbanks, Fort Yukon, Kaktovik, and Venetie, during which the Service received comments on the draft Plan. We received two specific comments on this compatibility determination.

One commenter suggested that we combine all consumptive recreation into a single compatibility determination called "Fish and Wildlife Harvest Programs" that would focus on the biological effects of wildlife management activities that are implemented through State regulations. The Service agrees that this is one way that CDs could be organized, and our policy allows for consideration of uses either independently or as a group of related issues. We feel that analyzing the commercial consumptive recreational uses individually and separate from the non-commercial consumptive uses serves us better for several reasons; the uses are not dependent upon one another, and we can better analyze the use, its potential to impact Refuge purposes, and propose stipulations that apply specifically to commercial users in the permit process when the use is considered individually. The same individual recommended that we not allow food and gear caches in Wilderness. Refuge regulations currently allow for the temporary storage of food and gear, and we believe this is reasonable as caches are often necessary for visitors who make long or expeditionary type trips across the Refuge. Current stipulations for commercially-guided hunters require that all cached food be stored in bear-resistant containers.

The Alaska Chapter of Wilderness Watch commented that current use levels may be exceeding what might be compatible, that stipulations on use are not adequate in all circumstances, and that this may be impacting Wilderness character. For example, crowding and human waste problems are occurring. While we have found that current public use programs do not materially interfere with or detract from the Refuge's purposes or the System mission and are therefore compatible, we acknowledge that the Refuge's public use management program has not fully protected Refuge values, including Wilderness character. The Visitor Use Management and Wilderness Stewardship step-down plans will address these issues, and it is likely that one or more uses will need to be reevaluated as part of that planning process. It should be realized, however, that the Refuge has many mandates, including the requirement to provide for reasonable aircraft access to facilitate public use. In some areas, management must balance this access provision with uncompromised protection of natural conditions.

General comments mostly echoed the type of specific comments received about general hunting. Some people felt that all hunting, but especially big-game hunting for sport, could have an effect on the population structure and genetic diversity of animal populations on the Refuge. Some also felt that general big-game hunting (as opposed to subsistence), which typically involves commercial services, is inconsistent with Refuge purposes and the management goals stated in the Plan. When allowed, fair-chase principles should be followed. Several commenters felt that the Refuge needed more information on wildlife harvest, particularly in high access drainages, denning areas, feeding sites, or migration corridors. One person commented that hunting should be banned from Arctic Refuge. Several of the commenters from villages in the southern portion of the Refuge were concerned with harvest from non-subsistence hunters in the Red Sheep Creek area.

In response to comments about non-local guided hunters, we clarified the justification to explain that with few exceptions, non-Alaska residents are required by law to hire a guide to

hunt sheep, brown bear, and mountain goats; therefore, if guided hunting wasn't permitted, non-Alaska residents would not have the opportunity to hunt sheep or grizzly bear on Arctic Refuge. No other changes were made to the compatibility determination as a result of public comments, but minor edits were made from comments received during the Service's internal review. We increased the amount of staff time needed to review permits from one week to four based on previous experience, deleted some phrases that did not apply to commercial big-game hunting, and updated information on the related (supporting use) issue of aircraft impacts, as in other compatibility determinations. We also updated our permit stipulations to reflect the new Region 7 Cabin Policy (stipulation # 25).

Refuge Determination (check one below):

Use is not compatible

Use is compatible

Stipulations Necessary to Ensure Compatibility: A special use permit with the following stipulations is required for commercial big-game guiding services. These stipulations are intended to minimize impacts and ensure compatibility. Refuge permits may also include other special conditions as necessary or appropriate for the specific operations or activities that are proposed. These stipulations will be updated periodically to reflect management needs or policy changes.

1. 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; violation of the Marine Mammal Protection Act of 1972; violation of the Endangered Species Act of 1973; 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.
2. The permittee is responsible for ensuring that all employees, party members, 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.
3. This permit may be cancelled or revised at any time by the Refuge manager in case of emergency (e.g., high fire danger, flooding, unusual resource problems, etc.).
4. The permittee must notify the Refuge manager during Refuge working hours in person or by telephone before beginning and upon completion of annual activities allowed by this permit.
5. The permittee is responsible for accurate record keeping and must provide the Refuge manager with a comprehensive summary report of the number of clients, and number of client days per activity type by December 31 for all uses during that calendar year unless stated otherwise in the permit. A legible copy of the State's "Hunt Record" for each client will be required in addition to the summary report.

6. The permittee and permittee's clients do not have the exclusive use of the site(s) or lands covered by this permit, except for the authorized camp facilities (if applicable).
7. The permittee must 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.
8. In accordance with the Archaeological Resources Protection Act (16 U.S.C. 470 ee), no person may excavate, remove, damage or otherwise alter or deface, or attempt to excavate, remove, damage, or otherwise alter or deface any archaeological resource located on public lands or Indian lands unless permitted or exempted (see 16 U.S.C. 470cc for permit or exception guidance). No person may sell, purchase, exchange, transport, receive, or offer to sell, purchase, or exchange any archaeological resource if such resource was excavated or removed from public lands.
9. Construction of cabins, platforms, or other permanent structures is prohibited.
10. Use of off road vehicles is prohibited in designated Wilderness areas. Off-road vehicle use in areas not designated as Wilderness is limited to events specifically authorized in writing and in advance of--and in direct support of--the permitted activity. The use of snowmobiles, dog teams, and other means of surface transportation may only be used when adequate snow cover is present and in such a manner as to prevent waste or damage to the Refuge. The phrase "adequate snow cover" means snow is of a depth to protect the underlying vegetation and soil.
11. Snowmobiles, dog teams, watercraft, and other means of transportation shall be operated in such a manner as to prevent the herding, harassment, hazing, or driving of wildlife for viewing or other purposes.
12. Any human-wildlife interactions that have resulted in animals obtaining food; destroying property; or posing a threat to human safety; must be reported to the Refuge manager immediately at (907) 456-0250, as soon as communication becomes available. You are required to submit a written report within 30 days to the Refuge manager for all interactions with grizzly bears that have resulted in bears obtaining food; destroying property; posing a threat to human safety; or the death of a grizzly bear, so that this data can be used to help prevent future human-bear conflicts. You may use the Bear Incident Report form (Service 2008). Animals taken in defense of life or property must be reported to the Refuge manager immediately, and to the Alaska State Troopers at (907) 451-5350, and salvaged in accordance with State regulations.
13. Use of fuel stoves is encouraged over use of wood for cooking and heating. Only dead and down wood may be used for fires and other purposes. Live and standing dead wood must not be altered or used in a way that causes damage to them.
14. Motorboat operators must possess a U.S. Coast Guard (USCG) license for all passenger carrying operations, if required by USCG regulations.
15. Failure to report the actual number of client use days per type of authorized activity by December 31 of each calendar year and annually pay the Service's established fees (client use day and reserved land site) within 30 days after receiving a bill for collection will be grounds for revocation of this permit.

16. Prior to beginning any activities allowed by this permit, the permittee must provide the Refuge manager with: (1) proof of comprehensive general liability insurance (\$300,000 each occurrence, \$500,000 aggregate) covering all aspects of operations throughout the annual use period, (2) aircraft and other vehicle types to be used, with identification information, if different from the original permit or previous year; (3) changes in names of assistant guides and other employees; and (4) any other changes in information provided in the original permit/proposed operations plan.
17. The permittee may not sublet any part of the authorized use area and is prohibited from subcontracting clients with any other guide. The permittee must also be personally present with each client in the Refuge designated use area at least once during each contracted hunt.
18. This permit does not authorized use of Native selected lands within the permit area unless approved by the Refuge manager. The applicant must provide the Refuge manager with written views from the affected Native organization(s) before authorization to use the selected lands can be considered. However, if the affected Native organization(s) provide no response to the permittee's request for views, the permittee may provide the Refuge manager with a copy of the letter that he/she sent requesting the views of Native organization(s). If any of the selected lands are conveyed during the term of this permit, the permittee will no longer be authorized to use those lands.
19. 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.
20. 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, low flights over camps or persons at less than 500 feet (unless landing) and parking aircraft or placing other objects (rocks, tents, etc.) on any landable area so as to restrict use by other aircraft or persons.
21. Fuel storage sites must be approved by the Refuge manager. Preparations to prevent and respond to a fuel spill must be fully adequate at all sites for the amount of fuel stored on site.
22. Equipment caches may be located in approved areas. Contact the Refuge manager for approval. The cache will be clearly marked with the permittee's name, will be designed to blend in with the surrounding environment, and will be bear-proof.
23. All temporary accommodations will be constructed of materials that blend with the immediate surroundings. Campsites, shelters, and equipment will be used and maintained in a manner consistent with the protection of area resources, including wilderness character.
24. Base camp locations must be approved by the Refuge manager. Base camps will be located on durable surfaces, or relocated at intervals adequate to prevent site impacts.
25. The Service does not guarantee protection of a permitted cabin or its contents in the event of fire. Public and firefighter safety is the first priority in wildland fire activities

- and decisions. Firefighter safety will not be compromised for structure protection. Current cabin permittees will be authorized to establish defensible space around the permitted cabin/structure using Alaska Wildland Fire Coordinating Group Fire Wise standards. New permits for cabins constructed after the date of this policy may be issued without authorizing Fire Wise standards because of other resource considerations. In all cases, the cabin permit must clearly state that the permittee understands the inherent risk in wildfire and that the cabin and its contents may not be protected in the event of a wildfire.
26. The permittee's operation plan, as amended and accepted by the U.S. Fish and Wildlife Service, is hereby incorporated in its entirety as a special condition. All deviations from the operations plan must receive prior written approval by the Refuge manager or his designee.
 27. Frequent landing sites are limited to non-vegetated surfaces such as gravel bars, barrier islands, ridge tops and other areas with no apparent plant cover when viewed from the air during a normal landing site inspection pass. Aircraft will avoid landing on fragile/wet tundra soil sites. Water landings are allowed and ski operations may continue where adequate snow cover exists. If the Refuge manager determines there is a threat to resources or substantive user conflicts due to repeated landings, then the permit may be modified to restrict the permit holder to designated sites or types of sites.
 28. All aircraft being used in a commercial guiding operation must have 12" identification numbers in contrasting colors which are readily visible.
 29. 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 level (AGL).
 30. The construction or clearing of landing areas or pads is prohibited. Incidental hand removal of rocks and other minor obstructions may be allowed.
 31. The permittee must maintain their use areas in a neat and sanitary condition. Latrines must be located at least 200 feet from springs, lakes, and streams. All property (except cabins and/or tent frames) of the permittee must be removed from Refuge lands upon completion of permitted activities.
 32. Provisions for human waste management and disposal must be approved by the Refuge manager.
 33. All garbage and trash will be secured in a manner that minimizes attraction to wildlife and must be removed from the field before vacating the site for the season.
 34. The preeminent value of Arctic Refuge lies in its unsurpassed wilderness condition. The permittee must ensure that all employees and clients seek to minimize the effect of their activities on the wilderness characteristics of the land, wildlife, and the unique experience available there.

For special use permits issued in designated Wilderness, the following conditions also apply:

- Boat motors and/or generators are not authorized for use within designated Wilderness.

All permitted activities that occur within 25 miles of the Beaufort Sea coastline will have the following additional condition:

- The permittee must read the Polar Bear Interaction Guidelines (Guidelines) (Arctic Refuge 2010) to these permit Special Conditions. The Guidelines must also be distributed to all employees and clients of the permittee before engaging in any activities on the Refuge. In addition, the following conditions shall be met:
 - Protection of den sites and minimizing disturbance to sows with small cubs is of critical importance. Guides operating under this permit must become knowledgeable of the signs and behaviors indicating the presence of a den and avoid those areas. No person shall approach, or remain, within one mile of a polar bear den, or of a sow with small cubs. If at any time the permittee becomes aware of signs indicating their close proximity to a polar bear den, or encounters a sow with small cubs, all members of the guided party must immediately retreat to a distance of at least one mile. If, at any time, the location of a den becomes known to the permittee, no approach shall be made closer than one mile. When operating within 25 miles of the Beaufort Sea coastline, the permittee will store attractants (human food, dog food, garbage, etc.) in "bear-resistant" containers to minimize attracting polar bears and avoid conditioning bears to human food. Containers must be approved as "bear-resistant." Information about certified "bear resistant" containers can be found at http://www.igbconline.org/BEAR_RESISTANT_Oct2010.pdf
 - Legal take and harassment of polar bears is limited to defense of life or subsistence harvest by coastal-dwelling Native Alaskan situations only. Any killing or harassment of a polar bear in defense of life must be reported to the Refuge Manager and to the US Fish and Wildlife Service Office of Law Enforcement at (907) 456-2335 immediately, as soon as communication becomes available. You are also required to submit a completed copy of the Bear Incident Report form (Service 2008) to the Refuge Manager for all interactions with polar bears that have resulted in bears obtaining food; destroying property; posing a threat to human safety; or the death of a polar bear, so that this data can be used to help prevent future human-bear conflicts.
 - Legal take and harassment of polar bears is limited to defense of life or subsistence harvest by coastal-dwelling Native Alaskan situations only. Any killing or harassment of a polar bear in defense of life must be reported to the Refuge Manager and to the US Fish and Wildlife Service Office of Law Enforcement at (907) 456-2335 immediately, as soon as communication becomes available. You are also required to submit a completed copy of the Bear Incident Report form (Service 2008) to the Refuge Manager for all interactions with polar bears that have resulted in bears obtaining food; destroying property; posing a threat to human safety; or the death of a polar bear, so that this data can be used to help prevent future human-bear conflicts.

Justification: The congressional committee report on the National Wildlife Refuge System Improvement Act of 1997 states: “It establishes as the policy of the United States that wildlife-dependent recreation, when it is compatible, is a legitimate and appropriate public use of the Refuge System, through which the American public can develop an appreciation for fish and wildlife.”

Big-game guides are competitively selected to operate on Refuge lands through a formal process, first established by regional policy in 1992, and later codified (50 CFR 36.41). Competitive selection is intended to limit or manage commercial guiding to a level compatible with Refuge purposes and to ensure that quality guiding services are available to the public. Big-game guides are required to comply with all applicable State and Federal laws and regulations, and obtain required State and Federal permits/authorizations related to their guiding activities.

In Arctic Refuge, the objective of allowing commercial big-game guiding is to make available to the public a variety of quality recreational hunts on areas of the Refuge where such activities are compatible with the mission of the Refuge System and the Refuge’s purposes, and consistent with management objectives. With few exceptions, non-Alaska residents are required by law to hire a guide to hunt sheep, brown bear, and mountain goats (goats do not occur on Arctic Refuge). Non-Alaska resident aliens—people who are not citizens of the United States—must hire a guide to hunt any big-game species (State of Alaska hunting regulations). Therefore, if guided hunting was not permitted, non-Alaska residents would not have the opportunity to hunt sheep or grizzly bear on Arctic Refuge. Hunting is a healthy, traditional outdoor pastime, deeply rooted in the American heritage. Hunting can instill a unique understanding and appreciation of wildlife, their behavior, and their habitat needs (605 FW 2.3).

In order to maintain quality hunting programs on the Refuge, the Arctic Guide Use Offering requires that general hunting reflect well on the Refuge and on the tradition of hunting, and promote positive hunting values and hunter ethics such as fair chase. Arctic Refuge provides guided hunters with reasonable harvest opportunities, less crowding, less competition, fewer conflicts between hunters, and relatively undisturbed wildlife. Guides are expected to help ensure greater hunter safety, less than average crippling loss, and less interference from or dependence on mechanized aspects of the sport (from Arctic Refuge Guide Use Area Offering).

To protect sensitive resources and the pristine wilderness values of guide use areas and to maintain quality wilderness experiences for other users, strong consideration for selection of guides is given to proposed operations that incorporate Leave No Trace or other minimal impact techniques in base and spike camp operations, and minimize use and impacts of aircraft or other motorized access. In addition, the guiding activities authorized are subject to permit conditions needed to protect the natural resources, subsistence user access, and wilderness values of the area.

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 big-game hunting activities on the Refuge do not materially interfere with or detract from the purposes of the Refuge or the mission of the Refuge System.

Supporting Documents:

- Arctic National Wildlife Refuge. 2010. Polar bear interaction guidelines. U.S. Fish and Wildlife Service, Fairbanks, Alaska. Unpublished. 3pp.
- U.S. Fish and Wildlife Service. 1988a. Arctic National Wildlife Refuge Final Comprehensive Conservation Plan, Environmental Impact Statement, Wilderness Review, and Wild River Plans. U.S. Fish and Wildlife Service. Anchorage, Alaska. 609 pp.
- U.S. Fish and Wildlife Service. 1988b. Record of Decision: Arctic National Wildlife Refuge Final Comprehensive Conservation Plan, Environmental Impact Statement, Wilderness Review, and Wild River Plans. U.S. Fish and Wildlife Service, November 10, 1988. Anchorage, Alaska, USA.
- U.S. Fish and Wildlife Service. 1992. Environmental Assessment for the Policy on Commercial Big Game Guide-Outfitters and Transporters on National Wildlife Refuges in Alaska. U.S. Fish and Wildlife Service, May 22, 1992. Anchorage, Alaska, USA.
- U.S. Fish and Wildlife Service. 2008. Region 7: Bear awareness and firearms safety training policy, Appendix F. U.S. Fish and Wildlife Service. Anchorage, Alaska. Unpublished. 36 pp.
- U.S. Fish and Wildlife Service. 2010. Arctic National Wildlife Refuge Public Use Summary. U.S. Fish and Wildlife Service. Fairbanks, Alaska. Unpublished. 45 pp.
- U.S. Fish and Wildlife Service. 2011. Arctic National Wildlife Refuge Draft Revised Comprehensive Conservation Plan, Draft Environmental Impact Statement, Wilderness Review, and Wild and Scenic River Review. U.S. Fish and Wildlife Service, June 2011. Anchorage, Alaska, USA.

Refuge Determination:

Refuge Manager/

Project Leader Approval

Richard Voss 7-30-12
Date

Concurrence:

Regional Chief

National Wildlife

Refuge System

Mike Boylen (Acting) 8/15/12
Date

Mandatory 10-year Re-Evaluation Date: 2022

Mandatory 15-year Re-Evaluation Date (for priority public uses): 2027

NEPA Compliance for Refuge Use Decision

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

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