

## COMPATIBILITY DETERMINATION

**Use:** Commercially Guided Big-Game Hunting 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 unit was shifted to the Izembek Refuge headquartered in Cold Bay.

The Becharof Wilderness Area of the Becharof Refuge was designated in 1980 by ANILCA (§ 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 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)**

The Alaska Peninsula is world-renowned for its big-game hunting opportunities. Commercial guiding services for hunting caribou, moose, and brown bear have operated on the Refuges since their establishment in 1980. Caribou hunting by nonlocal users was closed by the Federal Subsistence Board in 1999 following changes in state game regulations. Because of a decline of the Northern Alaska Peninsula Caribou Herd, the Alaska Board of Game adopted a Tier II subsistence hunt for Game Management Unit 9E and the southern portion of Game Management Unit 9C. These areas include all Refuges lands. Therefore, hunting of big-game species by guided clients is currently limited to brown bear and moose, with incidental take of wolves and wolverine. The range of annual harvest by guided clients from 1993 through 2003 was moose (19–43), caribou (10–66, 1993–1998), brown bear (27–65), wolves (0–3), and wolverine (0–1). Several other commercial uses conducted concurrently with and incidentally to big-game guiding activities are routinely authorized. These include wildlife photography, guided small-game and waterfowl hunting, hiking, river floating, and other ecotourism-type activities.

Big-game guides are competitively selected to operate on refuge lands through a formal process, established by regional policy in 1992, to limit or manage commercial guiding activities at a level compatible with refuge purposes and to ensure that high-quality guiding services are available to the public. There are 21 established big-game guide-use

areas on the Refuges. Most of the use areas are designated as sole-use areas and are limited to one authorized guide. However, several are designated as joint-use areas and have two authorized guides operating in them. Individual guides are limited to having special-use permits for three use areas on refuge lands in Alaska at any one time. As of January 2005, there are 16 guides operating on the Refuges.

Guides must be qualified and licensed by the state and are required to follow written operations plans, which are evaluated by Service personnel during the competitive-selection process. These operations plans include the following: 1) dates of field operations; 2) species to be hunted; 3) maximum and expected number of clients for each species hunted; 4) number and type of existing or new camps (i.e., tent, tent platform or frame, cabin, boat) including other needed facilities such as caches and weatherports; 5) access points and mode(s) of transportation (e.g., airplanes, boats, snowmachines, pack animals, and other nonmotorized means); 6) fuel storage needs; and 7) services provided by others (e.g., contracts for transportation, food services).

This compatibility determination addresses the full spectrum of uses associated with the overall activity of commercially guided hunting of big game, including all means of access, lodging and facilities, and other elements identified in the guides' operations plans. Authorized modes of access for all areas on the Refuges include fixed-wing aircraft, motor boats, snowmachines, nonpowered boats, dogsled, foot, snowshoe, and cross-country ski. Lodging and facilities include tents, tent frames, tent platforms, weatherports, existing cabins, and caches. The use of off-road vehicles (for other than subsistence purposes) by big-game hunting guides and their clients is prohibited on the Refuges except on three trails within the designated Yantarni Moderate Management Area. The currently permitted guide operating in the Yantarni Moderate Management area does not use off-road vehicles because his authorized operations plan does not include them. There are currently 18 cabins on the Refuges that are authorized for use in conjunction with big-game guiding operations. All of these cabins were existing when the Refuges were established and are allowed to remain in accordance with the intent of ANILCA, Section 1303(b). There are also 19 authorized reserved land sites for temporary facilities such as tent platforms and weatherports.

This is an existing activity that supports wildlife-dependent priority public uses. Activities would occur throughout the refuges during state regulated hunting seasons.

### **Availability of Resources**

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

Administrative time (15–20 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)**

Because of the Refuges' administrative oversight of the activity, comprehensive state and federal regulations that continually evolve to respond to fisheries and wildlife management needs, and combined law-enforcement efforts of state and refuge personnel, existing and projected levels of commercially guided big-game guiding services should have minimal impacts on fish and wildlife resources, other refuge resources, other refuge users, and wilderness values, as discussed subsequently.

A competitive scoring process is used to select big-game guide permittees. Three of the criteria used to evaluate applications address minimizing impacts to refuge resources. These include impacts on wildlife resources; on other refuge resources such as water quality, soil, and vegetation; and on other refuge users, especially subsistence users. The criteria address such factors as target species, number of clients, transportation modes, number of aircraft and amount of aircraft use, fuel storage, garbage and human waste management, type and location of lodging, and access points. These criteria, used to rank or score applicants, provide a strong incentive to maintain a low-impact guiding service. Permit conditions and stipulations (noted in a following section) contribute to minimizing potential impacts.

Commercial big-game guiding operations may, in some cases, result in some competition for limited numbers of game animals or for preferred campsites or in interference with subsistence users and/or other unguided recreational hunters. However, both the Federal Subsistence Board and Alaska Board of Game regularly adopt regulations in response to big-game population levels and management needs to reduce impacts to big-game populations and to the opportunity for continued subsistence uses of these species by local residents.

Refuge officers and state Bureau of Wildlife Protection State Troopers routinely patrol the Refuges during the relatively short big-game hunting seasons. Compliance with regulations and permit conditions by guides is excellent because of the combination of being routinely checked by officers and of potential negative impacts of a citation. Although a guide could lose his permit immediately due to a citation for a severe infraction, any citation would be a negative factor during the next competitive selection process.

Because the majority of the 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 to date. Most wheeled-plane landings occur on existing unmaintained landing strips, gravel bars, and unvegetated sand or cinder blows. Some landings are made on vegetated lowland tundra or ridge tops, 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 to date). 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 18 authorized, pre-ANILCA cabins associated with guiding activities are managed under separate special-use permits, in accordance with established regional policy and regulations, to ensure impacts are minimized. In accordance with regulations, no new cabins will be authorized in the future. Therefore, there may be a reduction in authorized cabins and associated impacts in the near future depending on how many of the current guides who have permitted cabins are selected during the next competitive selection cycle.

Only three commercial guiding operations occur within the designated Becharof Wilderness Area. All restrictions and provisions of the Wilderness Act (with ANILCA exceptions) for the general public also apply to commercial guiding operations. Due to the limited number of authorized clients and the low-impact nature of these guides' operations plans with respect to their temporary facilities and access methods, solitude and other wilderness values are not compromised.

Commercial big-game guiding activities on the Refuges do not materially interfere with or detract from the purposes of the Refuges or the mission of the National Wildlife Refuge System.

### **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**

As directed in the Refuges' revised Comprehensive Conservation Plan and wildlife inventory plan, adequate monitoring of commercial big-game guided hunting activities (and other public-use activities) will be conducted. Findings from these monitoring efforts will be used to determine what additional management actions, if any, are needed to ensure all commercial big-game guided hunting activities remain compatible with Refuges purposes.

The Refuges recently completed the selection process for guides authorized to operate on the Refuges for the period of January 1, 2004, through December 31, 2008. During this selection process, all elements of the proposed operations plans, (e.g., access, use of cabins and other facilities, fuel storage) were carefully considered by the selection panel

to ensure that future commercial guiding operations remain compatible with Refuges purposes.

To minimize impacts on refuge lands and resources, law-enforcement and administrative monitoring of permittees will be continued to ensure compliance with the following conditions, which are incorporated into all commercial big-game guiding special-permits:

- 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 Part 36.41.
- State regulations regarding season, method of take, and limits apply.
- 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.
- The permittee may not sublet any part of the authorized use area and is prohibited from subcontracting clients with any other guide.
- Any problem with wildlife and/or animals taken in defense of life or property must be reported immediately to the refuge manager and the Alaska Department of Fish and Game; animals taken in defense of life or property must be salvaged in accordance with state regulations.
- 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 annual 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 original permit or previous year; (3) changes in names of assistant guides and other employees; and (4) any other changes in information provided in the original permit or proposed operations plan.
- The permittee is responsible for accurate record-keeping and will provide the refuge manager, by December 31, with a comprehensive summary report of the number of clients and number of client days per activity type for all uses during that calendar year, unless stated otherwise in the permit. A legible copy of the

state's "Hunt Record" for each client will be required in addition to the summary report.

- Failure to report the actual number of client-use days per type of authorized activity by December 31 of each calendar year and to annually 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 revocation of this permit.
- The permittee *will not* be required to provide a letter of concurrence from the State of Alaska before the use of state-selected lands can be authorized. However, if any of these selected lands are conveyed to the state during the term of the permit, the permittee will be required to obtain permission from the state's Department of Natural Resources to continue operating on state land.
- In accordance with the Archaeological Resources Protection Act (16 U.S.C. 470aa), the removal or disturbance of archaeological or historic artifacts is prohibited. The excavation, disturbance, collection, or purchase of historical or archaeological specimens or artifacts on refuge lands is prohibited.
- Permittees shall maintain their use areas in a neat and sanitary condition. To comply with 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 to flooding (no less than 4 feet to maximum water table elevation). All property of the permittee (except authorized cabins and/or tent frames) must be removed from refuge lands upon completion of permitted activities.
- 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.
- All aircraft being used in a commercial guiding operation must have 12-inch 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.
- Construction of cabins or other permanent structures is prohibited.
- 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.
- Subject to available suppression resources, all permitted cabins will be protected from wildfire to the extent possible. Human safety will receive the highest priority consideration by land managers and fire-suppression personnel.

## Appendix H: Compatibility Determinations: Commercially Guided Big-Game Hunting Services

- 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 from the refuge manager or designee.
- A copy of this permit must be in the permittee's possession at all times while exercising the privileges of this permit.
- All noncombustible waste materials must be removed from the refuge upon the permittee's and/or clients' departure. The permittee is responsible for removal of clients' garbage.
- The use of helicopters is prohibited.
- 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.

### Justification

Commercial big-game guiding services are a form of traditional activity that Congress intended to preserve with the enactment of ANILCA. This activity supports not only hunting but other wildlife-dependent activities, including fishing, wildlife observation, and photography, which the National Wildlife Refuge System Administration Act (as amended) has identified as priority public uses. Guided big-game hunting services provide the public with high-quality, safe, and exceptional recreational hunting opportunities found few places elsewhere in the world. These guiding services provide valuable benefits to those people who are required by state regulation or who simply choose to employ a commercial big-game hunting guide. People choose to hire a guide for many reasons: they may not be physically able to enter into, or are not comfortable with, unguided hunting in the extremely remote and harsh wilderness environment of these Refuges. After fully considering the impacts of this activity, as described previously in the "Anticipated Impacts" section of this compatibility determination, it is my determination that commercial big-game guiding activities on the Refuges support our mission by providing support for priority public uses and that they 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

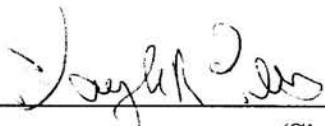
**Supporting Documents**

- USFWS. 1994. 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. Decision Notice and Finding of No Significant Impact, Alaska Peninsula/Becharof National Wildlife Refuge Complex Public Use Management Plan. Anchorage, Alaska: U.S. Fish and Wildlife Service. May 12, 1994.
- USFWS. 1992. Environmental Assessment for the Policy on Commercial Big-Game Guide-Outfitters and Transporters on National Wildlife Refuges in Alaska. Anchorage, Alaska: U.S. Fish and Wildlife Service. May 22, 1992.
- USFWS. 1992. Finding of No Significant Impact, Environmental Assessment for the Policy on Commercial Big-Game Guide-Outfitters and Transporters on National Wildlife Refuges in Alaska. Anchorage, Alaska: U.S. Fish and Wildlife Service. June 9, 1992.
- USFWS. 1992. Subsistence Management for Federal Public Lands in Alaska, Final Environmental Impact Statement, Record of Decision signed April 2, 1992. Anchorage, Alaska: U.S. Fish and Wildlife Service.
- 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 and ANILCA Section 810 Determinations, Guided Sport Hunting, 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 Planning and Policy.

This use supports the National Wildlife Refuge System mission by enabling hunters to utilize refuge resources. It provides a safer experience for hunters than they would have accessing the Refuges on their own. It does not have serious impacts upon other users or refuge resources.

**Refuge Determination**

Prepared by: \_\_\_\_\_

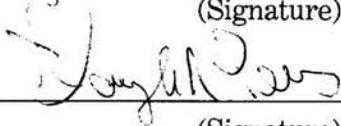


(Signature)

1-31-05

(Date)

Refuge Manager /  
Project Leader Approval: \_\_\_\_\_



(Signature)

1-31-05

(Date)

**Appendix H: Compatibility Determinations: Commercially Guided Big-Game Hunting Services**

**Concurrence**

Refuge Supervisor:

Mike Bogala  
(Signature)

3/26/05  
(Date)

Regional Chief,  
National Wildlife  
Refuge System:

Paul J. Hooper  
(Signature)

4/18/05  
(Date)