

COMPATIBILITY DETERMINATION

Use: Scientific Research

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 for which Congress established the Refuges and management priorities.

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. 688dd-688ee]).

Description of Use(s)

This compatibility determination addresses the full spectrum of uses associated with the scientific research of fish, wildlife, habitat, and other refuge resources. It includes all means of access, lodging, facilities, and other elements that would be included in a typical research proposal. The scope of this determination includes research conducted by all agencies or entities other than the Service and the Alaska Department of Fish and Game. Specific authorized means of access for all areas on the Refuges will be noted in each special-use permit. Potential means of access include fixed-wing aircraft, helicopter, motorboat, snowmachine, off-road vehicle, nonpowered boat, dogsled, foot, snowshoes, and cross-country skis. Potential lodging and facilities includes tents, tent frames, weatherports, existing cabins, and caches.

A wide range of various research activities (e.g., biological, paleontological, volcanological and medicinal) have been conducted on the Refuges since their creation. Future activities would likely be dispersed and be of low magnitude.

Availability of Resources

Adequate refuge personnel and base operational funds are available to manage research activities at existing (generally no more than two requests per year) and projected levels. Administrative staff time (not more than five days) primarily involves phone conversations, written correspondence, proposal review, and personal interaction with

researchers. Field work associated with administering the program primarily involves monitoring researchers' compliance with the terms of the permit.

Anticipated Impacts of the Use(s)

Factors such as target species, number of researchers, transportation modes, number of aircraft and anticipated amount of aircraft use, fuel storage, garbage and human waste management, type and location of lodging, and location of access points will determine the extent of impacts on the Refuges. However, scientific research and associated activities should not have significant impacts on the wildlife resources, other refuge resources (e.g., water quality, soil, and vegetation), and other refuge users, especially subsistence users, because of the limited scope and the complete administrative oversight of research.

Prior to initiating field work, the permittee must provide documentation that recognized Institutional Animal Care and Use Committee (IACUC) personnel have reviewed and approved (as required by the Animal Welfare Act) activities and proposed procedures involving invasive procedures or procedures that could harm or materially alter the behavior of an animal under study.

For all projects proposed in the designated Becharof Wilderness Area, analysis of each proposal will be conducted to ensure compliance with the minimum-requirement philosophy to ensure that the project is essential to protect physical, biological, or experiential resources of the wilderness. In addition, minimum-tool analysis will be conducted to ensure that the methods and equipment have the least impact and are the least manipulative or restrictive means of achieving the research project. No research will be permitted that will significantly affect solitude or other wilderness values.

Research concerning fish, wildlife, and other refuge resources is expected to contribute to Refuges purposes of conserving fish and wildlife populations and protecting resources of the refuges.

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

Refuge staff will monitor all research being conducted on the refuges. Findings from these monitoring efforts will be used to determine what additional management actions, if

any, are needed to ensure that research activities remain compatible with refuge purposes. Monitoring of all authorized research activities will be continued to ensure compliance with specific terms and conditions tailored for each research project's permit as well as with the following general conditions that are incorporated into all research permits 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), 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 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. Appeals of decisions relative to permits are handled in accordance with Title 50 Code of Federal Regulations Part 36.41.
- The permittee is responsible for obtaining appropriate collection permits from the State of Alaska, Department of Fish and Game, for research involving fish and wildlife.
- 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.
- A copy of this permit must be in the permittee's or field party chief's possession at all times while exercising the privileges of this permit.
- Any problems 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 permittee does not have the exclusive use of the site(s) or lands covered by this permit.
- The use of Native or state lands that have been conveyed (patented) is not authorized by this permit.
- Use of Native or state lands that have been selected but not yet conveyed is prohibited unless a letter of concurrence from the interested party is submitted to the refuge manager prior to beginning any activities allowed 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 etc.).
- The permittee or party chief 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) name and method of contact for the field party chief or supervisor; aircraft and other vehicle types to be used, identification information for these vehicles; and names of assistants (2) any changes in information provided in the original permit application.

- The refuge manager, upon request, shall be afforded the opportunity and logistical support to accompany the permittee from the nearest commercial transportation site for the purpose of inspection and monitoring permittee activities. A final inspection trip provided by the permittee of the areas of use may be required by the refuge manager to determine compliance with the terms of this permit.
- The permittee shall provide the refuge manager with a report of activities under this permit within 30 days of permit expiration.
- 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. Latrines must be located at least 150 feet from springs, lakes, and streams to avoid contamination of water resources. All property (except cabins and/or tent frames) of the permittee 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 departure.
- The construction 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 snow machines), for other than subsistence purposes, is prohibited except in designated areas.
- 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.
- Fuel caches are prohibited.
- Construction of cabins or other permanent structures is prohibited.
- Activity will be curtailed if the Service does not have adequate staff, equipment, or supplies to ensure proper monitoring.

Justification

Natural and social science information is necessary for the proper management of units within the National Wildlife Refuge System. It is the policy of the Service (4 RM 6.1) to encourage and support research and management studies in order to provide scientific data upon which to base decisions regarding management of units of the refuge system.

The Service will also permit the use of a refuge for other investigatory scientific purposes when such use is compatible with the objectives for which the refuge is managed. Priority will be given to studies that contribute to the enhancement, protection, use, preservation, and management of native wildlife populations and their habitats in their natural diversity. All proposed research conducted by other agencies or entities will be thoroughly evaluated prior to authorization and then monitored closely to ensure that the activities do not materially interfere with or detract from the purposes of the Refuges or the mission of the National Wildlife Refuge System.

Appendix H: Compatibility Determinations: Scientific Research

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

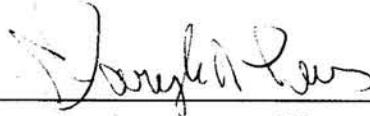
Environmental Impact Statement and Record of Decision

Supporting Documents

- USFWS. 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.

Refuge Determination

Prepared by: _____



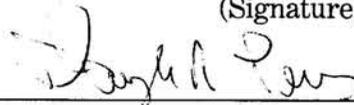
(Signature)

1-31-05

(Date)

Refuge Manager /

Project Leader Approval: _____



(Signature)

1-31-05

(Date)

Concurrence

Refuge Supervisor: _____

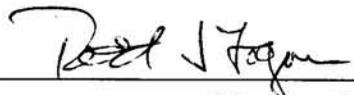


(Signature)

3/26/05

(Date)

Regional Chief,
National Wildlife
Refuge System: _____



(Signature)

4/18/05

(Date)