

## Compatibility Determination

**Use:** Selawik Hot Springs Cabins

**Supporting and Incidental Uses:** Snowmobiling, snowshoeing, firewood and natural resource gathering, camping, cross-country skiing, skijoring, dog sledding, hiking and backpacking, picnicking, wildlife observation, wildlife photography, videography, environmental education and interpretation, trapping, and hunting.

**Refuge Name:** Selawik National Wildlife Refuge

**Establishment and Acquisition Authority:** The Alaska National Interest Lands Conservation Act (ANILCA) established the 2.5-million-acre Selawik National Wildlife Refuge (Selawik refuge, refuge) as part of the U. S. Fish and Wildlife Service, National Wildlife Refuge System (Department of the Interior) on December 2, 1980.

**Selawik Refuge Purposes:** As stated in ANILCA Section 302 (7) (B), the purposes for which the Selawik Refuge was established and shall be managed include:

- (i) to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited to, the Western Arctic caribou herd (including participation in coordinated ecological studies and management of these caribou), waterfowl, shorebirds and other migratory birds, and salmon and sheefish;
- (ii) to fulfill 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 subparagraph (i), water quality and necessary water quantity within the refuge.

The purpose of the congressionally designated Selawik Wilderness Area is to secure an enduring resource of wilderness, protect and preserve the wilderness character of the area as part of the National Wilderness Preservation System (NWPS), and administer the area for the use and enjoyment of the American people in a way that will leave it unimpaired for future use and enjoyment as designated wilderness.

### 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 re-evaluates the compatibility of public use cabins constructed at Selawik Hot Springs (also referred to as the Shungnak or Purcell Mountains Hot Springs). These cabins were

found compatible in 1987 and 1994. In 1991, the refuge issued a five-year permit to the Upper Kobuk River Elders Council for the construction of a new bath house and the ongoing maintenance of two other cabins. The cabins and associated facilities are limited to a small area (the area immediately adjacent to the hot springs). Use is seasonal, usually February through April, and limited to only those who can access the area by snowmobile. The primitive cabins were built and maintained as a cooperative effort between elders residing in upper Kobuk River communities and Huslia. They are open to the public and used mostly by local village residents. The cabins allow access to the hot springs, which are viewed as therapeutic and believed to contribute to the good health possessed by the elders who visit them. This non-consumptive, cultural use was practiced long before the refuge was established.

#### **Availability of Resources**

Adequate refuge personnel and base operational funds are available to manage activities at existing and projected levels. Administrative staff time, an estimated two staff days every five years, primarily involves phone conversations, written correspondence, and permit renewal.

#### **Anticipated Impacts of Uses**

Negligible impacts to habitats within the refuge from disturbance are anticipated. Possible localized adverse impacts to some plant and wildlife species could occur, but would not have long-term population-level impacts on refuge plants and wildlife. Regular use could result in refuse and human waste in the immediate vicinity of the structures. Special use permit conditions are designed to minimize the chances of adverse effects to resources within the refuge and visitors.

#### **Public Review and Comment**

Public comments were solicited concurrently with the revision of the Selawik National Wildlife Refuge's Comprehensive Conservation Plan and Environmental Assessment (USFWS 2010). Public comments on compatibility determinations were accepted during the public review period for the draft plan and announced in the Federal Register. The public comment period was October 21, 2010 to March 15, 2011, which provided 145 days for public review. We mailed the full draft plan and a summary to the individuals and organizations on our mailing list. We invited public comments through an advertisement in a local newspaper and attended city council meetings in Selawik and Noorvik to receive comments on the draft plan. Planning team members met with the Citizen's Advisory Commission on Federal Areas to discuss the issues at Selawik refuge and alternatives that were proposed in the draft plan. The draft compatibility determinations were posted on the Service's Region 7 Web page.

We received one comment on this draft compatibility determination. One reviewer correctly noted that although the special use permit is written to the elders, other people use the Hot Springs area in addition to those elders. Other reviewers supported a formal partnership with villages and organizations to maintain facilities at the Selawik Hot Springs. One individual inquired about the policy on aircraft landing at or near the Hot Springs.

#### **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. Regular monitoring by staff will determine what additional management actions, if any, are needed to ensure compatibility.

#### **SPECIAL PERMIT CONDITIONS FOR THE SELAWIK HOT SPRINGS CABINS**

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 (Sub-chapters B and C), Code of Federal Regulations; 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 Title 50 Code of Federal Regulations 36.41.
2. The permit holder is responsible for ensuring that all employees, party members, contractors, aircraft pilots, and any other persons working for the permit holder and conducting activities allowed by this permit are familiar with and adhere to the conditions of this permit.
3. This permit may be canceled or revised at any time by the refuge manager in case of emergency (e.g., unusual resource problems, high fire danger, flooding, etc.).
4. The permit holder does not have the exclusive use of the site(s) or lands covered by this permit.
5. Any problems with wildlife and/or animals taken in defense of life or property must be reported immediately to the refuge manager and Alaska Department of Fish and Game, and be salvaged in accordance with State regulations.
6. In accordance with the Archaeological Resources Protection Act (16 U.S. C. 470aa), the removal or disturbance of archeological or historic artifacts is prohibited. The excavation, disturbance, collection, or purchase of historical, recent, ethnological, or archaeological specimens or artifacts is prohibited.
7. Permit holder shall maintain the use area in a neat and sanitary condition; latrines must be located a minimum of 150 feet from springs, lakes, and streams to avoid contamination of water resources. All property must be removed from refuge lands upon completion or revocation of permitted activities, and permit holder will leave the surrounding grounds in a neat, clean, and orderly condition. If the permit holder fails to remove all property upon completion of authorized activities, he/she will be liable for the removal and restoration of the site.
8. The construction of permanent landing strips or pads is prohibited. Incidental hand removal of rocks and other minor obstructions may be permitted. Marking of a temporary ski plane airstrip is permitted, provided the markers used are temporary in nature.
9. The cabin must be single story and 400 square feet of floor space or less; materials used must be approved by the refuge manager.
10. Routine maintenance, minor remodeling, or improvements to the cabin, such as new floors, wood stoves, insulation, doors, windows, furniture, etc., are authorized, provided the size of the cabin does not exceed 400 square feet of floor area and materials are approved by the refuge manager. Any major exterior rehabilitation of or additions to existing structures must have the refuge manager's prior approval in writing.

11. Permit holder is responsible for keeping the area surrounding the cabin clean. All garbage must be burned or discarded in a dump off refuge lands. The area around the cabins will be kept clean and free of trash, human waste, and discarded animal parts. Combustible materials will be burned as they accumulate and not left for disposal by refuge staff or other visitors. Food, garbage, or other materials will not be kept to prevent attracting bears and other wildlife.
12. The permit holder acknowledges that he/she has no interest in the real property where the cabin and related structures are located.
13. The Service assumes no responsibility for the loss of any private property, damage, or injury associated with the exercise of the privileges authorized by this permit. The permit holder assumes all legal responsibilities for activities at the cabin and cabin area during the duration of the permit.
14. This permit may be renewed every five years. Revocation of the permit may be executed if the refuge manager determines, after notice and hearing on the basis of substantial evidence in the administrative record as a whole, that the uses under this permit have caused or may have caused significant damage to the principal purposes for which the refuge was established or that the permit holder has violated the conditions of the permit.
15. This permit is not marketable or transferable and is subject to renewal five years from the date of issuance.
16. Live timber up to six inches in diameter may be cut at distances beyond ½ mile of the cabin. The cutting of live timber is not permitted within ½ mile of the cabins. The gathering of dead or downed timber is allowed any where on the refuge. Please be careful not to gather wood on allotments.
17. The use of off-road vehicles is prohibited, except for snowmobiles, provided adequate snow cover is available to prevent scarring of the underlying vegetation.
18. Any action by a permit holder that unduly interferes with or harasses other refuge visitors or impedes access to any site is strictly prohibited.
19. Construction of tent platforms, cabins, or other permanent structures is limited to the number, size, and type agreed upon under this permit.
20. Fuel caches, such as gasoline, diesel, or oil, are prohibited; however, wood caches are authorized.
21. The use of helicopters for cabin maintenance or to fulfill other obligations under this permit is authorized with prior permission from the refuge manager for each flight.
22. Rules governing sanitation, safety, security, and use of the cabin and latrine (mutually agreed upon by the permit holder and the refuge staff) will be posted in the buildings to inform users. A copy of the proposed rules is appended to this permit as Attachment 1.
23. Where wildfire protection of the cabin and related structures involves significantly more fire suppression expense, or where fire suppression actions would present major conflicts with an approved fire plan, special fire protection efforts may not be carried out to protect the cabin or their contents.

### **Justification**

The use of the Selawik Hot Springs has a long-standing history in northwest Alaska. The construction of small cabins and an outhouse at the site has effectively minimized localized environmental damage that would occur if all use was based out of individual tent camps. The oversight provided by the current permit holder, the Upper Kobuk Elder's Council, ensures cultural values at the site are also protected. This use is cultural and traditional, rather than

recreational, and is within the allowed activities of the Service's Cabin Management Policy and 50 CFR 36.33.

Refuge staff will monitor compliance with permit stipulations to ensure that the cabins and use of the cabins will not adversely affect resources within the refuge or affect other visitors. After fully considering the impacts of these activities, as described previously in the "Anticipated Impacts" section of this document, it is my determination that the Selawik Hot Springs cabins do not materially interfere with or detract from the purposes of the refuge or mission of the National Wildlife Refuge System.

**Supporting Documents**

U. S. Fish and Wildlife Service. 1987. Final Comprehensive Conservation Plan, Environmental Impact Statement, Wilderness Review and Wild River Plan Final for the Selawik National Wildlife Refuge.

U. S. Fish and Wildlife Service, Anchorage, Alaska. 378 pp.

U. S. Fish and Wildlife Service. 1987. Record of Decision: Selawik National Wildlife Refuge Comprehensive Conservation Plan, Environmental Impact Statement, Wilderness Review, and Wild River Plan. U. S. Fish and Wildlife Service, Anchorage, AK. 15 pp.

U. S. Fish and Wildlife Service. 1989. Cabin management policy on National Wildlife Refuges in Alaska, RW-1, 9-12-89.

U.S. Fish and Wildlife Service. 2010. Draft Revised Comprehensive Conservation Plan and Environmental Assessment. Selawik National Wildlife Refuge. U.S. Fish and Wildlife Service, Anchorage, AK. 285 pp (plus ten appendices).

U. S. Fish and Wildlife Service. 2011. Final Revised Comprehensive Conservation Plan. Selawik National Wildlife Refuge. U.S. Fish and Wildlife Service, Anchorage, AK.

**Refuge Determination**

Refuge Manager/  
Project Leader Approval:

  
\_\_\_\_\_  
Lee Anne Ayres

14 July 2011  
Date

**Concurrence**

Regional Chief  
National Wildlife  
Refuge System:

  
\_\_\_\_\_  
Mitch Ellis

7-20-2011  
Date

**Mandatory 10-Year Re-evaluation Date: 2021**

**NEPA Compliance for Refuge Use Decision**

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

