

COMPATIBILITY DETERMINATION

Use: Commercial Transporter 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 (§ 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.

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)

The Alaska Peninsula is world-renowned for its hunting and fishing opportunities and for its scenic landscape. Commercial transport of clients to access the peninsula to hunt, fish, and participate in other outdoor recreational activities predates refuge establishment in 1980. Commercial transporters provide a service that most refuge visitors require to access the Refuges. Although almost all commercial transporting activities on the Refuges are conducted by air-taxi operators (predominantly with float-equipped aircraft), several permits have been issued in the past to transporters using power boats. One commercial transporter in recent years has used a helicopter to deliver recreational anglers to areas just outside refuge boundaries or to state-owned land within the Refuges. These clients would then access nearby refuge streams by foot. Note that this compatibility determination does not address commercial helicopter transporter services on refuge-owned lands and waters. If the Service were to authorize a commercial helicopter operation, a separate compatibility determination covering that use would be necessary. Air-taxi operators are required, as a condition of their permits, to provide information on their clients, including; the primary activity, location, length of stay, group size, and other related information.

The trend in the number of air-taxi operators authorized to operate on the Refuges increased, ranging from two in 1988 to 27 in 1999. However, the number of permits has

fallen recently, with only 15 permits issued 2000, 16 in 2001, 18 in 2002, 15 in 2003, and 16 in 2004. It should also be noted that not all of the permitted businesses actually operate within the Refuges each year. Most use occurs from May through October. The number of commercial transporter trips made to the Refuges fluctuated between 140 and 190 per year during most of the 1990s. Use during the last two years has been in the lower end of this range. One company accounts for approximately half of the flights. The annual number of visitor-use days on the Refuges associated with these trips ranged from 2,000 to 3,000. During the early 1990s, more hunters than anglers used commercial transporters to access the refuge. Now, with a decline in the number of hunters, a higher percentage of transporters' clients are anglers. This reduction and shift in numbers is due primarily to the recent decline in the Northern Alaska Peninsula Caribou Herd and subsequent closure of the recreational hunting season for caribou.

This activity (commercial transporter services) occurs throughout the Refuges and supports wildlife-dependent recreational activities. Timing of this activity would primarily be in response to state fishing and hunting seasons.

Availability of Resources

Adequate refuge personnel and base operational funds are available to manage commercial transporter activities at current and projected levels. Approximately \$20,000–25,000 in visitor use fees are collected annually, which are returned to the refuge to use to manage commercial recreational activities over and above base operational funds. Administrative time (10–15 staff days) primarily involves annually issuing permits, ensuring that licenses and certifications are current, collecting client use-day fees, and entering activity data into a database. Field work associated with administering the program primarily involves monitoring the permittee's compliance with the terms of the permits.

Anticipated Impacts of the Use(s)

Because of the refuge's administrative oversight of the activity, comprehensive state and federal regulations (which continually evolve to respond to fisheries and wildlife management needs) and because of combined law-enforcement efforts of state and refuge personnel, direct impacts from commercial transporter services at existing and projected levels should have minimal impacts to fish and wildlife resources, other refuge resources, other refuge users, and wilderness values. Impacts associated with the activities that occur on the refuge as a result of the commercial transporters providing the public access to the refuges are addressed in the respective compatibility determination for each activity.

Because the vast majority of transporters access the refuge by landing, with float-equipped aircraft, on lakes and rivers, potential impacts to refuge habitats are minimized. Although it is not known to have occurred on the Alaska Peninsula to date, one potential impact or threat associated with floatplane access is the introduction of invasive species carried in on the aircraft floats. Most wheel-plane landings occur on existing unmaintained landing strips, gravel bars, or unvegetated sand and cinder blows. A few landings by commercial transporters 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 repeated landings are

made 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 landings. There are no known long-term impacts to refuge wildlife populations from this disturbance.

The numbers of commercial transporter flights and landings currently occurring within the designated Becharof Wilderness Area do not significantly impact solitude characteristics or other wilderness values. The following stipulations in each operator's permit have been included to lessen or eliminate adverse effects.

Public Review and Comment

Draft compatibility determinations are published as a portion of the Draft Revised Comprehensive Conservation Plan, and public review is invited with comments on the plan. Public involvement includes: a notice of availability published in the Federal Register, mailings to the Refuges mailing list, meetings in villages near the Refuges, and posting on the Region 7 Web page (www.r7.fws.gov/compatibility).

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, particularly adequate monitoring of commercial transporter activities and other associated public-use activities, will be conducted. Findings from the monitoring efforts will be used to determine what additional management actions, if any, are needed to ensure that commercial transporter activities remain compatible with refuge purposes.

The following stipulations apply to special-use permits issued for commercial transporter 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 commercial transporter 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 Title 50 (subchapters 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; any animal 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.
- 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).
- Prior to beginning any activities allowed by this permit, the permittee shall provide the refuge manager with the following: (1) name and method of contact for the field party chief or supervisor and (2) any changes in information provided in the original permit application.
- Prior to beginning any activities allowed by this permit, the permittee shall provide the refuge manager with the following: (1) proof of appropriate aviation passenger liability (\$150,000 per seat plus \$100,000 property damage), marine liability, and/or comprehensive general 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 those described in the permit application; (3) changes in names of pilots; and (4) any other changes in information provided in the operations plan.
- 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.
- 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 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.
- 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.
- All aircraft being used in a commercial operation must have 12-inch identification numbers in contrasting colors that are readily visible.
- 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) within 30 days after receiving a bill for collection will be grounds for denial of future permits.

- 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 altitude (unless landing) and parking aircraft or placing other objects (rocks, tents, etc.) on any landable area to restrict 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 until and unless permission is obtained from the Native entity to which land ownership has been conveyed.
- Commercial operators who transport persons by air for compensation or hire must comply with all Federal Aviation Administration regulatory requirements for air carriers and commercial operators.
- The permittee and permittee's clients do not have the exclusive use of the site(s) or lands covered by this permit.

Justification

Commercial transporting is a traditional activity that Congress intended to preserve when it established the Refuges with the enactment of ANILCA. Commercial transporter services provide the public with safe access for the wildlife-dependent priority public uses of hunting, fishing, wildlife viewing, wildlife photography, and environmental education. These are activities that the National Wildlife Refuge System Improvement Act of 1997 (§ 5) identifies as priority public uses. Commercial transporter services are necessary to a segment of the public that does not have other means of access to the extremely remote 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 transporter services 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

X Environmental Impact Statement and Record of Decision

Supporting Documents

- Final Alaska Peninsula/Becharof National Wildlife Refuge Complex Public Use Management Plan, March 1, 1994. Anchorage, Alaska: U.S. Fish and Wildlife Service
- Decision Notice and Finding of No Significant Impact, Alaska Peninsula/Becharof National Wildlife Refuge Complex Public Use Management Plan, May 12, 1994. Anchorage, Alaska: U.S. Fish & Wildlife Service.
- 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.
- Hood, R.E. 1995. "Option for resolution of user conflicts in the Island Arm area of Becharof Lake." Briefing Statement. King Salmon, Alaska: U.S. Fish & Wildlife Service., Alaska Peninsula/Becharof National Wildlife Refuge Complex.
- Environmental Assessment for the Policy on Commercial Big-Game Guide-Outfitters and Transporters on National Wildlife Refuges in Alaska, May 22, 1992. Anchorage, Alaska: U.S. Fish & Wildlife Service
- Finding of No Significant Impact, Environmental Assessment for the Policy on Commercial Big Game Guide-Outfitters and Transporters on National Wildlife Refuges in Alaska, June 9, 1992. Anchorage, Alaska:
- Subsistence Management for Federal Public Lands in Alaska, Final Environmental Impact Statement, Record of Decision signed April 2, 1992.
- Compatibility Determination, Final Public Use Management Plan, Alaska Peninsula/Becharof National Wildlife Refuge Complex, May 16, 1994.
- Compatibility Determination and ANILCA Section 810 Evaluation, Commercial Transporter, Alaska Peninsula/Becharof National Wildlife Refuge Complex, June 10, 1994.
- Final Fishery Management Plan for Alaska Peninsula/Becharof National Wildlife Refuge Complex, May 1, 1994

Refuge Determination

Prepared by: _____

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1-31-05

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Concurrence

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