

## COMPATIBILITY DETERMINATION

**Use:** Commercial Recreational 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 Uses:*** This description of use includes a re-evaluation of the compatibility of use of Federal lands in the Refuge for all types of non-consumptive guided recreation (i.e. not hunting and fishing). Guided commercial recreation activities encompass a wide array of outdoor activities but mainly include river floating, kayaking, camping, backpacking, base-camping, polar bear viewing, dog mushing, wildlife viewing, photography, etc. Means of access is primarily by commercially operated aircraft but could also include dog teams, motorized or non-motorized boat, foot, or skiing. The original compatibility determination for guided recreation was made in 1994, subject to reasonable regulation and special conditions provided with a special use permit.

Arctic Refuge visitation has generally remained steady since the late 1980s, averaging around 1,000 visitors per year, yet there has been a steady increase in the number of commercial permits issued. Commercially guided recreation tours are an activity that supports wildlife-dependent priority public uses. Across activity types, more than half of the commercially-supported visitation is guided. On average, where locations are known, about 77 percent of overall commercially-supported visitation occurs north of the Brooks Range, while about 23 percent occurs on the south side. Nearly one-quarter (21 percent) of the commercially-supported visitors to the Refuge visit the Kongakut River drainage on the north side of the Brooks Range. Commercially guided or transported recreational visitors spend, on average, about nine days in the Refuge, in groups that average around five individuals. (Service 2008).

According to the recent Arctic Refuge Visitor Study Summary (Christensen Research 2009), the greatest positive influence on visits came from experiencing the components of "wilderness" (92 percent), "A Sense of Vastness" (92 percent), "Remoteness and Isolation" (89 percent), "A Sense of Adventure" (84 percent), and "Natural Conditions" (84 percent). Additionally, the Refuge purposes most frequently rated as "Very Important" were "Wildlife" (97 percent), "Wilderness" (96 percent), "A bequest to future generations" (89 percent), "Remoteness and isolation" (89 percent), and "A place where natural processes continue" (86 percent). According to the study, respondents encountered an average of two other groups on their trip, saw or heard four airplanes, and saw an average of one site with evidence of previous visitor use.

Arctic Refuge Public Use Summary (2010a) identifies several current trends important to commercial recreational guide services:

1. *Dalton Highway-based Visitation* - There is high probability that the western boundary of the Refuge will continue to become more popular with visitors as awareness of relatively economical Dalton Highway-based access continues to rise. Arctic Refuge managers now consider the Dalton Highway the Refuge's "Front country."
2. *Polar Bear Viewing* - The opportunity to view polar bears outside of captivity offers a valuable tool for delivering species and land conservation messages, if viewing is practiced in a way that promotes a conservation ethic. Arctic Refuge is responsible for ensuring that commercial uses of its lands and waters, including the emerging opportunity to view polar bears with a commercial guide, are conducted in a way that complies with both the Marine Mammal Protection Act and the Endangered Species Act. The Refuge is committed to a wide array of partners to manage its commercial guided polar bear viewing program for optimal support of polar bear conservation;
3. *Packrafting* - The emergence of commercially-manufactured, lightweight, backpackable inflatable rafts is making rivers and streams that were once un-floatable due to low water or lack of access more available to a range of users. This could potentially change the patterns of use on Arctic Refuge. The potential consequences of this increase are unknown.

***Availability of Resources:*** Adequate Refuge personnel and base operational funds are available to manage commercial guided recreational activities at existing 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. Field work 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 staff member for 30 to 60 days.

***Anticipated Impacts of Uses:*** We anticipate minimal to minor, site-specific impacts to fish and wildlife resources, other Refuge resources, or other Refuge users. Disturbance to wildlife or other Refuge users could occur if other groups or wildlife are encountered during a visit. Damage to vegetation should be limited by the stipulations of a permit. Permittees are required to camp on durable surfaces when they are available. Impacts from base-camping are minimized by requiring long-term camping on durable surfaces only or by requiring relocation of a base camp to avoid damage to vegetation. Compliance with regulations and permit conditions will be routinely checked by Refuge staff. Refuge law enforcement personnel will also help minimize direct impacts from recreational guide services by enforcing compliance with special use conditions.

Perceived crowding in high-use drainages at peak times of the year is an issue, as well as reports of physical impacts such as waste accumulation and localized vegetation damage in these high-use drainages. These are emerging issues that require further monitoring and assessment. Future stipulations may be developed to address these concerns.

Additional potential impacts or threats are associated with airplane or motorboat access. 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.

Access to the Refuge during summer months would be by landing aircraft primarily on gravel bars. Winter access would be by "ski-equipped" aircraft. 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. If damage to non-durable surface has been found, it may be necessary to further limit aircraft landings at those sites to reduce impacts to Refuge resources. Additionally, the introduction of invasive species could affect Refuge resources, although it is not known to have occurred by aircraft landings or any of the commercial recreational activities in the Refuge to date. Staff will continue to monitor areas for such occurrences. Temporary displacement and/or disturbance to wildlife can occur in response to low-level over-flights and during take-offs and approaches to landings, but impacts would likely be short-term and minimal.

***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 three specific comments on this compatibility determination.

One commenter suggested that we combine all recreational uses into a single compatibility determination titled "Visitor Use." The Service agrees that this is one way that compatibility determinations 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 recreational uses individually and separate from the non-commercial 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 each type of use and to commercial users in the permit process when the uses are considered individually.

Another individual was concerned that there is no limit to the number of recreational guides or to the number of trips or clients that permittees can take to the Refuge and suggested that

this should be addressed in the step-down management plan in order to ensure compatibility. The Service plans to address use levels in the Visitor Use Management and Wilderness Stewardship step-down plans. If the use changes significantly due to restrictions in the future plans, a new compatibility determination will be drafted to reflect the changes.

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.

Many general comments mentioned that impacts from visitors were already occurring and expressed the desire to have the Refuge limit commercial users, consider disallowing commercial groups in certain areas and to give priority to non-guided users. Some commenters suggested specific limits on group sizes and the numbers of groups on a river at a time; others just made general comments on limits. One commenter thought that group size should be larger than currently allowed to provide for safety in bear country. Many commenters were concerned that visitors may be impacting wildlife, particularly caribou, and the Refuge should adequately address this. Some commenters were specifically concerned that human waste along river corridors may be creating a potential health issue; at least one person commented that, in their experience on the Refuge, this was not a problem. Many people also commented that Wilderness recreation should allow opportunities for visitors to experience adventure, challenge, solitude, independence, and freedom with minimal interference from Refuge staff, but that the Refuge should ensure that visitor uses do not impact Wilderness character.

As a result of public and internal comments, we clarified that this compatibility determination deals only with non-consumptive guided recreation (i.e., not hunting and fishing). We acknowledged that human waste accumulation and localized vegetation damage has been reported along river corridors and at popular campsites, and we updated information on the related (supporting use) issue of aircraft impacts, as in other compatibility determinations.

***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 recreational guide 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.

***Commercial Recreational Guide Services Special Use Permit Conditions – General:***

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. The permittee must 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.
4. 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.).
5. 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.
6. Prior to beginning any activities allowed by this permit, the permittee must provide the Refuge manager with: (1) the name(s) and method of contact for the lead field guide(s); (2) aircraft and other vehicle types to be used and identification information for these vehicles; (3) names of assistant guides and helpers; and (4) any changes in information provided in the original permit application.
7. The permittee must provide the Refuge manager with a Client Use Report of the trip dates, locations, number of clients each trip, number of clients per trip, and number and species of all animals taken (if applicable). The permittee may be required to provide names, addresses, and phone numbers of clients.
8. Client Use Reports must be received by October 15, or within 30 days of permit expiration, whichever date is earliest. For permits valid beyond October 31, partial reports including all activity through October 15 must be received by October 31, and reports for activity between October 16 and the date of the permit's expiration must be

- received within 30 days of the permit's expiration. Failure to report the actual number of client use days per type of activity on or before the due date, and pay the Service's client use day fees within 30 days after receiving a bill for collection, will be a violation of this permit.
9. This permit authorizes use only on Arctic Refuge lands. Use of land selected by or conveyed to the State of Alaska or North Slope Borough; or a Native corporation or individual is not authorized by this permit.
  10. The permittee and permittees' 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).
  11. 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.
  12. 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.
  13. Construction of cabins, platforms, or other permanent structures is prohibited.
  14. 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.
  15. 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.
  16. 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.

17. 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.
18. In general and where possible, camps must be located on durable surfaces (snow, sand or gravel). Camps located on vegetation must be relocated at intervals adequate to prevent site impacts. Sites at popular aircraft access points that are already heavily impacted can continue to be used. Along high use rivers and lakes, camps must not be located on vegetated sites that show human caused scuffing or matting of vegetation.
19. Total group size including guides is limited to seven people for land-based trips; and ten people for water-based trips. Permit holders can have one group on a river or water body at a time. Concurrent possession of other Refuge permits does not increase this number.
20. All garbage, litter, and debris must be removed from the Refuge. Food, garbage, and other materials must be stored to minimize attraction to bears and other wildlife. All evidence of your camp must be obliterated prior to your departure from the site. Equipment and other property must be removed from the Refuge upon completion of the permitted activities.
21. Human waste must not be left less than 200 feet from springs, lakes, and streams. Bury waste under soil (or under snow at the ground level during periods when the ground is frozen). Paper toilet tissue, if used, must be packed out or burned completely to ash. Moist towelettes or sanitary products must be removed as trash. In high use areas, especially the Kongakut and Hulahula river corridors and extended base-camps, we encourage packing-out of human waste.
22. 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.

***Additional Conditions for Commercial Dog Mushing Permits:***

Conditions 1-21 plus the following:

- Dog waste associated with overnight or extended camps should be scattered no less than 200 feet from springs, lakes, and streams.
- Dog food should be heated with a stove, not local firewood or vegetation, whenever possible.
- Snowmobiles may not be used for logistical support or to break or set trail for guided sled dog trips, nor may they be used for any purpose in association with the permitted commercial activity in designated Wilderness.
- Sled dogs must be staked out on picket cables or similar gang lines, and not tied individually to trees.
- Straw or hay may not be transported into the Refuge.

### ***Additional Conditions for Commercial Polar Bear Viewing Permits:***

Conditions 1-16 listed in general conditions plus the following:

- Operations under this permit are restricted to day use only. "Day use" is defined as that period between sunrise and sunset. No overnight camping or guiding operations are authorized under this permit. There will be no evidence of guiding activities upon your departure from any site. All garbage, litter, and debris must be removed from the Refuge. Equipment and all personal property must be removed from the Refuge upon completion of each day's permitted activities.
- For all guided polar bear viewing activities, the permittee must read the Polar Bear Viewing Guidelines (Service 2010b) 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:
  - The permittee must ensure all guides and clients are familiar with the permittee's polar bear safety plan through a safety briefing, and are familiar with proper emergency procedures before embarking to view polar bears.
  - 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.
  - To ensure the safety of clients, and provide for a quality guided experience, guides operating under this permit must remain in close proximity of all clients, at all times, while in the field. Staging, dropping off, or otherwise abandoning or separating members from a guided party, for any reason, is prohibited. "Close proximity" is defined as that distance whereby communication between individuals may take place with a normally spoken voice.
  - Permittees are expected to fully comply with the provisions of the Marine Mammal Protection Act. Permittees shall ensure all members of their party maintain appropriate distances from polar bears at all times to prevent disruptions in normal behaviors. Approaching or behaving around polar bears in a way that results in any act of pursuit, torment, or annoyance which has the potential to injure or disturb a polar bear by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering is a violation of the Marine Mammal Protection Act, is considered harassment, and represents grounds for immediate revocation of this special use permit.
  - It is illegal to restrict movements of swimming bears. If viewing from a boat, do not block the path in which the bear is travelling. If the bear is passing, put the engine in neutral to allow the bear to pass. While operating the boat, do not approach, encircle, or pursue a swimming bear; do not trap a swimming bear between boats; do not separate a swimming mother from her cubs. If approached

by a swimming bear, move the boat away to minimize interactions. If the bear persists, leave the area while avoiding abrupt movements or sounds, such as sudden use of the engine throttle.

- Total group size including guides is limited to seven people for land-based and ten people for water-based trips. Permit holders can have one group operating at a time. Concurrent possession of other Refuge permits does not increase this number.
- Permittees using watercraft must comply with all applicable US Coast Guard regulations, including, but not limited to vessel, operator, and safety equipment requirements.
- As the intent of the permit is to facilitate bear viewing in a natural environment under naturally occurring conditions, no bait, attractant, lure, call, or artificial substance may be placed or otherwise used to entice, attract, or hold polar bears in an area to facilitate viewing opportunities. Any attempt to feed polar bears is an illegal disturbance. 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](http://www.igbconline.org/BEAR_RESISTANT_Oct2010.pdf)
- Human-polar bear interactions that have resulted in bears 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. 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 written report of the incident within 30 days 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. You may use the attached Bear Incident Report form.

All permitted commercial recreational guide service activities that occur within, or may 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](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 objective of guided tour services in national wildlife refuges is to make available a variety of quality opportunities for the public to enjoy outdoor activities where such activities are compatible with the Refuge's purposes, resources, and management objectives. Furthermore 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."

Recreational guides provide a service that visitors often require to access the Refuge and gain an appreciation for its resources. Guided recreational services considered here include activities occurring throughout the year. Guided recreational tour providers are required, as a condition of their permits, to provide information on the primary activity, location, length of stay, group size, and other related items. These reports provide the most accurate and reliable information the U.S. Fish and Wildlife Service (Service) has on Refuge use by visitors. Guided recreational activities contribute to fulfillment of the Refuge System mission by providing

access for non-local Refuge visitors and therefore facilitate priority public uses and other compatible.

Special use permits authorizing the activity will be appropriately conditioned to protect Refuge resources and visitor experiences, and the activity will be monitored to ensure that an appropriate level of use is maintained. Emerging issues will be further monitored and, if needed, stipulated to ensure Refuge resources and visitor experiences are protected. When conducted in accordance with Service regulations, I find that these uses will not materially interfere with or detract from the purposes for which the Refuge was created, including the Wilderness Act purposes for the Refuge Wilderness area and fulfillment of 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.

Christensen Research. 2009. Arctic National Wildlife Refuge visitors study: the characteristics, experiences, and preferences of Refuge visitors. Christensen Research, U. S. Fish & Wildlife Service, and The Aldo Leopold Wilderness Research Institute, Missoula, Montana, USA.

Interagency Grizzly Bear Committee. IBG Certified bear resistant products webpage. [http://www.igbconline.org/BEAR\\_RESISTANT\\_Oct2010.pdf](http://www.igbconline.org/BEAR_RESISTANT_Oct2010.pdf), Accessed 11 Feb 2011.

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. 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. 2010. Arctic National Wildlife Refuge visitor services webpage. <http://alaska.fws.gov/nwr/arctic/pdf/pbguidelines2010.pdf>, Accessed 12 Feb 2011.

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 Coz

8-4-12  
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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