

COMPATIBILITY DETERMINATION

Use: State of Alaska Routine Wildlife Management Activities

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 in 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 in 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 compatibility determination addresses the routine wildlife management activities conducted by the Alaska Department of Fish and Game (ADFG) and law enforcement activities conducted by Alaska wildlife enforcement officers of the Alaska Department of Public Safety (DPS), Division of Alaska State Troopers, that are not cooperative projects with the U.S. Fish and Wildlife Service (Service). These projects might not be included in the Master Memorandum of Understanding (or other specific cooperative agreements) between the ADFG (Juneau, Alaska) and the Service (Department of the Interior, Anchorage, Alaska) signed March 13, 1982. Routine management activities may include the following: fish and wildlife surveys conducted by boat, foot, or other means not restricted by regulation or policy; aircraft landings in support of fish and wildlife surveys; vegetation and habitat classification and surveys; and law enforcement activities.

This compatibility determination does not address predator management, fish and wildlife control (with the exception of animals taken in defense of life or property), reintroduction of species, native fish introductions, non-native species introductions, non-native species management, pest management, disease prevention and control, fishery restoration, fishery enhancement, construction of facilities, or any other unpermitted activity that could alter ecosystems in the Refuge. Separate compatibility determinations addressing specific proposals will be required for those activities. All management and research activities conducted by ADFG under a specific cooperative agreement with the Service to fulfill one or more purposes of the Refuge or the Refuge System mission are not subject to a compatibility determination.

Potential means of access include fixed-wing aircraft, motorboats, snowmobiles, non-motorized boats, foot, snowshoes, and cross-country skis. Helicopters may also be used when specifically authorized through a permit issued by the Refuge manager. Potential lodging and facilities include tents and other temporary structures, existing permitted cabins, and caches.

Availability of Resources: Adequate Refuge personnel and base operational funds are available to manage activities at existing and projected levels. Staff time of managers and biologists (as many as 10 staff days per year) primarily involves phone conversations, written correspondence, and personal interaction with State personnel regarding ongoing activities. Field work associated with administering the program primarily involves monitoring (when applicable) the State's activities to ensure all activities remain compatible.

Anticipated Impacts of Use(s): Because ADFG and public safety personnel are trained wildlife professionals, the Service anticipates that routine law enforcement and fish and wildlife monitoring and management activities would have positive overall impacts on wildlife resources, other resources in the Refuge (such as water quality, soil, and vegetation), and visitors. These positive impacts would support Refuge purposes and goals and the Service mission.

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 eight specific comments from individuals and organizations on this compatibility determination.

One individual, the Northern Alaska Environmental Center, the Alaska Wilderness League, the Alaska Chapter of Wilderness Watch, and the Sierra Club were all concerned about the State's wildlife management activities and whether or not the Service had done an adequate job in fully describing the use and finding it compatible. They were concerned that the Service did not require a compatibility determination for State wildlife management activities, and they specifically mentioned predator control. The Service does not require a compatibility determination for those activities conducted in cooperation with the Refuge (considered a Refuge management activity and not a Refuge use). The current compatibility determination addresses "routine management activities" conducted by the State of Alaska that are not carried out cooperatively with the Refuge, and it includes such actions as surveys and associated activities and routine law enforcement. These activities, as currently carried out, have been found to be compatible. Other activities by the State wildlife department require a separate compatibility determination, and these include predator management and fish and wildlife control.

The individual commenter requested that the compatibility determination address ADFG's fish and wildlife regulations and the associated fish and wildlife harvests on the Refuge, including bag limits; they questioned if ADFG goals and objectives were consistent with sound wildlife management and Arctic Refuge purposes. As for ADFG regulations and the harvest of fish and wildlife, the promulgation of regulations is not a Refuge use and therefore is not subject to compatibility. The "take of fish and wildlife" under State regulations, including all equipment, facilities and services needed to support hunting, was evaluated in two compatibility determinations: "Commercial Big-game Hunting Services" and "General

Hunting.” These uses were found to “not materially interfere with or detract from the fulfillment of the Refuge purposes and the System mission.”. Therefore, these uses are compatible. 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. Food storage is a concern, however, and during the visitor use management planning process we will consider a requirement that all cached food be stored in bear-resistant containers.

The Alaska Chapter of Wilderness Watch was concerned that the purposes of the Wilderness Act be considered when determining whether the State’s management activities are compatible on the Refuge. This is already done, regardless of whether the Wilderness purposes are mentioned in the Master Memorandum of Agreement. All purposes, including Wilderness purposes, are considered in the evaluation of compatibility of a proposed use.

The Sierra Club commented that the Service need not and should not initiate a compatibility determination or National Environmental Policy Act (NEPA) process to evaluate State-sponsored predator control in Arctic Refuge. Instead, the Service should incorporate language into the Plan and the draft compatibility determination clearly stating that any regulation or use — including the use of predator control— that conflicts with Federal law or policy and the purposes of Arctic Refuge will be preempted in the Refuge. The Service would not allow a use that was in conflict with a Federal law or Service or Department of the Interior policies. Nor would the Service find that a State-proposed predator management program on the Refuge that did not conform to the Refuge’s purposes, goals, objectives, management policies, or guidelines, is compatible; we would not authorize such a program on the Refuge. Chapter 1 Section 1.3.3, Chapter 2 Section 2.4.9.1, and Appendix B Section B.1.1 of the Plan have been revised to clarify that both the Service and the State recognize the Refuge’s mandate to conserve wildlife populations in their natural diversity, and that the Service has the final responsibility and authority for ensuring all wildlife management activities are consistent with the Refuge’s purposes, goals, objectives, management policies, and guidelines as described in this Plan.

We also received many general comments about State “game” management versus Refuge management. All commenters recognized the need for the Service to coordinate with the ADFG. However, they felt that the State’s goals for managing wildlife (e.g., predator control, intensive management) sometimes conflict with the Refuge’s purposes for maintaining natural and wild wildlife populations, and when this occurs Refuge purposes must prevail. Most of the comments we received on this topic were against predator control on the Refuge. An additional seven commenters wanted predator control of wolves, but wanted it done by local people rather than the State of Alaska.

Refuge Determination (check one below):

Use is not compatible

Use is compatible

Stipulations Necessary to Ensure Compatibility: A compatibility determination is not required for State activities on lands in the Refuge where a pre-established agreement or memorandum of understanding is in place. Refuge staff will monitor State activities in the Refuge. Findings from these monitoring efforts will be used to determine what additional management actions, if any, would be needed to ensure State activities remain compatible with Refuge purposes and in compliance with established agreements. State administrative activities conducted in designated Wilderness areas require completion of a minimum requirements analysis in accordance with national and regional policy.

Justification: The State of Alaska ADFG and DPS and the Service are partners in the management of fish and wildlife resources on the Refuge. Natural science information is necessary for the proper management of the Refuge System. It is the policy of the Service to encourage and support research and management studies to provide scientific data upon which decisions regarding management of units of the Refuge System may be based. The State research, monitoring, and law enforcement activities addressed in the compatibility determination support achieving Refuge purposes and goals, and the System mission, and would have favorable impacts on resources in the Refuge and wildlife-dependent priority public uses. After fully considering the impacts of these activities, as described previously in the “Anticipated Impacts” section of this document, it is my determination that State of Alaska wildlife management activities in the Refuge do not materially interfere with or detract from the purposes of the Refuge or the mission of the Refuge System.

Supporting Documents:

Master Memorandum of Understanding between the Alaska Department of Fish and Game, Juneau, Alaska, and the U.S. Fish and Wildlife Service, Department of the Interior, Anchorage, Alaska, signed March 13, 1982.

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. 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 [Signature]

7-30-12

Date

Concurrence:

Regional Chief

National Wildlife

Refuge System

Mike Boylan (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