

COMPATIBILITY DETERMINATION

Use: Rights-Of-Way for Remote Microwave Repeater Installation at Uganik, Spiridon, and Z-Ridge Sites

Refuge Name: Kodiak National Wildlife Refuge

Establishing Authorities:

Executive Order 8857 (1941) withdrew nearly two million acres from the unreserved public domain and established Kodiak National Wildlife Refuge. Public Land Order 1634 (1958) modified the original reservation, closing the one-mile shoreline strip to the land laws and other excepted purposes in exchange for classifying the Shearwater and Kupreanof peninsulas as unreserved public domain while retaining the original refuge purpose. As part of the Alaska Native Claims Settlement Act (1971), 345,600 acres of land within the Refuge were to be conveyed to to Native village corporations subject to Section 22(g) of ANCSA. Alaska National Interest Lands Conservation Act (ANILCA; 1980) redesignated the Kodiak National Wildlife Refuge with additional purposes (below) and added approximately 50,000 acres of public lands on Afognak and Ban islands to the Refuge.

Refuge Purposes:

Executive Order 8857 established 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 . . .". Lands that were part of the original refuge reservation retain this purpose along with the ANILCA purposes below. Section 303(5)(B) of ANILCA added the following purposes to the Refuge:

As ANILCA redesignated the Kodiak Refuge, all lands within the refuge, including the lands under ANILCA are managed for the following purposes:

- (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 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, as amended).

Wildlife most likely to be affected includes surfbirds, marbled murrelets, and seabirds which nest in the vicinity of the tower sites and brown bear which den and forage in these areas. Steller's sea lions and sea otters which forage in the marine waters near the staging areas may be affected, but are not likely to be adversely affected. Vegetation will be removed from 1/3 of an acre at each tower site. In order to mitigate effects, the construction season is limited to July 1 to October 24 and maintenance activities will be limited to December 1 and February 28 or August 1 to October 24 with helicopter flights for construction and maintenance being limited to inland routes. No barge traffic or helicopter flights are allowed within 3 nautical miles of Steller's sea lion haul-outs at Noisy Islands, Bird Rocks, Cape Ugat or Cape Kuliuk.

The installations on Uganik, Spiridon, and Z-Ridge will have fixed visual and noise impacts over the life of the project. Mitigation will include painting of the facilities to reduce the contrast with surrounding terrain and timing of construction and maintenance of the facilities. Maintenance of the facilities -both annual and emergency - will take place exclusively with helicopter. Mitigation can be implemented that separates the scheduled maintenance activities from important wildlife occurrences and visitor use of the refuge. Unscheduled maintenance trips can be mitigated by conducting flights at the minimum 2000' AGL (weather permitting) until over the sites. The purposes of the Kodiak National Wildlife Refuge and the National Wildlife Refuge System mission are detailed above. The following table lists the anticipated impacts to selected environmental and social resources as detailed in the environmental assessment.

Affected Environment	Anticipated Impacts to Selected Resources
Soils	Negligible, direct, long-term adverse impacts would be expected. A total of 108 cubic ft of soil displaced over 3 sites and on each site approximately 0.33 acres would be disturbed.
Vegetation	Minor, long-term adverse impacts to vegetation are expected. Vegetation would be permanently affected on 1 acre; 1 of 3 sites is sparsely vegetated and rocky and 4.3 acres would be disturbed. With invasive species and prevention and mitigation measures properly implemented and without accidental fuel spills, impacts would be considered minor, affecting a relatively small area, for a long duration.
Hazardous Materials	Storage of fuels and hazardous materials onsite create risks of a release. However, containment designs and an approved SPCC plan reduce the risks. Given the limited fuel volume risks, the summary impact of a fuel spill would be considered minor in the long-term.
Surfbird (<i>Calidris virgate</i>)	Minor, short-term, direct during construction and minor, long-term, indirect effects through the life of the projects are expected to nesting habitat at Uganik site. There are no expected affects to surfbird nesting habitat on the other sites within this alternative. In the long term, no effects are expected as refueling and maintenance will be limited to early spring and late summer, which is before and after the nesting season.

	Peninsula and would occur for a short duration (1 day) 2-3 times per year for maintenance and refueling.
Visual Resources	Moderate, short-term effects during construction would be expected due to numerous helicopter flights both on the Spiridon Peninsula and Z-Ridge which is next to the highly used Karluk River. Moderate, long-term effects are expected, as the towers would be visible from much of Uganik Bay, the areas around Amook Island, interior valleys eastward from the Spiridon Peninsula, and the ridges around Little River Lake public use cabin, when it is rebuilt. Although visible, the towers will not be as noticeable from Uganik Island cabin as it is more than 3 miles from the tower sites. Z-Ridge will be easily visible from the Karluk River, a popular fishing destination. Towers would be easily visible from the air, possibly affecting flight seeing activities in the area.

Public Review and Comment:

In May 2016, the original compatibility determination for the Rights-Of-Way for Remote Microwave Repeater Installations on Kodiak Refuge was released to the public via an ad in the Kodiak Daily Mirror and through the Refuge’s social media website giving a link to an electronic version on the Refuge’s website. In addition, hard copies were placed at the Refuge Visitor Center, the City of Kodiak library, and the Kodiak Community College library. Email copies were sent to all local tribes, native corporations, and refuge big game guide permit holders. No comments were received.

In June 2016, a revised compatibility determination for this use was released changing the location of the project from Midridge and Larsen Peak to Uganik, Spiridon, and Z-Ridge. The public was notified via social media that an electronic copy was available on the Refuge’s website and hard copies were placed at the Refuge Visitor Center, the City of Kodiak Library, and the Kodiak Community College library. Email copies were again sent to all local tribes, native corporations, and refuge big game guide permit holders. No comments were received.

Determination (check one below):

- Use is Not Compatible
- Use is Compatible with the Following Stipulations

Stipulations Necessary to Ensure Compatibility:

1. Permittee will proactively protect vegetation and soil using a paneled mat system (Duradeck®, AlternaMATS®, GreatMats® or equivalent) where wheeled or tracked equipment is used and where levels of foot or other traffic risk damage to the vegetative mat, soil displacement, or exposure of soil.
2. Impacts associated with trampling or crushing of vegetation are to be avoided to the maximum extent possible. Staging of construction equipment and supplies will also occur in locations devoid of vegetation where possible. Construction equipment, supplies and

full and safe utilization thereof by the Permittee. The Permittee also agrees that authorized representatives of the United States will have the right of access to the permit area for making inspections and monitoring the construction, operation and maintenance of facilities.

Requirements for Construction

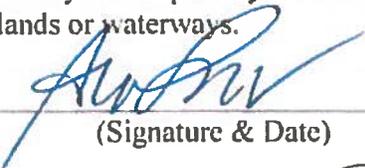
12. Prior to beginning construction authorized under this permit, the Permittee shall submit to the Refuge Manager a Plan of Development describing all construction related activities anticipated to be carried out under the authority of this right-of-way permit. The plan must provide sufficiently detailed information to allow the Refuge Manager to effectively monitor activities to be carried out under the plan. Receipt and approval of the plan will be acknowledged in writing by the Refuge Manager. Proposed deviations from the Plan of Development must be submitted in writing to the Refuge Manager, and will only be allowed with the written acknowledgment of the Refuge Manager. At the end of each construction season Permittee shall provide a written report to the Refuge Manager for review and acceptance that documents work completed and work planned for the next season. Plans of development for any subsequent or additional construction must be submitted not later than 6 months from proposed construction for review and approval by the Refuge Manager.
13. Construction activities may only occur from July 1 to October 24.
14. Prior to commencing construction of the Facilities a preconstruction meeting including a representative of the Permittee, onsite project managers of all Permittee contractors or subcontractors and Service representatives shall be conducted on site.
15. The Permittee is responsible for obtaining all necessary State and Federal permits and submitting copies to the Refuge Manager prior to the start of construction.
16. Prior to commencing construction of the Facilities, the "construction boundary", as shown on the site plans provided in the Plan of Development, shall be clearly marked in a manner that will survive and be evident throughout construction of the Facilities.
17. If construction is not commenced within one (1) year after permit issuance, the Service may cancel the permit.
18. Upon completion of construction, the Permittee will file two copies each of a Certification of Completion and as-built drawings and survey with the Chief, Division of Realty and Natural Resources, as proof of completion of construction.

Continuance of Operations

19. Prior to September 30 of each year during the term of this Permit, a Plan of Annual Operations for annual maintenance, refueling operations, and other planned visits to the Facilities will be submitted to the Refuge Manager for approval. Included in the plan will be the following:
 - a. Refueling and annual maintenance of the Facilities will be conducted during the periods December 1 through February 28 or August 1 through October 24 to avoid denning bears, nesting season, and the main concentration of public use taking place on the refuge during the summer and fall .

28. The Permittee's employees, contractors, subcontractors and any other individuals authorized to access the Facilities by the Permittee are prohibited from hunting, fishing, and trapping while on the Refuge during construction, maintenance, refueling and emergency repair operations.
29. All helicopter flights to and from the sites will maintain a minimum altitude of 2000' AGL, weather permitting.
30. All food wastes will be stored in animal-proof containers and disposed on a weekly basis at a permitted off-Refuge facility.
31. All human waste will be removed from the site. All gray and black water or chemical toilet refuse generated at construction or production facilities will be transported off the Refuge to permitted treatment or disposal facilities.
32. Burning of trash, solid waste or any other substances or materials is prohibited. All trash and non-petroleum solid waste imported to or generated on the Facilities will be hauled off the Refuge and disposed in accordance with 18 AAC 60 (Solid Waste Regulations) and with 18 AAC 62 (Hazardous Waste Regulations).
33. ATV use shall not be permitted.
34. The Permittee shall be responsible for keeping the construction area clean. All trash, survey lath and other debris shall not be stored on site. All trash, survey lath and other debris shall be picked up daily and properly disposed of during the job. At the completion of construction, a final cleanup shall be conducted by the Permittee and approved by the Refuge Manager.
35. Permittee shall be responsible at all times during the life of this Permit for taking any and all actions to prevent introduction of invasive species on the Refuge. During each year for three years following construction and every five years thereafter, Permittee will be required to conduct a survey for invasive species at the Facilities and surrounding area. A report on this survey will be provided to the Refuge office no later than January 15 of each year following the survey.
36. Permittee will do everything reasonably within its power, both independently and on request of any duly authorized representative of the United States, to prevent and suppress fires on or near lands to be occupied under this permit, including making available such construction and maintenance forces as may be reasonably obtainable for the suppression of such fires.
37. Permittee must take such soil and resource conservation and protection measures on the land covered by the easement or permit as the Refuge Manager may request.
38. Any problems with wildlife must be reported immediately to the Refuge Manager. The Permittee, contractors, subcontractors and employees shall not feed animals. Wildlife shall not be harassed or intentionally approached closely enough to disrupt the animal's activity or to endanger human life. There shall be no taking of any animal except in the case of defense of life and property. In the case of a defense of life and property taking, the Permittee shall immediately contact the Alaska Department of Fish and Game and the Refuge Manager, and salvage those parts of the animal required by State regulations.

The proposed use does not materially interfere with or detract from the Kodiak NWR's purpose to ensure water quality and necessary water quantity within the refuge. Neither of the sites is located near or adjacent to wetlands or waterways.

Signature Refuge Manager:  6/29/16
(Signature & Date)

Concurrence Regional Chief: acting  6/29/2016
(Signature & Date)

Mandatory 10-year Re-evaluation Date: N/A - Rights-of-Way often are approved for extended periods of time. The National Wildlife Refuge System Administration Act of 1966, as amended, treats Refuge uses that are approved for longer than 10 years differently than other uses. During the life of the permit, only compliance with the terms and conditions of the authorization is to be examined, not the authorization itself. After expiration of the permit, the use is to be re-evaluated for compatibility.

NEPA Compliance for Refuge Use Decision:

 Categorical Exclusion without Environmental Action Memorandum

 Categorical Exclusion and Environmental Action Memorandum

 XX Environmental Assessment and Finding of No Significant Impact

 Environmental Impact Statement and Record of Decision