

Kodiak National Wildlife Refuge
1390 Buskin River Road
Kodiak, Alaska 99615

COMPATIBILITY DETERMINATION

Use: O'Malley River Bear-Viewing Program

Primary Uses: Wildlife observation and photography (commercially guided)

Supporting Uses:

Boating, environmental education (conducted by permittee), interpretation (conducted by permittee), recreational fishing, camping, hiking and backpacking, photography, video, filming, or audio recording, fixed-wing aircraft.

Refuge Name: Kodiak National Wildlife Refuge

Establishing and Acquisition Authorities

Original authority was Executive Order 8857 (1941); modified by Public Land Order 1634 (1958), Alaska Native Claims Settlement Act (1971), and Alaska National Interest Lands Conservation Act (ANILCA; 1980)

Refuge Purposes

Executive Order 8857 established Kodiak National Wildlife Refuge “. . . for the purpose of protecting the natural feeding and breeding ranges of the brown bears and other wildlife on Uganik and Kodiak Islands . . .”

Section 303(5)(B) of ANILCA states the following:

“The purposes for which the Kodiak National Wildlife Refuge is established and shall be managed include

- (i) to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited, to Kodiak brown bears, salmonids, sea otters, sea lions, and other marine mammals and migratory birds;
- (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 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 subparagraph (i), water quality and necessary water quantity within the refuge.”

National Wildlife Refuge System Mission

The mission of the National Wildlife 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

This determination evaluates operation of a guided bear-viewing program at the O'Malley River within Kodiak Refuge. The regulation now closing the O'Malley River area to all use on a seasonal basis would be modified to allow use by participants in this viewing program only. All other public access, use, and occupancy would continue to be prohibited from June 25 to September 30 to minimize impacts to bears at this critical feeding location. A bear-viewing program prospectus, developed by the Service in consultation with the Alaska Department of Fish and Game (ADF&G) and other interested parties, would be offered for competitive bid. Applicants would be required to submit a proposed operations plan and other pertinent information requested by the Service and outlined in the prospectus. Applications would be evaluated and a permit awarded for operation of the program. Kodiak Refuge staff, in coordination with ADF&G, would provide management oversight of the program, but the permittee would be responsible for all aspects of operation such as client booking, transportation, and on-site activities. The viewing program would be patterned after the program operated by the Service at the O'Malley River site in 1992, but would differ in some respects. Specifically, the proposed viewing program will:

- Operate from June 25 through September 15 each year;
- Serve up to eight (8) clients at a time, with a maximum of 10 people (including guides) on-site at any time;
- Schedule clients for four-day trips, with overnight accommodations provided at a nearby tent camp or some other off-site location;
- Require that participants be escorted to and from the bear-viewing site each day on an established trail that begins about a mile away at a location known as Stony Point;
- Conduct most viewing from a small platform located on an upland bench within 50 yards of O'Malley River;
- Require that participants arrive at, and depart from, the viewing site at approximately the same time each day;
- Allow participants, under guide supervision, to fish, hike, or pursue other activities in designated areas adjacent to the support facilities site, but outside the limited use area, and;
- Manage aircraft use to minimize the number of days on which aircraft landings occur at the base-camp area.

Availability of Resources

Kodiak Refuge has a recreation specialist staff position that will be responsible for field oversight and administrative oversight of the bear viewing program. With this new position, and continued support for the refuge biological monitoring program, the Refuge will have adequate resources to manage this use.

Anticipated Impacts of the Use

The main effects likely from the bear-viewing program at O'Malley River would be on brown bears and on visitors. We would expect minor impacts to bears from the bear-viewing program. These noticeable but minor impacts would be limited mainly to unhabituated animals that traditionally used the access trail and viewing site vicinity in July and August. Some affected bears would gradually habituate to this activity; others would shift their daily activity patterns to avoid it (Sellers and Aumiller 1994). Yet other bears would probably move to and remain at different foraging sites. Although these animals may encounter increased competition with other bears, their survival would not be jeopardized.

Initial declines in summer bear use would be followed by a gradual increase in use to preprogram levels as displacement decreased and habituation increased (Wilker and Barnes 1998, Barnes and Wilker 2002). Bear use would be unlikely to differ significantly with preprogram levels after year four of program operation (Barnes 2004).

Bears would be minimally disturbed by viewing-program activities because the type, level, timing, and distribution of human activity would be carefully managed. Access to and from the viewing site and activity at the viewing site would be managed similarly to that of the agency-run viewing program conducted in 1992. The presence of an on-site agency monitor and strict penalties for noncompliance will ensure the commercial operator minimizes disturbance to bears.

The camp adjacent to the concentration area would have negligible effects on bears (Wilker and Barnes 1998). Careful camp management would ensure safety and prevent problems. Curious bears approaching camp would be deterred. Although other activities such as fishing could occur in the camp vicinity, effects on bears would be negligible because these activities would occur outside the bear concentration area.

The current annual seasonal closure extends from June 25 through September 30. This allows unrestricted public access for a month before the start of hunting season. Harvest of bears on Kodiak Refuge is conducted under a regulated hunting program managed primarily by the State of Alaska according to a sustained yield principle. This approach has proven effective for conserving bear populations on Kodiak for many years. Habituated bears in the O'Malley area could be somewhat at risk of harvest, although the risk to individual bears is reduced by several factors (Barnes and Wilker 2000). The bears most likely to become habituated include females accompanied by cubs—protected from harvest by regulation—and subadults whose small size makes them less attractive as trophy animals. Current management of recreational harvest provides for a conservative harvest. Consequently, there is substantial natural mortality of adult females. Few bears are present in the O'Malley area during the spring bear-hunting season because of the absence of spring forage in the area. Bears do not begin to congregate here in large numbers until the salmon runs start.

In summary, a commercial viewing program would have minor short- and long-term effects on bears, assuming strict adherence to program requirements. Impacts would be minor mainly because the type, distribution, and level of human activity would be consistent and carefully regulated; human use would be limited to the access trail and viewing site vicinity,

a relatively small portion of the concentration area; and most bears initially disturbed by humans would gradually habituate to them and resume traditional habitat use patterns.

Reopening of the O'Malley River bear-viewing site would increase wildlife-viewing opportunities on the Refuge. Bears are almost certainly the most popular wildlife-viewing attraction on the Refuge. In recent years, the Refuge has received an average of about 900 guided wildlife-viewing use days per year. A bear-viewing program at O'Malley River, modeled after past programs, could support approximately 400 bear-viewing use days if it operated at full capacity. Therefore, reopening the O'Malley River bear-viewing site for operation of a viewing program could clearly have a substantial positive effect on wildlife-viewing opportunities, offering a potential increase in participation of nearly 50 percent.

Public Review and Comment

Public comment was solicited via an advertisement published in the Kodiak Daily Mirror and posting on the Fish and Wildlife Service Alaska Region Compatibility web site. We received comments from the State of Alaska, the State-sanctioned Citizen's Advisory Commission on Federal Areas, and one member of the general public. All the commenters were generally supportive of this compatibility determination. In response to comments, we made changes for clarity in the "description of use" and "anticipated impacts of use" sections. We also eliminated the long list of standard special use permit conditions from the stipulations section below, in favor of a more specific description of the O'Malley Bear Viewing Program parameters and permitting process.

Determination

Use is Not Compatible

Use is Compatible with the Following Stipulations

Stipulations Necessary to Ensure Compatibility

A special use permit is required for this use. The permit will be issued to one, competitively-selected guide service that will operate the O'Malley River Bear Viewing Program. A prospectus and request for proposals will be developed to guide the competitive selection process. All program requirements, restrictions, and conditions described in the prospectus will become part of the final terms of any special use permit awarded under the prospectus.

Prospective guide services will be invited to submit proposals that describe the service they would provide, consistent with the program parameters described in the prospectus and listed here in the previous "description of use" section. A panel of Service employees will evaluate all proposals, using scoring factors and guidance developed by the Service. Applicants must attain certain minimum scores to be eligible for selection. The selected applicant will be awarded a special use permit, authorizing them to serve up to eight clients at a time on four-day, bear-viewing trips. The permit term is January 1, 2011 through December 31, 2016. At the end of the five-year permit term, the permit will be renewed for an additional five years pending application by the permittee, a showing of compliance with all applicable terms and conditions, and a satisfactory record of performance. A refuge staff specialist will provide dedicated program monitoring and oversight in the field and coordinate administrative oversight in the office. The

Refuge reserves the right to revoke the awarded permit if the holder does not satisfactorily comply with permit terms.

Justification

Wildlife observation and photography are among the primary public uses of the National Wildlife Refuge System and they constitute two of the most popular public uses on Kodiak Refuge. As such, they play an important role in the development of public understanding and appreciation for Refuge resources, particularly the bears that Kodiak Refuge is perhaps best known for. The O'Malley Bear-Viewing Program will provide an opportunity for the public to view significant numbers of bears, over an extended period, in an unaltered natural setting. This unique opportunity will enhance the public understanding and appreciation benefits that accrue from existing uses of the Refuge. Research, experience from other bear-viewing destinations, and decades of experience managing wildlife observation and photography uses on Kodiak Refuge all indicate that the potential impacts of the O'Malley Program can be addressed through facility and program design, permit conditions, and existing special regulations, as described in the preceding sections.

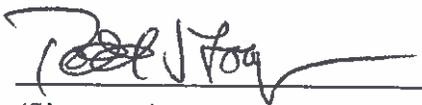
Supporting Documents

- Barnes, V.G. 2004. Personal communication with Bill Pyle, March 9, 2004, about effects of preferred alternative of draft revised Kodiak National Wildlife Refuge Comprehensive Conservation Plan on brown bears.
- Barnes, V. G., and G. A. Wilker. 2000–2002. Assessment of the vulnerability of habituated bears to sport harvest in the Karluk Lake vicinity of Kodiak National Wildlife Refuge, Alaska. Pages T-1 to T-5 *in* Alaska Department of Fish and Game. 2002. Kodiak Archipelago Bear Conservation and Management Plan. Alaska Dept. Fish and Game, Anchorage, Alaska. 240 pp.
- Sellers, R.A., and L.D. Aumiller. 1994. Brown bear population characteristics at McNeil River, Alaska. *Int. Conf. Bear Res. and Manage.* 9(1):283–293.
- U.S. Fish and Wildlife Service. 1987. Kodiak National Wildlife Refuge Final Comprehensive Conservation Plan, Wilderness Review, and Environmental Impact Statement. U.S. Fish and Wildlife Service. Anchorage, Alaska. 533 pp.
- U.S. Fish and Wildlife Service. 1993. Kodiak National Wildlife Refuge, Final Public Use Management Plan and Environmental Assessment. U.S. Fish and Wildlife Service. Kodiak, Alaska. 202 pp.
- U.S. Fish and Wildlife Service. 2004. Draft Revised Comprehensive Conservation Plan and Environmental Impact Statement Kodiak National Wildlife Refuge. U.S. Fish and Wildlife Service. Anchorage, Alaska.
- Wilker, Greg. 2004. Personal communication with Mike Getman on June 28, 2004, about bear harvest at O'Malley River during the fall 2003 hunting season.
- Wilker, G. A., and V. G. Barnes, Jr. 1998. Responses of brown bears to human activities at O'Malley River, Kodiak Island, Alaska. *Ursus* 10:557-561.

Refuge Determination

Refuge Manager /
Project Leader Approval:  2-23-2010
(Signature) (Date)

Concurrence

Regional Chief,
National Wildlife
Refuge System:  3/1/10
(Signature) (Date)

Mandatory 15-Year Re-Evaluation Date (for a wildlife-dependent recreational use): 2025

NEPA Compliance for Refuge Use Decision

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