

COMPATIBILITY DETERMINATION

Use: Commercially Guided Recreational Fishing Services

Refuge Name: Alaska Peninsula and Becharof National Wildlife Refuges, King Salmon, Alaska

Establishing and Acquisition Authority(ies)

In 1978, President Jimmy Carter established the 1,157,000-acre Becharof National Wildlife Monument with Presidential Proclamation 4613. The monument was established from lands in the public domain to protect the area, notably the unique brown bear denning islands in the Island Arm area of Becharof Lake.

In 1980, the Alaska National Interest Lands Conservation Act (ANILCA) (§ 302) established the Alaska Peninsula National Wildlife Refuge and changed the Becharof National Wildlife Monument into a national wildlife refuge as part of the National Wildlife Refuge System. ANILCA (§ 303[1]) created the Alaska Maritime National Wildlife Refuge by redesignating 11 pre-existing refuges as units of the new refuge and by adding other public lands on islands, islets, rocks, reefs, spires, and designated capes and headlands in the coastal areas and adjacent seas of Alaska.

In 1983, the U.S. Fish and Wildlife Service (Service) decided to manage the Ugashik and Chignik units of Alaska Peninsula Refuge, the 9,900-acre Seal Cape area of Alaska Maritime Refuge, and Becharof Refuge as a “complex” because they shared resources and resource issues. Distance and weather create barriers to managing the Pavlof and North Creek units from the King Salmon office, and management of these units was shifted to the Izembek Refuge.

The Becharof Wilderness Area of the Becharof Refuge was designated in 1980 by ANILCA (section 702 [4]).

Refuge Purpose(s)

ANILCA sets out the purposes for each refuge in Alaska. The purposes of the Alaska Peninsula and Becharof National Wildlife Refuges are described in Section 302(1)(B) and Section 302(2)(B). Purposes for the Alaska Maritime National Wildlife Refuge are described in Section 303(1)(B). The purposes identify the reasons why Congress established the Refuges and management priorities.

The ANILCA purposes are as follows (unless otherwise noted, the purposes apply to all units of the Refuges):

- to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited to . . .
 - [Becharof] . . . brown bears, salmon, migratory birds, the Alaska Peninsula Caribou herd, and marine birds and mammals
 - [Alaska Peninsula] . . . brown bears, the Alaska Peninsula caribou herd, moose, sea otters and other marine mammals, shorebirds and other migratory birds, raptors, including bald eagles and peregrine falcons, and salmonids and other fish
 - [Alaska Maritime] . . . marine mammals, marine birds and other migratory birds, the marine resources upon which they rely, bears, caribou and other mammals

- to fulfill the international treaty obligations of the United States with respect to fish and wildlife and their habitats
- to provide, in a manner consistent with the purposes set forth above, the opportunity for continued subsistence uses by local residents
- [Alaska Maritime] to provide, in a manner consistent with the purposes set forth above, a program of national and international scientific research on marine resources
- to ensure, to the maximum extent practicable and in a manner consistent with the purposes set forth above, water quality and necessary water quantity within the refuge

[Supplemental Purposes of the Becharof Wilderness Area] The Wilderness Act of 1964 (16 U.S.C. 1131-1136 § 2a), defines supplemental purposes of all designated wilderness areas. These apply to the Becharof Wilderness Area and are as follows:

- to administer the wilderness for the use and enjoyment of the American people in such a manner as will leave it unimpaired for future use and enjoyment as wilderness, to provide for the protection of the area, for the preservation of its wilderness character, and for gathering and dissemination of information regarding its use and enjoyment as 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(s)

Rivers flowing into Bristol Bay, including several rivers flowing through the Refuges and their tributaries, are world-renowned for their recreational fishing opportunities. Commercially guided fishing services for the five species of Pacific salmon native to Alaska, rainbow trout, lake trout, Arctic grayling, Arctic char, Dolly Varden, burbot, and northern pike predate refuge establishment and have been operating on the Refuges since their establishment in 1980. Several other commercial uses conducted concurrently and incidentally to guided recreational fishing activities are routinely authorized; these include wildlife photography, guided small-game and waterfowl hunting, hiking, river floating, and other ecotourism-type activities.

Although the number of commercially guided fishing businesses authorized to operate on the Refuges has not been limited, the number of permitted businesses that have run trips remained fairly steady throughout the 1990s and up to 2004, ranging from 21 to 27. In 2004, there were 26 permitted recreational fishing guides. Four businesses were responsible for just more than half of the trips during that period. Some fishing guides use air taxis to fly in clients (about 8 percent of air taxi trips to the Refuges from 1988 through 1997 were transporting guided fishing clients).

One of the characteristics that guides are required to report—rod hours fished (number of people multiplied by the number of hours actually spent fishing)—did not exhibit a

trend from 1993 through 1997. The number of rod hours ranged from about 12,000 in 1993 to more than 10,000 in 1997, with a low of around 7,200 in 1996 and a high of approximately 16,000 in 1994.

Guided clients caught more char than any other species on the Refuges, consistently ranging from 6,000 to 7,500 fish per year in 1993 through 1997. The other dominant species caught was coho salmon. The peak annual catch (fish landed) was 5,000 silver salmon in 1994, with 1,200 fish kept (harvested). More cohos, ranging from nearly 1,200 in 1994 to more than 400 in 1997, were kept than was the case with any other species. Arctic char was the only other species anglers tended to keep in any number.

Over the seven-year period from 1993 through 1999, the nine most popular fishing areas were the King Salmon River (366 trips), Egegik River (208 trips), Gertrude Creek (150 trips), Ruth River (122 trips), and Featherly Creek (119 trips) on the Becharof Refuge and Ugashik Narrows (320 trips), the Nakalilok Bay area (277 trips), Painter Creek (266 trips), and the Yantarni Strip area (190 trips) on the Alaska Peninsula Refuge. The Yantarni and Nakalilok Bay areas, located on the Pacific coast, are each used primarily by one guide business, while the other areas are used by many guides as well as by air-taxi operators and local villagers (whose use is not included here).

The top four streams on the Refuges show somewhat different trends in guided use from 1993 through 1999. Guided use at Nakalilok Bay appears to be decreasing, levels on the King Salmon River and Painter Creek are steady, while use at Ugashik Narrows has shown an upward trend since 1995.

This compatibility determination addresses the full spectrum of uses associated with the overall activity of commercially guided recreational fishing, including all means of access, lodging and facilities and other elements identified in the guides' operations plans. Means of authorized access include fixed-wing aircraft, motor boats, nonpowered boats, off-road vehicles (only on designated trails within the Yantarni Moderate Management Area), and on foot. One guide in recent years has used a commercial helicopter transporter to deliver his clients to areas just outside refuge boundaries or to state-owned lands within the refuges; the clients then access nearby refuge streams by foot. Note that this compatibility determination does not address helicopter access. A separate compatibility determination covering commercial helicopter operations would be necessary before that use could be authorized. Two guides have authorized base camps on the Refuges. These lodging facilities consist of weatherports, tents with and without platforms, and equipment/food caches. Currently all authorized use is for day use only.

This is an existing commercial activity that supports a wildlife-dependent priority public use.

Availability of Resources

Adequate refuge personnel and base operational funds are available to manage guided recreational fishing activities at current and projected levels. Approximately \$20,000–\$25,000 in visitor use fees over and above base operational funds collected annually are returned to the refuge to use to manage commercial recreational activities.

Administrative time (20–25 staff days) primarily involves issuing permits, ensuring that licenses and certifications are current, collecting client use-day fees, and entering activity information into a database for analysis. Field work associated with administering the

program primarily involves monitoring the permittees' compliance with the terms of the permits.

Anticipated Impacts of the Use(s)

Impacts to fish and wildlife resources, other refuge resources, other refuge users, and wilderness values from commercially guided recreational fishing services (at existing levels) are generally minimal for the majority of refuge areas. This minimal impact is due to the Refuge's administrative oversight, comprehensive state and federal regulations that continually evolve to respond to fishery resource management needs, and combined law-enforcement efforts of state and refuge personnel. Potential impacts to refuge resources or other refuge users are, however, somewhat greater at several of the more popular areas such as Ugashik Narrows and the Egegik River at Becharof Lake outlet.

Both the Federal Subsistence Board and Alaska Board of Fisheries regularly adopt regulations in response to fish population levels and management needs to maintain fish populations and the opportunity for continued subsistence uses of these species by local residents. Regulations have been implemented in recent years to address resource concerns at specific locations, including Ugashik Narrows and Egegik River. The Refuges and King Salmon Fishery Resources Office have conducted creel surveys and established public use-monitoring camps at both of these locations to collect information on the amount of fishing pressure at these locations by guided and nonguided anglers.

The estimated guided recreational fishing pressure and harvest of the fishery resources appears to be well within acceptable limits. Past impact evaluations have focused on impacts to the brown bear population, Arctic grayling in the Ugashik Lakes and Becharof Lake systems, and rainbow trout in the King Salmon River system (Becharof Refuge). For brown bear, there have been no documented instances of bear mortalities in defense of life or property (DLP) by recreational anglers on the Refuges. Displacement of bears from favored feeding streams was demonstrated to be within acceptable limits. Recent studies of rainbow trout show that this population is healthy and has not been adversely affected by current levels of fishing pressure. The depressed Arctic grayling population in the Ugashik system has been shown to be recovering under restrictive regulations established by the Board of Fisheries to address the problem.

Refuge officers and state Bureau of Wildlife Protection State Troopers routinely patrol the Refuges to monitor compliance with state regulations and permit conditions.

Because the vast majority of the commercial guides access the Refuges by landing on lakes and rivers with float-equipped aircraft, impacts on refuge habitat are minimized. A potential impact or threat associated with floatplane access is the introduction of invasive species carried in on the aircraft floats, although that is not known to have occurred on the Alaska Peninsula. Less frequently, recreational fishing guides access fishing areas on the Refuges by using wheeled planes to land on existing, un-maintained landing strips, gravel bars, and unvegetated sand or cinder blows. Rarely, landings are made on vegetated lowland tundra, usually with Piper Super Cubs or other small, light aircraft equipped with tundra tires. Disturbance to vegetation is minimal and short-term unless numerous landings are made repeatedly in exactly the same location (this practice has not been observed). Temporary displacement and/or disturbance to wildlife can occur

during take-offs and approaches to landings. There are no known long-term impacts to refuge wildlife populations from this disturbance.

The use of off-road vehicles (for other than subsistence purposes) by recreational fishing guides and their clients, as well as all for other nonsubsistence related activities, is prohibited on the refuge except on three designated trails in the Yantarni Moderate Management Area. Only one recreational fishing guide is authorized to establish a base camp in the Yantarni area. He uses off-road vehicles, principally on the airstrip and the one-half mile trail from the air strip to the beach to transport clients to several nearby fishing streams. The beach (below mean high tide) is state-owned and not subject to refuge regulations. Because the trails are located on existing gravel roads and on the airstrip (with the exception of a short stretch where the airstrip has been eroded away by a change in course of a nearby stream), there is little potential for soil and other resource damage with the current type and level of off-road vehicle use.

Commercial recreational fishing guide operations occur at very low levels and only on a day-use basis within the designated Becharof Wilderness Area. All restrictions of the Wilderness Act (with ANILCA provisions) for the general public also apply to commercial guiding operations. Primary streams used within the designated Becharof Wilderness Area include portions of upper Gertrude Creek, Bible Creek, Becharof Creek, and Teresa Creek. The current low and projected number of clients and trips made to these areas should not significantly affect solitude and other wilderness values.

Public Review and Comment

The public was invited to comment on this compatibility determination and a number of other determinations during the public review period established for the draft revised Comprehensive Conservation Plan. Public notice of the availability of the draft conservation plan and draft determinations was published in the Federal Register. The draft determinations were also posted on the Region 7 Refuge Conservation Planning and Policy Web pages. No substantive public comments pertaining to this determination were received. Where appropriate, comments addressing elements of the draft Comprehensive Conservation Plan revision that pertained to the specific uses evaluated in this determination were considered in preparing the final compatibility determination.

Determination

Use is Not Compatible

Use is Compatible

Stipulations Necessary to Ensure Compatibility

Management direction provided in the revised comprehensive conservation plan for the Refuges includes implementation of applicable sections of the Refuges' fishery management plan. Adequate monitoring of commercial recreational fishing guide activities and other associated public-use activities will be conducted to provide information for determining what additional management actions, if any, are needed to ensure all commercial recreational fishing guide activities remain compatible with refuge purposes.

The following stipulations apply to special-use permits issued for commercially guided recreational fishing services. Continuing law enforcement and administrative monitoring of permittees will be carried out to ensure compliance with the following conditions that are incorporated into all permits in order to minimize impacts on refuge lands and resources.

- 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) of the 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, Part 36.41.
- A copy of this permit must be in the permittee's possession at all times while exercising the privileges of this permit.
- 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.
- Any problem with wildlife and/or animals taken in defense of life or property must be reported immediately to the refuge manager and to the Alaska Department of Fish and Game; animals taken in defense of life or property must be salvaged in accordance with state regulations.
- The use of Native or state lands that have been conveyed (patented) is not authorized by this permit.
- The permittee and permittee's clients do not have the exclusive use of the site(s) or lands covered by this permit, except for authorized camp facilities.
- This permit may be canceled or revised at any time by the refuge manager in case of emergency (e.g., high fire danger, flooding, unusual resource problems).
- The permittee shall notify the refuge manager during refuge working hours in person or by telephone before beginning and upon completion of activities allowed by this permit.
- Prior to beginning any activities allowed by this permit, the permittee shall provide the refuge manager with the following: (1) proof of appropriate comprehensive general liability (\$300,000 each occurrence, \$500,000 aggregate), marine liability, and/or aviation passenger liability insurance 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 operational plan; (3) changes in names of assistant guides and other employees; and (4) any other changes in information provided in the operational plan.
- The permittee is responsible for accurate record-keeping and will 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.

- Failure to report the actual number of client-use days per type of authorized activity by December 31 of the permit calendar year and to 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 denial of future permits.
- In accordance with the Archaeological Resources Protection Act (16 USC 470aa), the excavation, disturbance, collection, or purchase of historical, recent, ethnological, or archaeological specimens or artifacts is prohibited.
- Permittees shall maintain their use areas in a neat and sanitary condition. Per Alaska Department of Environmental Conservation Code 18 AAC 72.021(e),(h), latrines, seepage pits, etc., must be located at least 150 feet, measured horizontally, from the nearest edge of the mean annual high water level of lakes, rivers, streams, springs, sloughs, or mean higher high water level of coastal waters. No privies are to be installed in areas subject (no less than 4 feet to maximum water table elevation) to flooding. All property of the permittee (except authorized cabins and/or tent frames) must be removed from refuge lands upon completion of permitted activities.
- All noncombustible waste materials must be removed from the refuge (not buried) upon the permittee's and/or clients' departure. The permittee is responsible for removal of clients' garbage.
- The construction or clearing of landing strips or pads is prohibited. Incidental hand removal of rocks and other minor obstructions may be permitted.
- The use of off-road vehicles (except snowmachines) , for other than subsistence purposes, is prohibited unless specifically authorized in writing in this permit.
- 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.
- The use of helicopters is prohibited unless specifically authorized in writing in this permit.
- Fuel caches are allowed only in areas designated in permittee's operational plan. Containers shall be properly stored and marked with the owner's name, address, and type of fuel.
- Construction of cabins or other permanent structures is prohibited.
- All aircraft being used in a commercial guiding operation must have 12" identification numbers in contrasting colors that are readily visible.
- Motorboat operators must possess a U.S. Coast Guard (USCG) license for all passenger carrying operations, if required by USCG regulations.
- Any action by a permittee or the permittee's employees that unduly interferes with or harasses other refuge visitors or impedes access to any site is strictly prohibited. Examples of prohibited acts include 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 in a manner that restricts use by other aircraft or persons.
- This permit authorizes use of the Native selected lands identified in the description block of this permit. If any of these Native selected lands are

conveyed during the term of this permit, the permittee will no longer be authorized to use those lands. The permittee must negotiate with the new Native corporate landowner for continued rights to use the land

- 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.

This use supports the System Mission by enabling recreational anglers to utilize refuge resources. It provides a safer experience for anglers than they would have accessing the refuge on their own. It does not have serious impacts on other users or on refuge resources.

Justification

Commercially guided recreational fishing service is a form of traditional activity that Congress intended to preserve with the enactment of ANILCA, which established the refuges. This service supports not only fishing, but also other activities, including wildlife observation and photography, which the National Wildlife Refuge System Administration Act (as amended) identifies as priority public uses. Recreational fishing guide operations on the Refuges provide the public with safe recreational fishing opportunities of a quality found few other places in the world. These visitor services are a valuable benefit to a segment of the public that is either not physically able to, not comfortable with, or for other reasons chooses not to participate in unguided fishing trips in the extremely remote and harsh wilderness environment of these Refuges. After fully considering the impacts of this activity as described in the “Anticipated Impacts” section of this compatibility determination, it is my determination that commercially guided fishing activities on the Refuges contribute to the achievement of the purposes of the Refuges or the mission of the National Wildlife Refuge System.

Mandatory 10-Year Re-Evaluation Date (provide month and year for allowed uses only): January 2015

Mandatory 15-Year Re-Evaluation Date (for priority public uses): NA

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

Supporting Documents

- USFWS. 1994. Decision Notice and Finding of No Significant Impact, Alaska Peninsula/Becharof National Wildlife Refuge Complex Public Use Management Plan. U.S. Fish and Wildlife Service. May 12, 1994. Anchorage, Alaska: U.S. Fish & Wildlife Service.
- USFWS. 1994. Final Alaska Peninsula/Becharof National Wildlife Refuge Complex Public Use Management Plan. Anchorage, Alaska: U.S. Fish and Wildlife Service. March 1, 1994.
- USFWS. 1994. Compatibility Determination, Final Public Use Management Plan, Alaska Peninsula/Becharof National Wildlife Refuge Complex. Anchorage, Alaska: U.S. Fish and Wildlife Service. May 16, 1994.
- USFWS. 1994. Compatibility Determination, Guided Sport Fishing, Alaska Peninsula/Becharof National Wildlife Refuge Complex. Anchorage, Alaska: U.S. Fish and Wildlife Service. June 10, 1994.
- USFWS. 2004. Draft Revised Comprehensive Conservation Plan and Environmental Impact Statement: Alaska Peninsula and Becharof National Wildlife Refuges. Anchorage, Alaska: U.S. Fish & Wildlife Service, Region 7, Division of Refuge Conservation Planning and Policy.
- USFWS. 1994. Fishery Management Plan for Alaska Peninsula and Becharof National Wildlife Refuges: Fiscal Years 1994–1998” King Salmon, Alaska: U.S. Fish & Wildlife Service, Fishery Resource Office. May 1, 1994.
- USFWS. 1994 Final Fishery Management Plan, Alaska Peninsula Becharof National Wildlife Refuges. U.S. Fish & Wildlife Service, Region 7, Alaska.
- Medeiros, A., and J. Larson. 1996. Estimates of Angling Effort, Catch, Harvest, and Population Structure of Coho Salmon Caught and Harvested by Sport and Subsistence Fisheries at the Outlet of Becharof Lake, Becharof National Wildlife Refuge, Alaska, 1994 and 1995. U.S. Fish & Wildlife Service, Region 7, Fishery Resources. (Alaska Fisheries Data Series Number 96-2)
- Adams, F.J. 1999. Status of Rainbow Trout in Tributaries of the Upper King Salmon River, Becharof National Wildlife Refuge, Alaska, 1990–92. King Salmon, Alaska: U.S. Fish & Wildlife Service, King Salmon Fishery Resource Office. (Alaska Fisheries Technical Report Number 53)
- Adams, F.J., and M. Edwards. (2005: in process). Status of Arctic Grayling and Dolly Varden Char and the Fishery in Featherly Creek, Becharof National Wildlife Refuge, Alaska, 1994–96. King Salmon, Alaska: U.S. Fish & Wildlife Service, King Salmon Fishery Resource Office.
- Villegas, S.V. 1993. “Arctic Grayling in the Ugashik Drainage.” M.S. Thesis. University of Arizona, Graduate College.
- Eaton, D.M. 1993. “Ecology of Arctic Grayling in Becharof Lake tributaries.” M.S. Thesis. University of Arizona, Graduate College.

Appendix H: Compatibility Determinations: Commercially Guided Recreational Fishing Services

Refuge Determination

Prepared by: _____

Douglas Pears

(Signature)

1-31-05

(Date)

Refuge Manager /
Project Leader Approval: _____

Douglas Pears

(Signature)

1-31-05

(Date)

Concurrence

Refuge Supervisor: _____

Mite Boyle

(Signature)

3/26/05

(Date)

Regional Chief,
National Wildlife
Refuge System: _____

Paul J. Yager

(Signature)

4/18/05

(Date)