

Compatibility Determination

Use: Reburial of archeological human remains per State and Federal guidelines. The refuge has received a request from the Alutiiq Museum to rebury human remains eroding from an unrecorded prehistoric site near Sukhoi Bay, southwest Kodiak. They were reported to the Alaska State Troopers by a resident of Akhiok. The remains were taken by the Troopers to the Alutiiq Museum in Kodiak and there identified as a prehistoric burial. Since the remains came from a site managed by Kodiak NWR, the Inadvertent Discovery section (3)(d) of the Native American Graves Protection and Repatriation Act required the U.S. Fish and Wildlife Service to identify the closest affiliated Native group and provide for the repatriation of the remains.

We expect to receive additional requests of this nature in the future. With this in mind, we have prepared this compatibility request to cover an expected one to three reburial requests annually for the next ten years. Reburial of these remains would take place near their original burial site, but not on or in, the archaeological site. Each burial would involve a small excavation with hand tools. Impacts to refuge resources would be negligible and short term with no foreseeable long term effects. A copy of the GPS location and documentation of contents would be filed at refuge headquarters and with the Regional Historic Preservation Officer. The remains would be buried with a modern object (ie. coins, button, etc. with date) to indicate that it is a historic reburial.

Refuge Name: Kodiak National Wildlife Refuge, Kodiak, Alaska

Establishing Authority(ies): Kodiak Archipelago was home to what was most likely the densest human population in Alaska prior to European contact, beginning with the first clearly demonstrated human occupations around 7,500 years ago. The first permanent European presence on the island was the Russian artel at Three Saints Bay, established in 1784. After being destroyed by a tidal wave, this settlement relocated to the present location of the city of Kodiak in 1792, which became, and remains, the center of population on the Archipelago.

In the late 1800s and early 1900s major changes in human activity and associated development increased significantly. Canneries were built to process fish and shellfish; cattle and sheep were introduced to the island. By the 1930s, interaction of the native brown bear with livestock was resulting in significant loss of livestock. As a result, in the late 1930s government hunters were brought in to reduce these losses. About this same time conservation groups became concerned for the welfare of the brown bear and advocated establishment of a refuge on Kodiak Island.

On August 14, 1941, President Franklin D. Roosevelt signed Executive Order 8857 establishing the Kodiak National Wildlife Refuge "... for the purpose of protecting the natural feeding and breeding ranges of the brown bears and other wildlife on Uganik and Kodiak Islands..." The refuge thus became a part of the National Wildlife Refuge System, managed by the U.S. Fish and Wildlife Service. The original Executive Order withdrew about 1.957 million acres from unreserved public domain on Kodiak and Uganik islands. The refuge encompassed all of Uganik

Island and most of the southwest portion of Kodiak Island except for the Karluk Indian Reservation. In addition, a one-mile wide shoreline strip remained open to public entry. Grazing of livestock in other areas of Kodiak Island, however, led to major bear/cattle conflicts. To resolve this issue, Interior Secretary Fred A. Seaton signed Public Land Order 1634 on May 9, 1958. This Order readjusted the refuge boundary and closed the mile-wide shoreline strip to the land laws in exchange for reclassifying the Shearwater and Kupreanof peninsulas as unreserved public domain. The new refuge boundary extended from Viekoda Bay on the northwest side of the island along a mountainous ridge to the head of Kiliuda Bay on the east side. This effectively separated the refuge from cattle grazing and other incompatible uses, but reduced the refuge to approximately 1.82 million acres.

In December 1980, President Jimmy Carter signed into law the Alaska National Interest Lands Conservation Act (16 U.S.C. 140hh-3233, 43 U.S.C. 1602-1784; Alaska Lands Act). This act, among other things, redesignated Kodiak National Wildlife Refuge and expanded the purposes of the refuge beyond those identified in the original establishing order of 1941. The Alaska Lands Act also added approximately 50,000 acres of public lands on Afognak and Ban islands to the refuge. These lands were previously part of the Chugach National Forest, administered by the U.S. Forest Service.

Refuge Purpose(s): Executive Order 8857 established Kodiak National Wildlife Refuge in 1941 "... for the purpose of protecting the natural feeding and breeding ranges of the brown bears and other wildlife on Uganik and Kodiak Islands..."

Interior Secretary Fred A. Seaton signed Public Land Order 1634 on May 9, 1958 to resolve conflicts between brown bears and livestock. This changed the refuge boundary but not the refuge purposes.

The Alaska Lands Act redesignated and expanded the refuge, and also set forth new refuge purposes. Section 303(5)(B) of the Alaska Lands Act states: "The purposes for which the Kodiak National Wildlife Refuge is established and shall be managed include;

- (i) to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited to, Kodiak brown bears, salmonoids, sea otters, sea lions, and other marine mammals and migratory birds;
- (ii) to fulfill international treaty obligations of the United States with respect to fish and wildlife and their habitats;
- (iii) to provide, in a manner consistent with the purposes set forth in subparagraphs (i) and (ii), the opportunity for continued subsistence uses by local residents; and
- (iv) to insure, to the maximum extent practicable and in a manner consistent with the

purposes set forth in paragraph (i), water quality and necessary water quantity within the refuge.

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: The reburial of these human remains will take place near their place of discovery, which was where they were originally buried. Reburial will entail one time disturbance to an insignificant amount of area (i.e., small excavations with hand tools and then reburial). It will have negligible short term impacts on refuge resources and no long term impacts, and will not impact subsistence use of the refuge.

Availability of Resources: Except for issuance of the permit, no refuge resources are needed to administer use. All activities associated with use will be accomplished by the Alutiiq Museum and the village of Akhiok.

Anticipated Impacts of the Use: This project will result in minimal and short-term impacts to refuge resources, involving a few small scale excavations with hand tools and reburial. The reburial site is not located in or near sensitive wildlife habitat or other resources.

Public Review and Comment: The Compatibility Determination will be posted on a public bulletin board in the Kodiak National Wildlife Refuge and on the USFWS Regional website.

Determination:

Use is Not Compatible.

Use is Compatible with following stipulations.

Stipulations Necessary to Ensure Compatibility: This project will be limited to hand tools and subject to standard refuge permit conditions to ensure minimal impacts. The permittee will provide the Refuge Manager with GPS location and documentation of the contents of each burial. A copy of this information will be filed at Refuge Headquarters.

The following general conditions are incorporated into all permits to minimize impacts on refuge lands and resources:

1. Failure to abide by any part of this special use permit; violation of any refuge related provision in Titles 43 (Part 36) or 50(sub-chapters B and C), Code of Federal Regulations; or violation of any pertinent state regulation (e.g., fish or game violation) will with due process, be considered grounds for 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.
2. 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 the permit.
3. 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 the permit.
4. Any problems with wildlife and/or animals taken in defense of life or property must be reported immediately to the refuge manager, Alaska Department of Fish and Game and be salvaged in accordance with State regulations.
5. The permittee and permittee's clients do not have the exclusive use of the site(s) or lands covered by this permit.
6. The use of Native or State lands that have been conveyed (patented) is not authorized by this permit.
7. Use of Native or State lands that have been selected but not yet conveyed is prohibited unless a letter of concurrence is submitted to the refuge manager prior to beginning any activities allowed by this permit.
8. The 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.).
9. 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.
10. Prior to beginning any activities allowed by this permit, the permittee shall provide the refuge manager with: (1) name and method of contact for the field party chief/supervisor; aircraft and other vehicle types to be used, identification information for these vehicles; and names of assistant guides and helpers (2) any changes in information provided in the original permit application.

11. The refuge manager upon request shall be afforded the opportunity and logistical support from the nearest commercial transportation site to accompany the permittee 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.
12. The permittee shall provide the refuge manager with a report of activities under this permit within 30 days of permit expiration.
13. In accordance with the Archaeological Resources Protection Act (16 USC 470aa), the removal or disturbance of archaeological or historic artifacts is prohibited. The excavation, disturbance, collection, or purchase of historical, recent, ethnological, or archaeological specimens or artifacts is prohibited.
14. All non-combustible waste materials must be removed from the refuge (not buried) upon the permittee's departure.
15. 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 2000 feet above ground level (AGL).

Justification: The proposed use is limited and short-term use that will result in minimal impacts to refuge resources.

Mandatory Re-Evaluation Date:

_____ Mandatory 15-year Re-Evaluation Date (for priority public uses)

April, 2012 Mandatory 10-year Re-Evaluation Date (for all uses other than priority public uses)

NEPA Compliance for Refuge Use Decision:

X Categorical Exclusion without Environmental Action Memorandum

___ Categorical Exclusion and Environmental Action Memorandum

___ Environmental Assessment and Finding of No Significant Impact

___ Environmental Impact Statement and Record of Decision

Signature:

Refuge Manager/
Project Leader:

WESLEY KOKR
(Signature)

20 MAY 2002
(Date)

Concurrence:

Regional Chief,
National Wildlife
Refuge System:

Todd J. Joy
(Signature)

5/31/02
(Date)