Compatibility Determination

Title

Compatibility Determination for Old Harbor Hydroelectric Project, Kodiak National Wildlife Refuge.

Refuge Use Category

Rights-of-way and Rights to Access

Refuge Use Type(s)

Rights-of-way (utility)

Refuge

Kodiak National Wildlife Refuge

Refuge Purpose(s) and Establishing and Acquisition Authority(ies)

Kodiak National Wildlife Refuge (Refuge) was established by Executive Order 8857 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 . . ."

The Refuge was expanded in 1980 through the Alaska National Interests Lands Conservation Act (ANILCA). ANILCA Section 303 (5)(B) sets forth these purposes of the Kodiak National Wildlife Refuge:

(i) to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited to Kodiak brown bears, salmonids, sea otters, sea lions, and other marine mammals and migratory birds;

(ii) to fulfill the international treaty obligations of the United States with respect to fish and wildlife and their habitats;

(iii) to provide, in a manner consistent with purposes set forth in subparagraphs (i) and (ii), the opportunity for continued subsistence uses by local residents; and

(iv) to ensure, to the maximum extent practicable and in a manner consistent with the purposes set forth in subparagraph (i), water quality and necessary water quantity within the refuge."

National Wildlife Refuge System Mission

The mission of the National Wildlife Refuge System (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 (Pub. L. 105-57; 111 Stat. 1252).

Description of Use

Is this an existing use?

No

What is the use?

This determination evaluates a right-of-way (ROW) permit to allow the construction and operation of a 525 kilowatt (kW) hydroelectric project on the East Fork of Mountain Creek which would transfer water into a powerhouse on the Lagoon Creek Tributary, near the town of Old Harbor, Kodiak Island Borough, Alaska. The Federal Energy Regulatory Commission (FERC) licensed the project in 2015 under the provisions of the Federal Power Act in cooperation with the Refuge. The Refuge is considering this ROW permit in support of this project under the provisions of the Alaska National Interest Lands Conservation Act (ANILCA) Title XI process. The term of the Refuge ROW permit is aligned with the Federal Energy Regulatory Commission license term.

Is the use a priority public use?

No

Where would the use be conducted?

The proposed action would occur within the Kodiak National Wildlife Refuge roughly 2 miles northwest of Old Harbor, Alaksa within the Seward Meridian in Township 34 South, Range 25 West in Sections 7, 17, 18, and 20; and in Township 34 South Range 26 West Section 12. The proposed hydroelectric project would occur within a ROW encompassing 94.79 acres on the Refuge.

When would the use be conducted?

Construction is proposed to commence April 29, 2026, and be completed by April 29, 2029. Operation would be year-round for the duration of the ROW authorization.

How would the use be conducted?

The Alutiiq Tribe of Old Harbor is proposing to build a hydroelectric facility in Old Harbor, Alaska. The hydroelectric development would include: (1) a new 100-foot-long, 4 to 8 foot diversion/cut off weir to be constructed on the East Fork of Mountain Creek with an

integrated 3-foot-high spillway; (2) a new 10,150-foot-long buried penstock that would transfer water from the Mountain Creek basin to the proposed project powerhouse in the Lagoon Creek basin; (3) a flow control mechanism to be installed between the diversion and powerhouse to control the volume of flow diverted at the intake; (4) a 30-foot by 35-foot by 16-foot-high powerhouse containing one 262-kW Pelton turbine; (5) a water bypass system in the powerhouse to route flows to the tailrace during turbine maintenance to limit rapid changes in flow that could harm fish and aquatic invertebrates downstream of the project; (6) a 2,300-foot-long tailrace to convey water from the powerhouse to a nearby Swimming Pond; and (7) a 1,100-foot-long enhanced riverbed channel ("constructed channel") that would convey water from the Swimming Pond to the natural channel of the Lagoon Creek Tributary.

The project would also involve constructing and maintaining: (1) an approximately 2.2-mile-long by 10-foot-wide project access trail between the intake and powerhouse; (2) an approximately 5,720-foot-long by 24-foot-wide access road extending from the powerhouse to an existing road; (3) a 1.2-mile-long, 12.47-kilovolt overhead transmission line from the powerhouse to the existing power distribution system in the City of Old Harbor; and (4) appurtenant facilities.

Why is this use being proposed or reevaluated?

The primary intent of the proposed project is to provide a long-term renewable and reliable energy source to the community of Old Harbor, Alaska. The community currently relies wholly on diesel generation for their power needs. Old Harbor residents currently pay $0.3482 per kilowatt hour (kWH) (AVEC 2025), well above the national average cost of $0.1583 per kWH. Additionally, diesel fuel is currently barged into Old Harbor, Alaska, and then transported in barrels from the fuel barge to the power plant creating a constant risk of fuel spills into the local marine waters and community lands. This project would buffer the community from fuel price increases, stabilize the cost of energy, and reduce the potential of diesel fuel spills.

Availability of Resources

To comply with the Refuge Recreation Act (Public Law 87-714), the Project Leader must determine whether sufficient resources—financial, staffing, facilities, or other infrastructure—are available to support the proposed use without materially interfering with the refuge purpose(s) or the mission of the Refuge System. This determination should be informed by a review of current capacity and, where applicable, the refuge's Comprehensive Conservation Plan (CCP).

Assessment of current resources and capacity

The Refuge has expended resources over the last 25 years to process this request since it was proposed in 2000, including preparation of an environmental assessment (EA), supplementation of that EA in support of geotechnical exploration, issuance of a special use permit, and a comprehensive conservation plan amendment.

Table 1. Costs to Administer and Manage Old Harbor Hydroelectric Right-Of-Way

Category and Itemization	One-time Cost	Recurring Annual Expenses
Develop Plan/NEPA document/opening package	$10,000	--
Monitoring	--	$5,000
Total one-time expenses	**$10,000**	
Total recurring annual expenses		**$5,000**

Throughout the ROW permit term, refuge staff will be required to monitor right-of-way stipulation compliance, effects to wildlife, and impacts of the Refuge use. One Refuge employee will use contracted aviation flights to monitor the site twice a year.

Anticipated Impacts of the Use

Potential impacts of a proposed use on the refuge's purpose(s) and the Refuge System mission

The effects of the proposed use to Refuge resources, whether adverse or beneficial, are those that are reasonably foreseeable and have a reasonably close causal relationship to the proposed use. This compatibility determination (CD) includes the written analyses of the environmental consequences on a resource only when the impacts on that resource could be more than negligible and therefore considered an “affected resource.”

Geology and Soils

Ground disturbing activities during construction are expected to increase the risk for erosion of soils resulting in sedimentation in surrounding waterbodies. Excavation for the intake, penstock, powerhouse, and access roads will disturb both upland and wetland soils, increasing the risk of erosion and sedimentation into adjacent waterbodies. Steep slopes and high precipitation exacerbate these risks. To mitigate these effects the proposed use includes implementation of erosion and sediment control measures, including a stormwater pollution prevention plan and turbidity monitoring during construction. These measures are designed to minimize sediment transport into nearby water bodies, particularly Lagoon Creek Tributary, which could otherwise impact aquatic habitats.

Once stabilized and revegetated, the soil will have a considerably lower risk for erosion similar to pre-construction conditions. Details of the affected environment and effects to these resources are covered in section 3.3.1 of the EA.

Aquatic Resources

Construction activities will temporarily affect water quality in East Fork of Mountain Creek, Swimming Pond, and Lagoon Creek Tributary. Excavation and in-stream work, such as the installation of the diversion weir and tailrace, would increase turbidity and sedimentation, potentially impacting aquatic organisms and negatively impacting essential fish habitat. The use of best management practices, including timing restrictions to avoid fish spawning periods, would reduce the risk of these impacts. Additionally, the construction of a new channel to convey water from Swimming Pond to Lagoon Creek Tributary will involve in-channel work that could disturb existing aquatic habitats. However, this work is scheduled to occur during periods deemed protective of coho salmon by the Alaska Department of Fish and Game (ADFG).

These construction related effects are expected to return to pre-construction conditions after the project has been completed. Details of the affected environment and effects to these resources are covered in section 3.3.2 of the EA.

Terrestrial Resources

Vegetation clearing for the penstock, access roads, and powerhouse would result in the disturbance of approximately 54.51 acres of habitat, including 3.63 acres of wetlands and 50.88 acres of uplands, see table 3-5 in section 3.3.3.2 of the EA for a detailed breakdown of impacts to vegetation type. This effect on vegetation would reduce the available habitat for wildlife and increase the risk of invasive species establishment. Revegetation of disturbed areas would be done using native seed mixes and implementing an invasive species management plan. Construction activities may also disturb nesting birds, to mitigate this impact vegetation clearing would not be done between May 1 and August 1 and will maintain buffers around known eagle nests. Helicopter use during construction may disturb wildlife including mountain goats. To mitigate these effects all flights will maintain a 1,500-foot buffer from observed goats. Details of the affected environment and effects to these resources are covered in section 3.3.3 of the EA.

Threatened and Endangered Species

Although the project area is not known to be regularly used by federally listed species, such as the Steller's eider or northern sea otter, construction-related sedimentation and potential fuel spills could affect nearshore marine habitats. However, the project is located inland, and the implementation of spill prevention and erosion control plans is expected to minimize the risk of contaminants reaching marine environments. Therefore, short-term impacts to listed species and their critical habitats are expected to be negligible. Details of the affected environment and effects to these resources are covered in section 3.3.4 of the EA.

Recreation and Land Use

Construction of the powerhouse access road and intake trail will temporarily affect public access and recreational use within the Refuge. These new access routes could increase and concentrate human presence, potentially leading to unauthorized vehicle use. To address

this issue gates and signage would be installed to restrict motorized access and inform the public about Refuge regulations. Details of the affected environment and effects to this resource are covered in section 3.3.5 of the EA.

Cultural Resources

No known historic properties are located within the project's area of potential effects (APE). However, construction activities could uncover previously unidentified cultural resources. The applicant has committed to halting work and consulting with the Alaska State Historic Preservation Officer (SHPO), the U.S. Fish and Wildlife Service (Service), and the Village of Old Harbor if such resources are discovered. Details of the affected environment and effects to this resource are covered in section 3.3.6 of the EA.

Subsistence Resources

Improved access resulting from the construction of the powerhouse road and intake trail may enhance opportunities for subsistence activities by local residents. However, increased access could also lead to overuse or conflicts with Refuge management goals. The applicant will coordinate with the Service to monitor and manage access to ensure compatibility with subsistence use and Refuge purposes. Details of the affected environment and effects to these resources are covered in section 3.3.8 of the EA and in the ANILCA Section 810 analysis (Appendix A).

Public Review and Comment

The compatibility determination was available for public review and comment for 14 days from December 3 to 17, 2025. The State of Alaska and Native Village of Afognak, Native Village of Akhiok, Kaguyak Village, Native Village of Karluk, Sun'aq Tribe of Kodiak, Native Village of Larsen Bay, Alutiiq Tribe of Old Harbor, Native Village of Ouzinkie, Native Village of Port Lions, and Tanqirnaq Native Village were asked directly to review and comment on the compatibility determination. The public was made aware of the comment opportunity through the Kodiak Daily Mirror newspaper and a hard copy of the document was posted at the Refuge Headquarters at 1390 Buskin River Road, Kodiak AK 99615. It was made available electronically on the Refuge website (https://www.fws.gov/refuge/kodiak).

Three comments were received. Two were from local Tribes in general support of the project. The third was from the State of Alaska, Departments of Natural Resources and Fish and Game. In their comments, the State requested and we concurred with updating the document to state the authority of FERC to license the project and to note the Refuge's use of the ANILCA Title XI ROW process. They agreed with our assessment of effects to subsistence, fisheries, and wildlife, although they did request that we not allow blasting or other high-impact activities from December 1 to April 30 to protect denning brown bears.

Determination

Is the use compatible?

Yes

Stipulations Necessary to Ensure Compatibility

1. All hazardous wastes (as defined by the Resource Conservation and Recovery Act of 1976, as amended) will be transported and disposed in accordance with regulation requirements and shall not be stored in the permit area. This will be monitored 1-2x per year.
2. All bulk hazardous material and all hazardous waste containers are not allowed in the project area. This will be monitored 1-2x per year.
3. All trash and non-petroleum solid waste generated during survey work, construction, or production facilities will be hauled off the Refuge and disposed of in accordance with 18 AAC 60 (Solid Waste Regulations) and with 18 AAC 62 (Hazardous Waste Regulations). This will be monitored 1-2x per year.
4. Disturbance and destruction of eagle nests or nesting trees is prohibited. Activities are prohibited within 1/4-mile of an established nest tree. This will be monitored 1-2x per year.
5. The Permittee shall comply with the provisions of the Archeological Resources Protection Act (16 U.S.C. 470(a) (a)). The disturbance of archeological or historical sites and the removal of artifacts from Federal land are prohibited. In the event that cultural resources are found during the project, a localized work halt shall be initiated. This will be followed immediately by telephone contact to the Refuge Manager, and concurrent contact with the State Historic Preservation Officer (SHPO), to evaluate the significance of any findings and establish any protective measures that may be necessary. This will be monitored 1-2x per year.
6. The Permittee's employees or contractors are prohibited from hunting, fishing, and trapping when access to the area is obtained by vehicle use of the permit, or any other road closed to the general public. This will be monitored 1-2x per year.

Justification

Based on the analysis of effects and my professional judgement, a ROW permit to allow the construction and operation of a hydroelectric project on refuge lands near Old Harbor, Alaska, would not materially interfere with or detract from the Refuge's ability to meet its legally mandated purposes or fulfill its role within the National Wildlife Refuge System.

Changes to the habitat and associated wildlife species will be minor and limited in scope. Less than 95 acres of habitat will be affected with some of that being revegetated at the completion of construction. These habitat changes will affect individual animals but not to the level of population change either in number, distribution, or general health. Although fragmentation has a known negative effect on wildlife, the limited use of the road and narrowness of the planned route decreases the anticipated affects to the area. Likewise, mitigation measures are being put in place to conserve water quality and quantity in this area even as refuge waters are being used to generate power. As a result, we anticipate the overall change to the biological integrity, diversity, and environmental health of the area will be minimal.

Similarly, we anticipate little to no change in the area's continued ability to provide opportunities for subsistence uses. During construction it is expected that some wildlife will be disturbed, and therefore dispersed, but overall, these effects will be limited and short-term. The new access road may allow additional community members to hunt, trap, and fish further into the refuge than before, but we do not expect these uses to increase to the level of incompatibility.

Finally, we anticipate this ROW permit will have limited direct and indirect effects on the Refuge, and therefore, we have determined it will not change the Refuge's ability to fulfill its unique role within the National Wildlife Refuge System.

Signature of Determination

DANIELLE FUJII-DOE

Digitally signed by DANIELLE FUJII-DOE
Date: 2025.12.18 10:07:25 -09'00'

Refuge Manager Signature and Date

Signature of Concurrence

JARON MING

Digitally signed by JARON MING
Date: 2025.12.19 07:51:25 -07'00'

Refuge Supervisor Signature and Date

Mandatory Reevaluation Date

Mandatory reevaluation whenever the Right-Of-Way permit expires.

Literature Cited/References

Alaska Village Electric Cooperative (AVEC). 2025. Residential Rates Table. Effective 09/30/2025. https://avec.org/wp-content/uploads/Residential-Rates-1-1.pdf

FERC. 2015. Environmental Assessment: Old Harbor Hydroelectric Project—FERC Project No. 13272-004. Federal Energy Regulatory Commission Office of Energy Project Division of Hydropower Licensing, Washington, D.C., USA

Sill, L.A., J.M. Keating, and G.P. Neufeld. 2021. Harvest and Use of Wild Resources in Akhiok, Old Harbor, and Larsen Bay, 2018. Alaska Department of Fish and Game, Division of Subsistence. Technical Paper no. 477, Anchorage, Alaska, USA.

USFWS. 2008. Revised Comprehensive Conservation Plan and Environmental Impact Statement: Kodiak National Wildlife Refuge. U.S. Fish and Wildlife Service, Region 7, Division of Conservation Planning & Policy, Anchorage, AK

https://iris.fws.gov/APPS/ServCat/Reference/Profile/111020

USFWS. 2024. Supplemental Environmental Assessment for Old Harbor Geotechnical Survey, 2024-01344438-NEPA-01. Kodiak National Wildlife Refuge. U.S. Fish and Wildlife Service, Region 7, Kodiak, AK
https://iris.fws.gov/APPS/ServCat/Reference/Profile/183684

Figure

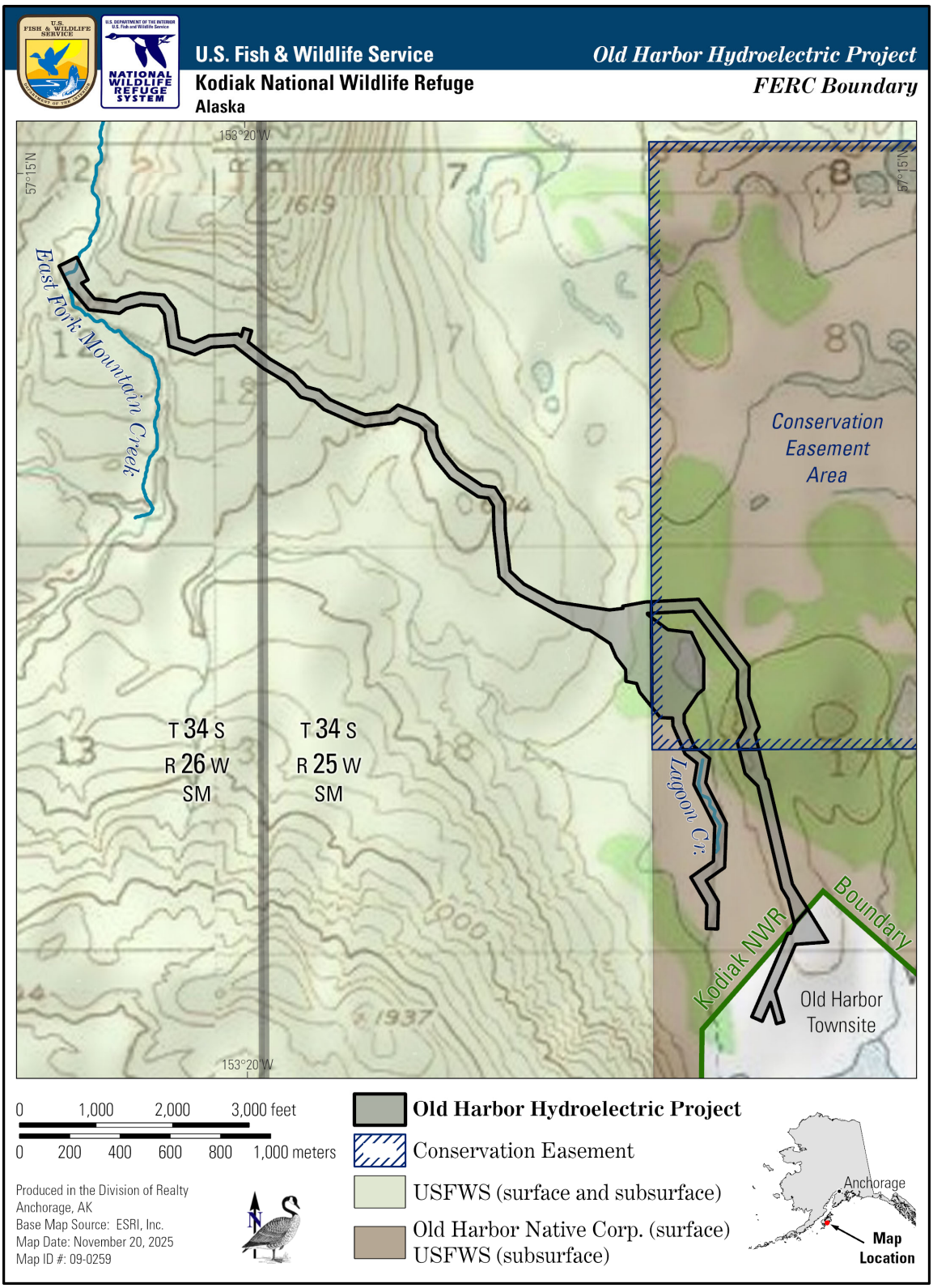

Figure 1. Map of the Old Harbor Hydroelectric Project in Old Harbor, Alaska.

Appendix A

ANILCA Section 810 Summary Evaluation

Alaska National Interests Lands Conservation Act
Section 810 Summary Evaluation

I. INTRODUCTION

This section was prepared to comply with Title VIII, Section 810 of the Alaska National Interest Lands Conservation Act (ANILCA). It summarizes the evaluations of potential restrictions to subsistence activities which could result from the proposed Right-Of-Way (ROW) hydroelectric project starting April 2026.

II. THE EVALUATION PROCESS

ANILCA Section 810 of ANILCA requires the U.S. Fish and Wildlife Service (Service) to determine "whether to withdraw, reserve, lease, or otherwise permit the use, occupancy, or disposition of public lands", it must evaluate the effect of such use, occupancy, or disposition on subsistence uses and needs. If the refuge determines that significant restrictions are to occur, they must follow the section 810 notice and hearing requirements. The Refuge may proceed with an action that would significantly restrict subsistence uses only if it first determines:

- Such a significant restriction of subsistence uses is necessary, consistent with sound management principles for the utilization of the public lands,
- The proposed activity will involve the minimal amount of public lands necessary to accomplish the purposes of such use, occupancy, or other disposition, and
- Reasonable steps will be taken to minimize adverse impacts upon subsistence uses and resources resulting from such actions.
- The evaluation and findings required by section 810 are considered in this analysis. Determining that significant restrictions to subsistence uses that may result in any of the alternatives in the assessment, the following factors were considered:
- A reduction in subsistence uses due to factors such as direct impacts on the resource, adverse impacts on habitat, or increased competition for the resources.
- A reduction in the subsistence uses due to changes in availability of resources caused by an alteration in their distribution, migration, or location.
- A reduction in subsistence uses due to limitations on the access to harvestable resources such as physical or legal barriers.

III. PROPOSED ACTION ON FEDERAL LANDS

The Alutiiq Tribe of Old Harbor is proposing to build a hydroelectric facility in Old Harbor, Alaska. The hydroelectric development would include: (1) a new 100-foot-long, 4 to 8 foot diversion/cut off weir to be constructed on the East Fork of Mountain Creek with an integrated 3-foot-high spillway; (2) a new 10,150-foot-long buried penstock that would transfer water from the Mountain Creek basin to the proposed project powerhouse in the Lagoon Creek basin; (3) a flow control mechanism to be installed between the diversion and powerhouse to control the volume of flow diverted at the intake; (4) a 30-foot by 35-foot by 16-foot-high powerhouse containing one 262-kW Pelton turbine; (5) a water bypass system in the powerhouse to route flows to the tailrace during turbine maintenance to limit rapid changes in flow that could harm fish and aquatic invertebrates downstream of the project; (6) a 2,300-foot-long tailrace to convey water from the powerhouse to a

nearby Swimming Pond; and (7) a 1,100-foot-long enhanced riverbed channel ("constructed channel") that would convey water from the Swimming Pond to the natural channel of the Lagoon Creek Tributary.

The project would also involve constructing and maintaining: (1) an approximately 2.2-mile-long by 10-foot-wide project access trail between the intake and powerhouse; (2) an approximately 5,720-foot-long by 24-foot-wide access road extending from the powerhouse to an existing road; (3) a 1.2-mile-long, 12.47-kilovolt overhead transmission line from the powerhouse to the existing power distribution system in the City of Old Harbor; and (4) appurtenant facilities.

The proposed action construction would occur from April 2026 to April 2029. Operation would be year-round for the duration of the ROW authorization.

The proposed action would occur within the Seward Meridian in Township 34 South, Range 25 West in Sections 7, 17, 18, and 20; and in Township 34 South Range 26 West Section 12.

AFFECTED ENVIRONMENT

The harvest of wild resources are determined by the availability of the species in and around Old Harbor, Alaska, through different times of the year. As outlined in the Refuge Comprehensive Conservation Plan (CCP), subsistence use by residents of the Kodiak Archipelago is described in a number of technical reports by the Alaska Department of Fish and Game, including a complete list of species present and subsistence uses within the proposed project area (USFWS 2008, Sill, Keating, and Neufeld 2021). Species of primary interest are various fish (especially salmon), birds, black-tailed deer, mountain goat, and brown bear. Table 1 provides a listing of the seasons and limits for species harvested for subsistence purposes.

According to the Refuge CCP (2008), most subsistence fishing likely occurs off the Refuge and under state regulations. Hunting for birds, deer, mountain goat, and brown bear occurs both on and off Refuge lands (USFWS 2008). Although brown bear may be taken in both spring and fall, the majority of harvests by Old Harbor residents are done in April during the spring season (Sill, Keating, and Neufeld 2021).

Table 1. Hunting, Fishing, and Trapping Seasons in and around Old Harbor, Alaska

Alaska State Hunting & Trapping Seasons & Limits		
Brown Bear (Fall)	One bear every four regulatory years by permit (includes spring hunt)	Oct 25 – Nov 30
Brown Bear (Spring)	One bear every four regulatory years by permit (includes fall hunt)	Apr 1 – May 15

Deer	Three deer total	Aug 1 – Sept 30 (Bucks Only) Oct 1 – Dec 31 (Any Deer)
Mountain Goat	One goat by permit	Aug 20 – Oct 25 Nov 1-Jan 31 (RG476-Old Harbor)
Federal Subsistence Hunting Seasons & Limits (Kodiak Refuge Lands Only)		
Brown Bear	3 permits for the community of Old Harbor	Dec 1 – Dec 15 & Apr 1 – May 15
Deer	4 deer	Aug 1 –Jan 31 Oct 1-Jan 31 (antlerless only)
Migratory Bird Hunting Seasons & Limits (Oct 8 – Jan 22 for all)		
Ducks	7 per day, 21 in possession	No more than 2 canvasback per day, 6 in possession
Sea Ducks (residents)	10 per day, 20 in possession	Steller's and spectacled eiders closed statewide. Buffleheads and goldeneyes are not considered sea ducks. Trumpeter Swans are closed statewide.
Subsistence Migratory Bird Harvest Seasons & Limits (Apr 2 – Aug 31)		
Seabirds & eggs	No limit.	Apr 2–Jun 30 & Jul 31–Aug 31
All other birds & eggs	No limit.	Apr 2 – Jun 20 & Jul 22 – Aug 31
Alaska State Sport Fishing Seasons & Limits (Fresh Water)		
King Salmon	>=20 inches – 2 per day, 2 in possession, Annual limit of 5 fish.	Year Round
King Salmon	<20 inches – 10 per day, 10 in possession	Year Round
Other Salmon	>=20 inches (combination of all species) – 5 per day, 10 in possession.	Year Round
Other Salmon	<20 inches – 10 per day, 10 in possession	Year Round
Rainbow/Steelhead Trout	2 per day, 2 in possession	Only 1 of which may be >=20 inches. Annual limit of 2 fish.
Dolly Varden & Arctic Grayling	10 per day, 10 in possession	Year Round

Other Species	No limit	Year Round
Alaska State Sport Fishing Seasons & Limits (Salt Water)		
King Salmon	2 per day, 2 in possession.	No annual limit.
Other Salmon	5 per day, 10 in possession.	No annual limit.
Rainbow/Steelhead Trout	2 per day, 2 in possession	Only 1 of which may be >=20 inches. Annual limit of 2 fish.
Dolly Varden	10 per day, 10 in possession	Year Round
Lingcod	2 per day, 4 in possession	Jul 1 – Dec 31
Sharks	1 daily, 1 in possession	Annual limit of 2
Spiny dogfish	5 daily, 5 in possession	
Halibut	2 per day, 4 in possession	Feb 1 – Dec 31
Rockfish	5 per day, 10 in possession	
King Crab		CLOSED
Dungeness Crab	6 ½ inches or more. Males only. 12 per day, 12 in possession	Males only.
Tanner Crab	5 ½ inches or more. Males only. 6 per day, 6 in possession.	July 25 – Feb 10
Alaska State Subsistence Fishing Seasons & Limits		
Fisheries, besides those listed below	No limit	Jan 1 – Dec 31
Lingcod		Jul 1 – Dec 31
Herring	500 pounds per calendar year	Jan 1 – Dec 31
Federal Subsistence Fishing Seasons & Limits (Federal waters only)		
Fisheries, including salmon	No limit	Year round

IV. SUBSISTENCE USES AND NEEDS EVALUATION

Per Section 810 of ANILCA, an evaluation of the effects to subsistence uses and needs consists of three factors. These include an evaluation of the effect of the proposed action on the following:

- Direct effects on the resource.
- Adverse effects on the habitat.
- Potential increased competition between users for the resources.
- Potential for a reduction in subsistence uses due to changes in availability of the resources because of alterations to their distribution, migration, or location.
- Potential for a reduction in subsistence uses due to limitation on the access to harvestable resources such as physical or legal barriers.

During the active construction phase, it should be expected that vegetation will be

removed, wildlife will avoid the area due to the noise and activity, and access to people not part of the construction process may be limited due to safety concerns. During this time, it is expected that subsistence uses in the area directly being affected will not be as available for subsistence harvests and current users may be forced further afield. In the short-term this may increase competition for subsistence harvests in other areas.
Once active construction is completed, the proposed development is not expected to change current subsistence uses or access. The lands affected by the proposed project would remain in federal ownership, and except for the powerhouse, would remain open to non-motorized public access. Use of these lands for subsistence purposes would not be altered. The small amount of lands affected by the penstock and access trail would not have significant effects on habitat or use by subsistence resources. The new access trail that would be built during the project construction would be limited to administrative access by project personnel and should not significantly change access for subsistence users. The lands within the right-of-way corridor established for this project would be classified as intensive management only for hydropower development. Other uses within this corridor would be limited to those authorized under the minimal management category in the 2008 Kodiak Comprehensive Conservation Plan. Habitat damage or destruction due to the proposed hydroelectric work would cause isolated disturbance to wildlife but not incur population scale reductions to wildlife species.

V. AVAILABILITY OF OTHER LANDS

The purpose of constructing this hydroelectric plant is to supply lower cost non-polluting electrical power to the village of Old Harbor. To be effective and economical, the powerhouse must be located in proximity to the village in a location where sufficient water flows to create the needed power. Deviation to other lands would not be possible while still carrying out the applicant's purpose for the project.

VI. ALTERNATIVES CONSIDERED

No alternatives exist that would reduce or eliminate the use of FWS public lands needed for subsistence purposes. The proposed action needs to occur in the exact location and alternatives could not deviate from the affected area.

VII. FINDINGS

Based on the above analysis, no foreseeable and significant decreases in the abundance of harvestable resources, no foreseeable long-term alteration in the distribution of harvestable resources, and no foreseeable long-term limitation on harvester access are expected to result from the issuance of a right-of-way permit for the proposed project.

Supporting Documents:

FERC. 2015. Environmental Assessment: Old Harbor Hydroelectric Project—FERC Project No. 13272-004. Federal Energy Regulatory Commission Office of Energy Project Division of Hydropower Licensing, Washington, D.C., USA

Sill, L.A., J.M. Keating, and G.P. Neufeld. 2021. Harvest and Use of Wild Resources in Akhiok,

Old Harbor, and Larsen Bay, 2018. Alaska Department of Fish and Game, Division of Subsistence. Technical Paper no. 477, Anchorage, Alaska, USA.

USFWS. 2008. Revised Comprehensive Conservation Plan and Environmental Impact Statement: Kodiak National Wildlife Refuge. U.S. Fish and Wildlife Service, Region 7, Division of Conservation Planning & Policy, Anchorage, AK https://iris.fws.gov/APPS/ServCat/Reference/Profile/111020

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