

Kenai National Wildlife Refuge
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COMPATIBILITY DETERMINATION

The National Wildlife Refuge System Administration Act of 1966, as amended (16 U.S.C. 668dd-668ee) states that “The Secretary is authorized, under regulations as [s]he may prescribe, to – (A) permit the use of any area within the [National Wildlife Refuge] System for any purpose, including but not limited to hunting, fishing, public recreation and accommodations, and access wherever [s]he determines that such uses are compatible’ and that “... the Secretary shall not initiate or permit a new use of a refuge or expand, renew, or extend an existing use of a refuge, unless the Secretary has determined that the use is a compatible use and that the use is not inconsistent with public safety.” A compatible use is defined as “A proposed or existing wildlife-dependent recreational use or any other use of a national wildlife refuge that, based on sound professional judgment, will not materially interfere with or detract from the fulfillment of the National Wildlife Refuge System mission or the purposes of the national wildlife refuge.” The compatibility determination is to be a written determination signed and dated by the Refuge Manager and Regional Chief of the National Wildlife Refuge System, signifying that a proposed or existing use of a national wildlife refuge is a compatible use or is not a compatible use.

Applicable compatibility regulations in 50 CFR Parts 25, 26, and 29 were published in the Federal Register October 18, 2000 (Vol. 65, No. 202, pp 62458 – 62483).

Use: Camping

Refuge: Kenai National Wildlife Refuge

Establishing and Acquisition Authorities: The Refuge was first established as the Kenai National Moose Range by Executive Order 8979 on December 16, 1941. The boundaries were modified, purposes expanded, and name changed to Kenai National Wildlife Refuge under the provisions of the Alaska National Interest Lands Conservation Act (ANILCA) on December 2, 1980 (Public Law 96-487 Stat. 2371).

Refuge Purposes: The Executive Order purpose was primarily to “... protect the natural breeding and feeding range of the giant Kenai moose on the Kenai Peninsula, Alaska...”. ANILCA purposes for the Refuge include: “(i) to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited to moose, bear, mountain goats, Dall sheep, wolves and other furbearers, salmonids and other fish, waterfowl and other migratory and nonmigratory birds; (ii) to fulfill the international treaty obligations of the United States with respect to fish and wildlife and their habitats; (iii) 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 with the refuge; (iv) to provide in a manner consistent with subparagraphs (i) and (ii), opportunities for scientific research, interpretation, environmental education, and land management training; and (v) to provide, in a manner compatible with these purposes, opportunities for fish and wildlife oriented recreation.” The Wilderness Act of 1964 (Public Law 88-577) purposes are to secure an enduring resource of wilderness, to protect and preserve the wilderness character of areas within the National Wilderness Preservation System,

and to administer this wilderness system for the use and enjoyment of the American people in a way that will leave them unimpaired for future use and enjoyment as wilderness.

Policy (FWS 603 2.8) directs that pre-ANILCA purposes remain in force and effect, except to the extent that they may be inconsistent with ANILCA or the Alaska Native Claims Settlement Act, and that such purposes only apply to those areas of the Refuge in existence prior to ANILCA. The Executive Order purpose to protect Kenai moose, however, is treated as complimentary to the broader ANILCA purpose of conserving fish and wildlife populations; therefore, no special attention is given the Executive Order purpose in this compatibility review process.

Sec. 4(a) of the Wilderness Act provides that the purposes of the Act are to be within and supplemental to the purposes for which national wildlife refuges are established and administered. These purposes are applied to the approximately 1.3 million acres of Congressionally designated wilderness within the Refuge. While these purposes do not apply to the remaining approximately 700,000 acres of Refuge lands that are not designated as wilderness, we must consider the effects of uses on any Refuge lands that might affect the wilderness areas.

National Wildlife Refuge System Mission: The National Wildlife Refuge System Mission 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.

Description of Use: Camping, or the overnight stay on Kenai National Wildlife Refuge, takes many forms, from the bivouac wilderness backcountry stay perhaps even without tent or sleeping bag, to a near full amenity stay in a modern recreational vehicle at a developed site. Most camping on the Refuge falls within two general categories: front-country and backcountry. In the front-country camping occurs in both developed campgrounds, and in non-designated sites. In developed campgrounds both tent camping and the use of recreational vehicles is common. In the backcountry most camping is done with the support of tents and/or tarps, both at well hardened sites that have seen repeated use over many years, and newly pioneered sites that are rarely used or used only once.

Camping is an extremely popular activity on the Refuge and is enjoyed by hundreds of thousands of visitors each year. The activity is often conducted as part of another primary use, such as hunting and fishing, but is also a popular activity in and of itself. The majority of camping activity occurs from mid-Spring to late-Fall each year, but some camping occurs throughout the year, including in winter months.

A few remote lakes on the Refuge have had historical tent camps established on them under the provisions of a Refuge Special Use Permit. These are commercial use permits granted to air taxi operators and are generally limited to a few visits to the areas each year, primarily as a drop off venue out of Anchorage for people looking for a relatively inexpensive, yet quality, fly-in trout fishing trip. This use has tapered off in recent years and is relatively uncommon.

There are currently 37 commercial or agency permittees that have some portion of their permitted use associated with overnight camping on the Refuge. This includes hunting and fishing guides, outfitters, air taxi operators, other agency personnel setting up field research or monitoring camps, and specialty guides who take clients on canoe and/or wildlife viewing trips. Overnight use of Refuge cabins is also considered camping, but this use is covered elsewhere in a compatibility determination specific to cabin management.

The Refuge has three large fee campgrounds: Russian River, Upper Skilak Lake, and Hidden Lake. The Russian River facility includes relatively few tent sites, but has parking capability for campers and other RVs (180 sites) and is the site of the Russian River Ferry which is operated by a Refuge contractor. The area is open in summer while popular fisheries are underway and is staffed by contract employees 24-hours a day while open. The current nightly fee is between \$8 and \$10. Upper Skilak Lake (25 sites) has both walk-in tent sites (\$5 per night) and drive up RV sites (\$10 per night) and Hidden Lake Campground has 44 sites available at \$10 per night. Both Upper Skilak and Hidden Lake have resident volunteer campground hosts each Summer, and firewood is made available. All three fee areas have boat launches, drinking water, toilets, and trash collection provided. Also in the same general area, within the Skilak Wildlife Recreation Area of the Refuge, are seven smaller camping areas that are free but do not have trash pick up or campground hosts. These sites include Kelly Lake, Petersen Lake, Watson Lake, Jean Lake, Engineer Lake, Lower Ohmer Lake, and Lower Skilak Lake. In total these areas provide approximately 35 sites, have picnic tables, fire grates, and toilet facilities.

Within the Swanson River/Swan Lake area there are several additional developed campgrounds that have picnic tables, fire grates, and toilet facilities but no trash pick up and are free of charge. These include Dolly Varden Lake, Rainbow Lake, Swanson River Landing, Fish Lake, and Merganser Lake. The lack of trash removal services at these sites is primarily associated with problems with bears that can quickly habituate to human presence if rewarded by food and garbage. For the most part, campers have learned to police their areas well and have kept fish waste and other garbage out of the campsites. This remains an ongoing educational and enforcement issue however.

Camping may not exceed 14 days in a 30-day period anywhere on the Refuge. The limit for the Russian River Access Area is 2 consecutive days and no more than 7 consecutive days are allowed at the Hidden Lake Campground.

Backcountry camping is permitted anywhere except within ¼ mile of the Sterling Highway, Skilak Lake Road, and Ski Hill Road. Fires are allowed unless seasonal restrictions are in force. In campgrounds fires are restricted to designated fire grates, barbecues, or stoves. Fires must be attended at all times and completely extinguished before leaving. Only down and dead firewood may be collected.

Popular backcountry camping areas include both the Swan Lake and Swanson River Canoe Systems, and the benchlands between Tustumena and Skilak Lake. Access to the canoe systems is mostly by individuals and small groups paddling and portaging for a day or two at a time, although week-long or multiple week trips are not uncommon. The benchlands are popular with wilderness hikers and hunters and are accessed by boat, foot, horseback, or drop off from small airplane. In all backcountry camping the camps are generally pretty Spartan with small tents, light-weight stoves, and dried foods the rule. One exception to this can be the horse-packing trips where weight is less a concern and travelers may stay longer, or may need more protection from the weather during extended Fall hunting trips.

All campsites are available on a first-come-first-served basis, even fee areas. Golden Age and Golden Access Passports do reduce fees by 50% in areas where the Refuge charges.

Availability of Resources: Camping is an historic and ongoing activity integral to the use and enjoyment of the Refuge by many, if not most visitors. Administration of the use is part of the Refuge's base program. A portion of the fees collected from fee areas is returned to the Refuge and helps offset the cost of fee collection as well as signage, toilet pumping, and trash removal.

Volunteer or contractors at the fee sites also help administer these areas in a cost-effective fashion. Permit administration of commercial operators, campground maintenance, information transfer/education and law enforcement, all have inherent costs. The Refuge's current program provides adequately for the need, but use levels continue to increase and the Refuge must respond accordingly. Costs of maintaining established campgrounds and associated facilities each year is substantial and includes such things as hazard tree removal, testing of water wells, toilet cleaning and routine maintenance, replacement of informational signs and regular updating of kiosk materials, patrols and compliance checks, and maintenance of entrance roads, etc. Backcountry camping program administration includes monitoring for impacts, law enforcement patrols, and search and rescue activities. It will be important to ensure that staffing and other resources continue to increase proportionally to the public use to ensure long term expectations of the public are met, and that the overall camping program can be sustained in a safe and compatible manner.

Anticipated Impacts of the Use: Impacts associated with camping activities are varied, often depending on the site, duration and intensity of use, and the individual practices employed by campers. Most notable are impacts to vegetation and soils at well-used but not designated sites. Invasive plant species are also common found at easily accessed and well used sites, perhaps from tents, tarps, and ground pads carrying seeds from lawns or other previous camp sites. Sanitation issues are of concern where toilets are absent or are not used. Feeding and habituation of wildlife at camping areas, whether it is feeding a red squirrel or gray jay, or the leaving of garbage that attracts a brown or black bear, can have negative consequences for both the campers and the animals. Vandalism at campsites, though not necessarily done by a large number of campers, is evident at most well used sites. This often takes the form of cutting on or cutting down live trees; shooting trees, signs, or other facilities; or damaging or stealing picnic tables, fire grates, or signs. Petty theft in campgrounds is also a recurring problem. The escape of campfires is an issue, particularly in undeveloped sites. Most of the large wildfires occurring on the Refuge during the past several decades are believed to have been caused by escaped campfires, costing many millions of dollars to suppress.

Campgrounds that are placed improperly may interfere with normal movements of wildlife, such as brown bears, and can increase negative encounters.

A certain amount of contamination occurs around camping areas, whether it is from the spilling of fuel for camp stoves, lanterns, or outboard motors, or general litter left behind or carelessly buried. Leave-no-trace rules are promoted by the Refuge, but the storage of stove pipe, tarps, horse food, and other gear at remote camp sites, the jettisoning fuel containers and food wrappers in the backcountry, and the partial burning or discarding of unwanted materials in remote site fire rings is still commonly found.

Public Review and Comment: This compatibility determination has been prepared while revising the Refuge's Comprehensive Conservation Plan and Environmental Impact Statement. Future revisions can be accomplished outside of this planning process if deemed necessary and would be completed with public notice and involvement. Legal notice of the draft compatibility determination was published in the Anchorage Daily News and the Kenai Peninsula Clarion on February 25, 2007 which initiated a 45-day public comment period. The notice was also posted on a bulletin board at the Refuge headquarters for the same time period, made available starting February 28, 2007 on a list server fws-akrefugecompatibility@lists.fws.gov to 137 addresses, and made available on the Regional Refuge Planning web site at <http://alaska.fws.gov/nwr/planning/completed.htm>.

Comments on some or all of the (15) compatibility determinations were received from: The State of Alaska, The Wilderness Society, The National Wildlife Refuge Association, Friends of Kenai National Wildlife Refuge, Alaska Trappers Association, Defenders of Wildlife, Kenai Field Office (FWS), and The Humane Society of the United States.

The State of Alaska supported the compatibility determination and submitted minor comments and question regarding fly-in tent camping. This use still exists but has tapered off over the years because of diminished interest by commercial operators. Two of the historic tent camps operated by Ketchum Air were converted to public use cabins after the company went out of business and are now offered through a reservation system to the public.

Defenders of Wildlife commented that group size limits for canoeing and camping in the Refuge canoe systems should be reduced from 15 to no more than 12 people. It is extremely rare that group sizes approach 12 or 15 currently in the canoe systems and the Refuge did not feel such a change was warranted at this time.

Determination (check one below):

Use is Not Compatible

Use is Compatible With Following Stipulations

Stipulations Necessary to Ensure Compatibility: General Refuge regulations mentioned above regarding stay limits, restrictions on camp fires and collection of firewood are important to ensure continued compatibility. Refuge planning and environmental compliance exercises minimize impacts to Refuge resources when developing new campgrounds, or upgrading existing ones. The Refuge has closure authority and may restrict access to sites to provide for direct or indirect site rehabilitation when areas become overused to the point that soil and compaction or erosion cause significant concerns. All commercial uses permitted that include camping have permit conditions to address issues such as handling of human waste, potential damage to cultural resources, conflicts with wildlife, etc. The following are permit conditions required of commercial tent camp operators:

1) All tent platform camp locations are subject to the approval of the Refuge. No new semi-permanent type tent camps are permitted within Wilderness units or high use areas. Lakes used as nesting sites by trumpeter swan and other special wildlife use areas will not be authorized as camp locations. A reserved site fee of \$100 per tent platform annually is required before final approval.

2) Permits do not grant the exclusive use of any area by the commercial tent camp operator permittee.

3) Each campsite is limited to one tent. Tent platforms may be no larger than 230 square feet in area – approximate tent size 14 X 16 feet. Removable tent floors, skeleton tent frames, and limited toilet structures are authorized. No other construction is permitted.

“Tent Platform” means a structure, usually made of manufactured timber products, constructed to provide a solid, level floor for a tent. Partial walls shall not exceed 4 feet in height above the floor. Only the tent fabric, door frame, the ridge pole, and its support poles may extend higher than 4 feet above the floor.

4) A maximum of two watercraft (boat/canoes) with outboard motors (10 HP or less) may be authorized for each tent. Watercraft must be clearly marked with operator's name and address and properly registered under State law. All craft must conform to applicable Federal, State, and local boating laws and regulations. A U.S. Coast Guard approved life preserver must be provided for each person in the watercraft.

5) Each tent will have, readily available, a Class A-B UL approved operable fire extinguisher, an emergency first aid kit, and minimum emergency fire fighting equipment at each camp.

6) A small trash container with cover is required for each camp. Plastic bag liners are recommended.

7) Toilet facilities must be provided but can be variable in design enclosing at least three sides and must be approved by the Refuge. All sanitary facilities must be situated at least 100 feet from any lake, stream, or campsite, or as otherwise authorized.

8) Current Public Use Regulations – Commercial Tent Camps, Kenai National Wildlife Refuge, will be posted at all times in each tent facility. Fisheries survey reports will be provided at each camp site and collected by refuge staff at the end of the season.

9) Food or garbage, attractive to bears or other wildlife, will be disposed of immediately. No attractive nuisance for bears or other wildlife shall be created by improper disposal of garbage, fish smoking, salting, drying, or other activities.

10) It is intended that a clean and orderly camp be maintained at all times. Therefore, there will be no garbage dump or waste disposal, other than toilet facilities, at the site. Combustibles (paper, wood, plastic, etc.) may be burned, but all other debris including but not limited to fish, cans, bottles, fuel containers, inoperative engines and parts, and discarded skiff and equipment will not be allowed to accumulate. The permittee will be responsible for maintaining his camps in a sanitary and rustic condition compatible with esthetic values of the area.

11) Any major exterior rehabilitation of or additions to existing structures must have the Refuge Manager's prior approval in writing. This does not include minor remodeling or routine maintenance.

Justification: Kenai NWR encompasses a large area, much of which is remote, requiring the ability to stay overnight to safety and reasonably enjoy many traditional wildlife-dependent recreational activities. Camping is a large and growing use of the Refuge, but is adequately managed through campground location and design, permit requirements, and special regulations. The Refuge also has adequate authority to close areas on an emergency, temporary, or permanent basis for cause. Management resources are currently satisfactory to administer the use.

Signature (Refuge Manager): /s/ Robin L. West 6/13/07
Signature and Date

Concurrence (Regional Chief): /s/ Todd J. Logan 8/14/07
Signature and Date

Mandatory 10-year Re-evaluation Date: 8/14/17