

Draft Compatibility Determination

Title

Draft Compatibility Determination for Subsistence Cabin on the Fog River, Yukon Delta National Wildlife Refuge.

Refuge Use Category

Subsistence Uses

Refuge Use Type(s)

This determination considers the construction of a subsistence trapping cabin on the Fog River to an individual with a long history of traditional practices in the area and whether this use is compatible with the Yukon Delta National Wildlife Refuge Comprehensive Conservation Plan (1988), the purposes of the Yukon Delta National Wildlife Refuge (YDNWR or Refuge), and the Alaska National Interest Lands Conservation Act (ANILCA).

Subsistence Use Cabin (and related construction and maintenance activities): A subsistence cabin is defined as any cabin necessary for health and safety and to provide for the continuation of traditional and historic ongoing subsistence activities (not for mere recreational use).

Associated facilities: An outhouse, which is a small structure that is separate from the main structure, for the purpose of collecting human waste.

Associated (supporting) uses: Trapping.

Modes of transportation that are reasonably necessary to access the cabin include snowmachine and boating (motorized).

Refuge

Yukon Delta National Wildlife Refuge

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

ANILCA established the YDNWR as part of the U.S. Fish and Wildlife Service, National Wildlife Refuge System on December 2, 1980.

Section 303(7)B of ANILCA sets forth the following major purposes for which the Yukon Delta National Wildlife Refuge was established and shall be managed:

“(i) to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited to, shorebirds, seabirds, whistling swans, emperor, white-fronted and Canada geese, black brant and other migratory

birds, salmon, muskox, and marine mammals;
(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 the purposes set forth in subparagraphs (i) and (ii), the opportunity for continued subsistence uses by local residents;
(iv) to ensure, 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.”

The Yukon Delta National Wildlife Refuge encompasses more than 19.5 million acres of federal land on the Yukon-Kuskokwim Delta and was established by the Alaska National Interest Lands Conservation Act (ANILCA) (Public Law 96-487 Stat.2371) on December 2, 1980. Former Clarence Rhode Refuge, Hazen Bay Refuge, and Nunivak Refuge were incorporated into the present Yukon Delta National Wildlife Refuge in 1980.

Additionally, Section 803 of ANILCA defines subsistence uses:

As used in this Act, the term “subsistence uses” means the customary and traditional uses by rural Alaska residents of wild, renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation; for the making and selling of handicraft articles out of nonedible byproducts of fish and wildlife resources taken for personal or family consumption; for barter, or sharing for personal or family consumption; and for customary trade.

ANILCA also discusses the use of cabins.

§1303. Use of cabins and other sites of occupancy on conservation system units

(b) Improved property on other units or areas established or expanded by this Act

The following conditions shall apply regarding the construction, use and occupancy of cabins and related structures on Federal lands within conservation system units or areas not provided for in subsection (a) of this section:

(1) The construction of new cabins is prohibited except as may be authorized pursuant to a nontransferable, five-year special use permit issued by the Secretary. Such special use permit shall only be issued upon a determination that the proposed use, construction, and maintenance of a cabin is compatible with the purposes for which the unit or area was established and that the use of the cabin is either directly related to the administration of the unit or area or is necessary to provide for a continuation of an ongoing activity or use otherwise allowed within the unit or area where the permit applicant has no reasonable alternative site for constructing a cabin. No special use permit shall be issued to authorize the construction of a cabin

for private recreational use.

(4) The United States shall retain ownership of all new cabins and related structures on Federal lands within a unit or area specified in this subsection, and no proprietary rights or privileges shall be conveyed through the issuance of the special use permit authorized by paragraphs (1) or (2) of this subsection. Cabins or other structures not under permit shall be used only for official Government business: Provided, however, that during emergencies involving the safety of human life or where designated for public use by the unit or area manager, such cabins may be used by the general public.

National Wildlife Refuge System Mission

The mission of the National Wildlife Refuge System, otherwise known as 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?

The construction of a cabin to support historic subsistence trapping on the refuge is not an existing use. However, the use of shelter (tent), and the use of cabins on private lands within the external refuge boundary, to support subsistence trapping is an existing use.

What is the use?

Construction and maintenance of the cabin is necessary to provide for the continuation of traditional and on-going subsistence trapping, such as:

- Access (subsistence). Use of snowmobiles, motorboats, and other means of surface transportation traditionally employed for subsistence purposes.
- Cabin (subsistence). Any cabin necessary for health and safety and to provide for the continuation of ongoing subsistence activities; not for recreational use.
- Trapping (subsistence). Furbearer trapping by rural Alaska residents for direct family use, barter, or customary trade.

Is the use a priority public use?

Yes

Where would the use be conducted?

The cabin would occupy a 20-foot by 20-foot space (16'x20' with a 4' deck) in the riparian zone of the Fog River (60.8446389, -160.261861) approximately 40 miles from the village of Tuluksak.

Primary fish species include non-salmon species such as northern pike, Dolly Varden, and Arctic grayling; wildlife includes moose, bear, small game animals, furbearers, waterfowl, ptarmigan, and grouse; plants include willow, birch, aspen, spruce, grass, and berries ([Fog River II-B Interim Summary Report 2013](#)).

Main access to the cabin is by snowmachine or motorboat dependent on river and/or winter trail conditions.

Equipment would be stored within the footprint of the cabin, either inside the structure or on the attached deck.

Map of the area will be available upon request.

When would the use be conducted?

The cabin would be used from November to March for multiple days throughout that time while participating in trapping activities.

How would the use be conducted?

Hauling of cabin construction materials would be by snowmachine and sled and/or by motorboat. Cabin use would be limited to the permittee, family, and guests accompanied by the permittee.

Associated facilities and structures include the cabin and outhouse.

A special use permit would be required and would be issued in five-year increments, subject to re-evaluation at each expiration and not automatically renewed.

Why is this use being proposed or reevaluated?

This evaluation is being conducted to ensure compliance with the Service Compatibility Policy (603 FW 2.11H).

Consistent with the purposes of ANILCA, the refuge supports opportunities for continued subsistence uses by local residents. The applicant has a long history of subsistence trapping on the refuge and the construction of a cabin is necessary for the continuation of that activity and provides for the health and safety of this continued subsistence use by a local resident. The permit and right to maintain the cabin is non-transferable, not subject to automatic renewal, and may be revoked at any time for non-compliance or other violations. Five-year special use permits may be issued by the Service for new subsistence cabins for local residents with a history of authorized subsistence activities on the refuge if it is necessary to ensure their

continued opportunity for subsistence use and no reasonable alternative construction site exists. Newly constructed cabins are not subject to automatic renewal provisions of ANILCA 1303(c) because that section only applies to cabins already in existence at the time ANILCA was enacted. The use of this subsistence cabin must be either directly related to the administration of the refuge or necessary to provide for an on-going activity or use otherwise allowed within the refuge.

Availability of Resources

Current refuge personnel capacity and base operational funds are available and adequate to manage the administration, construction, and maintenance of a subsistence cabin permit. Staff time includes administration, management, and monitoring of permit compliance with the special conditions provided with the permit. Due to the duration of the permit (five years), staff time would be minimal after the first year of issuance (less than one week). Continued monitoring and enforcement for compliance with the terms and conditions of the permit will be required as part of the usual refuge law enforcement efforts.

Anticipated Impacts of the Use

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

The construction and maintenance of a single subsistence cabin is anticipated to have negligible impacts on resources within the refuge. There is potential for greater impacts if additional requests for subsistence cabins are proposed within the refuge, but that scenario is not anticipated, and circumstances allowing new cabin construction are limited. This compatibility determination does not require additional written analysis of the potential environmental consequences of the proposed use of refuge resources because the potential impacts are not expected to result in more than negligible impacts because of a single subsistence cabin and associated activities.

Short- and long-term impacts

Fish, Wildlife and Their Habitats

Short-term, localized impacts to soil and noise associated with construction of the cabin and outhouse can be expected. Refuge habitat and non-targeted fish and wildlife will remain unaffected by the continuation of natural resource collection on refuge land except in areas of frequent boat landings and possible trails being made by my snowmachine over time.

Longer term impacts may include increased disturbance to areas frequented by boat landings, as well as some potential the habituation to wildlife. However, the areas in which these long-term impacts may occur are limited, localized, and minor in

comparison to the total area of the refuge.

Negligible impacts to habitats within the refuge from disturbance are anticipated. Possible minimal adverse impacts to some plant and wildlife species could occur from trampling, refuse, and human waste in the immediate vicinity of the structure. At the predicted level of use, these would not have long-term population-level impacts on refuge plants or wildlife.

Subsistence

As stated above, another purpose of the refuge is “to provide. . . the opportunity for continued subsistence uses by local residents.” As required by ANILCA Section 810, this cabin would increase the accessibility for subsistence uses but there are no foreseeable significant restrictions to those uses.

Public Review and Comment

The draft compatibility determination will be available for public review and comment for 14 days from June 26, 2026 to July 10, 2026. The public will be made aware of this opportunity to comment through the Delta Discovery and posted on social media on the Yukon Delta National Wildlife Refuge official Facebook page. A hard copy of this document will also be posted at the Yukon Delta National Wildlife Refuge Headquarters and Visitor Center, 807 Eddie Hoffman State Highway, Bethel, AK 99559. It will be made available electronically on the refuge website <https://www.fws.gov/refuge/yukon-delta>. Concerns expressed during the public comment period will be addressed in the final Compatibility Determination.

Determination

Is the use compatible?

Yes

Stipulations Necessary to Ensure Compatibility

Stipulations necessary to ensure compatibility include obtaining and complying with a special use permit, which also contains required special conditions. Refuge staff may monitor existing subsistence cabin use, and findings from these monitoring efforts will be used to determine what additional management actions, if any, are needed to ensure this use remains compatible with Refuge purposes and in compliance with Federal regulations. Cabin use is limited to permittee and family, or guests accompanying the permittee and family. Cabin is not for recreational use. Cabin is only to promote health and safety for authorized subsistence activities and to provide for the continuation of traditional, historic, and ongoing subsistence

activities that are consistent with the purposes of YDNWR and ANILCA. Although this construction and maintenance of a subsistence cabin has been determined compatible with the refuge purpose, the applicant has not acquired any property rights or interest in the refuge lands or waters. The United States shall retain ownership of all new cabins and related structures on Federal lands within the refuge, and no proprietary rights or privileges shall be conveyed through the issuance of the special use permit. The ability to construct and maintain a new subsistence cabin is non-transferable, not subject to automatic renewal, and subject to conditions established in the permit. Applicant is eligible to submit a request for a new five-year special use permit at the re-evaluation/expiration date contained herein unless a disqualifying action occurs (permit violation or other incident of non-compliance).

Justification

The stipulations outlined above will help ensure that the proposed use remains compatible with the purposes of the Yukon Delta National Wildlife Refuge, as outlined in this compatibility determination, and will not conflict with the national policy to maintain the biological diversity, integrity, and environmental health of the refuge. Based on available science and best professional judgement, the Service has determined that the subsistence cabin use at Yukon Delta National Wildlife Refuge, in accordance with the stipulations provided here, would not materially interfere with or detract from the fulfillment of the National Wildlife Refuge System mission or the purpose of the Yukon Delta National Wildlife Refuge. Appropriate and compatible subsistence cabin use at Yukon Delta National Wildlife Refuge may assist and support greater public appreciation for wildlife and wild lands.

Signature of Determination

Refuge Manager Signature and Date

Signature of Concurrence

Assistant Regional Director Signature and Date

Mandatory Reevaluation Date

XX, 2031

Literature Cited/References

USFWS. 1988 Yukon Delta National Wildlife Refuge Comprehensive Conservation Plan. U.S. Fish and Wildlife Service, Record of Decision, Comprehensive Conservation Plan, Environmental Impact Statement, Wilderness Review, and Wild River Plan. Internet website:
<https://ecos.fws.gov/ServCat/Reference/Profile/33991>

Buzzell, R.G., and B. Taylor. 2013. Fog River System. Including Fog River, its west and south channels, and the slough/lake system between Mischevik slough and Fog River HUC 30502, Zone 3, Kuskokwim River Region. Final Summary report. Alaska Department of Natural Resources. chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://dnr.alaska.gov/mlw/paad/nav/naar/pdf/fog_river_ii_b_interim_summary_report_final_8_27_2013.pdf