

## **Compatibility Determination**

**Use:** Commercial sale of timber products – Skilak Wildlife Recreation Area Habitat Project

**Primary Use:** Habitat improvement project.

**Supporting and Incidental Uses:** None.

**Refuge Name:** Kenai National Wildlife Refuge

### **Establishment and Acquisition Authority:**

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.

**National Wildlife Refuge System Mission:**

The mission of the 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 American Recovery and Reinvestment Act of 2009 funds are being used for a habitat improvement project at Kenai National Wildlife Refuge. This habitat improvement project is described in detail in the Skilak Wildlife Recreation Area Revised Final Management Plan (May 2007) and Environmental Assessment (October 2006). This plan states that “Prescribed and wildland fire use, and mechanical treatment (if applicable) will be used to enhance wildlife viewing .....” (Page 49). The project calls for standing trees to be removed from approximately 123 acres of the refuge. These trees will be removed by a contractor. This compatibility determination addresses only the potential commercial sale of marketable timber on this project. This compatibility determination is part of the approval process for allowing an economic use of refuge resources would provide a wider range of options to accomplish the work. As part of this habitat improvement project, Refuge staff wishes to consider the option of economic disposal of potential marketable timber generated by improving habitat. We feel that this option will create opportunity for biomass utilization and to offset the cost of the project.

**Availability of Resources:**

Adequate refuge personnel and base operational funds are available to manage this habitat improvement project. Management primarily includes administration of the contract to accomplish the habitat work and administration of firewood collection permits. It is anticipated that management of the contract and these permits will require no longer than 1 month of staff time over the duration of the contract...

**Anticipated Impacts of the Use:**

In general, equipment and crews conducting these habitat improvement operations would not adversely impact Refuge resources or visitation since the majority of the work will occur during the fall and winter when visitation is low and surface conditions are frozen minimizing impacts. Removal of the timber is necessary to achieve habitat improvement objectives and public wildlife viewing opportunities. There are no projected significant impacts associated with the actual sale of timber. Minor impacts are expected in the preparation stock-piling, and transport of the timber. This will be short-lived. Impacts of the habitat improvement project were addressed in Chapter 4 of the Environmental Assessment (see pp. 64-136). This determination addresses only the potential disposal of the timber.

**Public Review and Comment:**

This compatibility determination was subject to a 14-day public comment period. The draft CD was sent to contacts on the regional compatibility email list and posted on a regional web site with comments due 9/22/2009. Notice of availability was posted at the Refuge Office and in the Peninsula Clarion on September 1, 2009. Three responses were received. Two were from

Service employees containing substantive comments and one from a member of the public stating they had no comments on the determination. All comments serve to focus the document, but not change the fundamental determination.

**Refuge Determination (check one below):**

Use is not compatible

Use is compatible

**Stipulations Necessary to Ensure Compatibility:**

At a minimum, the following stipulations will be included.

- 1.1. Commercial disposal of timber must be conducted in a fair and open manner. Interagency standard best management practices will be specified in the contract in order to protect natural resources and visitor opportunities.
- 1.2. It is preferred that clearing activities occur when there is adequate snow cover and sufficient ground frost to prevent penetration of, or disturbance to, the soil surface or plant roots. Unless emergency conditions exist, equipment and vehicle operation during periods when the frost and snow conditions do not meet the above specifications will occur on uplands only and be limited to vehicles that exert a ground pressure equal to or less than three and one-half pounds per square inch (3.5 psi).
- 1.3. Under non-frozen conditions, equipment and vehicles will not be operated within wetlands or cross bodies of water. With sufficient frozen conditions, crossing bodies of water is allowed if it can support the weight-bearing load of the vehicle.
- 1.4. Blading, re-contouring, or removal of the vegetative mat are prohibited. The filling of low spots and smoothing using snow to facilitate equipment travel is allowed. Equipment and vehicles will be operated in a manner that does not result in undue disturbance of the vegetative cover or induce accelerated erosion.
- 1.5. If vegetative cover is disturbed in an area greater than 100 square feet, contractor will take action to reduce the chance of noxious weed infestation; and with the assistance of Refuge staff, will seed disturbed areas with native ground cover seeds. The preferred seed would be fireweed (*Epilobium angustifolium*) or Blue Joint Grass (*Calamagrostis canadensis*). Sources for these seeds can be obtained through the Alaska Plant Materials Center in Palmer, Alaska (907) 745-4469 [http://www.dnr.state.ak.us/ag/ag\\_pmc.htm](http://www.dnr.state.ak.us/ag/ag_pmc.htm). Mulch, fertilizer, lime or similar products will not be used without prior Service approval. Contractor and the Service will work cooperatively to monitor any disturbed areas for invasive infestations. In areas where there have not previously been invasive weeds, if invasive weeds are established as a result of contract activities, the contractor will be responsible for treatment.
- 1.6. Work camps for overnight use are not normally allowed, but may be authorized in case-specific situations. Equipment may be stored overnight within the Refuge,

provided that drip pans and/or absorbent pads are utilized to contain any dripping of oil, gas, transmission or other fluids. Additionally, refueling in the field require the use of drip pans and/or absorbent pads. Overnight storage of food or food preparation items is prohibited. Any fluids that overflow the drip pans or pads will be immediately reported to the Refuge Manager. Additionally, large spills (as determined by the Refuge Manager) will be reported to the Alaska Department of Environmental Conservation at (907) 269-3063 or 1-800-478-9300. All waste materials generated during the clearing shall be controlled and removed from the work site daily. Cleared and/or chipped vegetation is not considered waste, and can be allowed to naturally decay.

- 1.7 Stump height within cleared areas shall be no greater than six (6) inches. For trees that are not chipped or piled for burning, spruce logs shall be cut into twenty four (24) inch maximum length sections. The sections shall be scattered (not piled) throughout the work area and adjacent areas to permit rapid drying and eliminate spruce bark beetle host trees. For non-Spruce trees, logs shall be cut into ten (10) to fifteen (15) foot lengths and placed within the work area and adjacent areas so they cannot roll. The log sections shall be scattered to make ground contact and not piled. There are two (2) allowable methods for the handling of other cleared vegetation and tree remnants:

Chipping and scattering in the work area in such a way as to preclude the chips being washed into any watercourse.

- 1.8 For work within one hundred (100) feet of an anadromous body of water, the contractor's work shall be coordinated with and authorized by the Kenai River Center. The Kenai River Center is the central clearinghouse used on the Kenai Peninsula for this type of activity.
- 1.9 Raptor Nests. To reduce disturbance near the work area to nesting raptors, non-emergency clearing activities shall be scheduled to be completed prior to April 15 or after August 1. In cases where active nests are found while work is taking place, a 100 yard disturbance-free buffer around the nest will be maintained unless doing so would pose an imminent safety hazard. Nests found on utility structures within the Refuge will be reported to the Refuge manager with their coordinates or precise directions to their location. The site will be investigated by KENWR staff to determine whether or not it is active, the species involved and an appropriate course of action.

**Justification:**

The contractor for this project should have a wide range of options for disposal of materials for the habitat work to be as cost effective as possible. The contractor may choose alternative measures to dispose of the timber other than sale (chipping, personal use firewood, or burning). This compatibility determination is required only if the contractor desires to sell some or all of the timber. If there is marketable timber that can offset some of the costs of the project, effectively our cost per acre for treatment should be reduced. We anticipate there will be little if any timber with marketable value associated with this project and most will be cut and burned.

This work is excluded from further review under 516 DM8.5.B(9) which excludes minor changes to plans with no or negligible environmental impact.

**Supporting Documents:**

Kenai National Wildlife Refuge, Skilak Wildlife Recreation Area Final Management Plan, May 11, 2007.

Finding of No Significant Impact, Skilak Wildlife Recreation Area final management Plan, May 11, 2007

Environmental Action Memorandum referencing this habitat management project, May 2009.

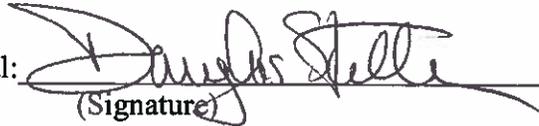
Moose /Habitat Management Plan, Kenai National Wildlife Refuge, April 1996.

Environmental Assessment and Draft Management Plan for Skilak Wildlife Recreation Area, October 2006.

Environmental Action Memorandum October, 2009 referencing categorical exclusion.

**Refuge Determination:**

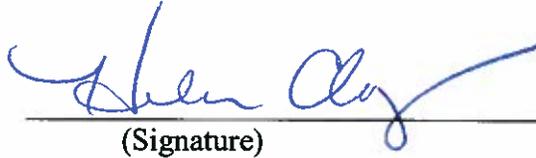
Refuge Manager/  
Project Leader Approval:

  
(Signature)

10-19-09  
(Date)

**Concurrence:**

*acting*  
Regional Chief,  
National Wildlife  
Refuge System:

  
(Signature)

10-21-09  
(Date)

**Mandatory 10-year Re-evaluation Date (for allowed uses only):** \_\_\_\_\_ 2019 \_\_\_\_\_

**NEPA compliance for Refuge Use Decision:**

- \_\_\_\_\_ Categorical Exclusion without Environmental Action Memorandum
- X   Categorical Exclusion and Environmental Action Memorandum
- X   Environmental Assessment and Finding of No significant Impact
- \_\_\_\_\_ Environmental Impact Statement and Record of Decision

