

## Compatibility Determination

**Use:** Commercial Hunting Guide Services

**Primary Uses:** Hunting (big game guiding and outfitting)

**Supporting and Incidental Uses:** Fixed-wing aircraft landings, boating (motorized and non-motorized), snowmobiling, environmental education and interpretation (not conducted by refuge staff or authorized agents), fishing, hunting (non big game), firewood gathering, berry picking, camping, picnicking, hiking and backpacking, snowshoeing, pets, wildlife photography, wildlife observation tent frames and platforms, weather ports.

**Refuge Name:** Selawik National Wildlife Refuge

**Establishment and Acquisition Authority:** The Alaska National Interest Lands Conservation Act (ANILCA) established the 2.5-million-acre Selawik National Wildlife Refuge (Selawik refuge, refuge) as part of the U. S. Fish and Wildlife Service, National Wildlife Refuge System (Department of the Interior) on December 2, 1980.

**Selawik Refuge Purposes:** As stated in ANILCA Section 302 (7) (B), the purposes for which the Selawik refuge was established and shall be managed include:

- (i) to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited to, the Western Arctic Caribou Herd (including participation in coordinated ecological studies and management of these caribou), waterfowl, shorebirds and other migratory birds, and salmon and Sheefish;
- (ii) to fulfill 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; 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.

The purpose of the congressionally designated Selawik Wilderness Area is to secure an enduring resource of wilderness, protect and preserve the wilderness character of the area as part of the National Wilderness Preservation System (NWPS), and administer the area for the use and enjoyment of the American people in a way that will leave it unimpaired for future use and enjoyment as designated wilderness.

### **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 of 1966, as amended [16 U.S.C. 668dd-668ee]).

## **Description of Uses**

This compatibility determination addresses commercial guiding and outfitting services provided to hunters in the refuge. Alaska regulations define the term “guide” ... to provide, for compensation or with the intent or with an agreement to receive compensation, services, equipment, or facilities to a big game hunter in the field by a person who accompanies or is present with the big game hunter in the field either personally or through an assistant. Regulations identify guiding “services” provided to big game hunters to include 1) contracting to guide or outfit hunts; 2) stalking, pursuing, tracking, killing, or attempting to kill game; 3) packing, preparing, salvaging, and caring for meat; 4) field preparation of trophies, including skinning and capping; 5) selling, leasing, or renting goods when the transaction occurs in the field; 6) using guiding or outfitting equipment, including spotting scopes and firearms for the benefit of the hunter; and 7) providing camping or hunting equipment or supplies that are already located in the field. The term “outfit” also applies to services, supplies, or facilities that are provided for compensation to hunters in the field. State regulations distinguish outfitting from guiding in that outfitters do not accompany or remain present with the hunter in the field, whereas guides or their assistants must be in the field with clients through the duration of a guided hunt. Outfitting services are often referred to as “drop-off hunts.” Big game guides and outfitters are required to obtain a guide license from the State of Alaska. Although the State’s regulatory definitions for guiding and outfitting apply to big game hunting, this compatibility determination includes commercial hunting services for all other wildlife species that may be hunted under Alaska hunting regulations as well (i.e., waterfowl, sandhill cranes, small game, upland game birds, etc.).

Commercial guided, big game recreational hunting was originally found to be compatible in 1994 subject to reasonable regulations as described by special use permit conditions. The refuge has one exclusive commercial big game guiding area, which encompasses the entire refuge. The big game guide for this area is selected through a competitive process, first established by regional policy in 1992 and later codified (50 CFR 36.41). Competitive selection is intended to limit or manage commercial guiding and outfitting to a level compatible with refuge purposes and to ensure that quality guiding services are available to the public. Guides must be qualified and licensed by the State of Alaska, Big Game Commercial Services Board. Each guide is required to submit and follow a written operations plan, which is evaluated by Service personnel during the selection process. These operations plans include 1) dates of field operations; 2) species to be hunted; 3) maximum and expected number of clients for each species hunted; 4) number and type of existing or new camps (i.e., tent, tent platform, or frame), including other needed facilities such as caches; 5) access points and mode(s) of transportation (e.g., airplanes, boats, snowmobiles, pack animals, and other non-motorized means); 6) fuel storage needs; and 7) services provided by others (e.g., contracts for transportation, food services). Big game guides are required to comply with all applicable State and Federal laws and regulations, including obtaining required State and Federal permits and authorizations related to their guiding activities.

This compatibility determination addresses the full spectrum of uses associated with commercially guided hunting of big game, including means of access, lodging and facilities, and other elements identified in a guide’s operations plan. Authorized modes of access within the refuge include fixed-wing aircraft, motor boats, snowmobiles, non-motorized boats, dog sled, foot, snowshoe, and cross-country skis. Lodging and facilities include tents, tent frames, tent platforms, weather ports, and caches. The use of off-road vehicles by big game hunting guides and their clients is prohibited on the refuge.

Commercial services associated with hunting activities could occur throughout most of the refuge, depending on State regulated hunting seasons. All activities conducted under the current big game guide permit are limited to refuge lands east and up river from the village of Selawik to avoid large tracts of private land within the refuge boundary and areas of high use by other non-guided hunters.

### **Availability of Resources**

Permits are issued competitively for five years, with provision for automatic renewal for a second five years. The competitive process requires a significant level of time and effort for the applicants and for refuge and agency staff. Adequate refuge personnel and base operational funds are available to manage guided big game hunting activities at existing and projected levels.

During the initial competitive process, the refuge manager spends approximately one month reviewing the prospectus, conducting interviews, making a selection, writing decision documents, and addressing appeals and briefing the regional office on appeals. After initial selection, refuge staff may spend five days per year on oversight, permit compliance, and conducting related activities. Law enforcement officers from other refuges spend an average of 10 days per year monitoring permit and hunting regulation compliance.

The refuge manager issues and renews special use permits every five years, ensuring licenses and certificates are current; collects client use-day fees; and reports data on an annual basis. Field work for the program primarily involves patrolling during hunting seasons, which already takes place, and monitoring permit holders' compliance with permit conditions. An administrative fee of \$100 is assessed when each permit is issued. Client use-day fees are assessed for each day a guide has a client on the refuge. Fees collected are returned to the refuge for administering the program.

### **Anticipated Impacts of Uses**

The one commercial big game guiding and outfitting operation on the refuge may result in some competition or interference with subsistence users and/or other non-guided recreational hunters for the limited number of game animals and access points along river corridors. Other refuge resources possibly impacted by this activity include water quality, soil, and vegetation. Criteria in the competitive scoring and selection process attempts to minimize impacts to refuge resources and other visitors. As of 2011, the big game guide is allowed to provide guiding and outfitting services to 26 clients with associated limits on specific game species (caribou 22, moose 12, and brown bears 4). Wildlife and resource impacts on the refuge will be minimal. Permit conditions and stipulations are further designed to minimize potential impacts.

Commercial big game hunting is also regulated by the State (AS 08.54 and 12 AAC 75) and the Big Game Commercial Services Board. Should game populations decline or allocation conflicts arise, the Service will work to address them through the Federal Subsistence Board and Alaska Board of Game. These boards establish regulations aimed at managing populations of animals at sustainable levels and to avoid conflicts between user groups. The refuge will remain engaged in tribal councils for communities within the refuge to monitor and develop ways to mitigate impacts on other users.

Based on the scale of this commercial activity, impacts to refuge habitats would be minimal and transitory. Fall access to the refuge would be primarily by landing float-equipped aircraft on lakes and rivers, wheel landing by fixed-wing aircraft on gravel bars, motor boat, or by floating

into the refuge. Temporary displacement and/or disturbance to wildlife can occur in response to low level over-flights and during takeoffs and approaches to landing (Calef et al. 1976), but impacts would likely be short term and minimal. Base or spike camps will not be permitted in areas requiring landing on vegetated lowland tundra under the terms of the special use permit. The introduction of invasive species carried on boats and aircraft floats could affect refuge resources; although it's not known to have occurred via this transmission method within the refuge to date. Frequent motorboat or aircraft traffic could impact molting or staging birds (Bouffard 1982, Ward et al. 1994). However, most waterfowl have migrated through the refuge or utilize delta areas on the western refuge boundary where this activity is not permitted. Winter and spring access could be by dog sled, cross-country skis, snowmobile, or aircraft fitted with skis.

Refuge staff members are aware of these potential impacts and conflicts and monitor use levels during each hunting season. Compliance with regulations and permit conditions will be routinely checked by officers. Refuge officers and State wildlife protection officers would routinely patrol the refuge during hunting seasons.

### **Public Review and Comment**

Public comments were solicited concurrently with the draft revised Comprehensive Conservation Plan and Environmental Assessment for Selawik National Wildlife Refuge (USFWS 2010). Public comments on compatibility determinations were accepted during the public review period for the draft plan and announced in the Federal Register. The public comment period was October 21, 2010 to March 15, 2011, which provided 145 days for public review. We mailed the full draft plan and a summary to the individuals and organizations on our mailing list. We invited public comments through an advertisement in a local newspaper and attended city council meetings in Selawik and Noorvik to receive comments on the draft plan. Planning team members met with the Citizen's Advisory Commission on Federal Areas to discuss the issues at Selawik refuge and alternatives that were proposed in the draft plan. The draft compatibility determinations were posted on the Service's Region 7 Web page.

The only specific comments we received on the draft of this compatibility determination were from the State of Alaska. The State commented that it believes and expects that the permit stipulations already written in the compatibility determination, (unrelated to the area not authorized for commercial use) will adequately address the majority of potential on-the-ground impacts of commercial hunting guides. The State referenced stipulations numbered 16 and 20 as examples. The Service agrees that the intent of these two stipulations is to minimize on-the-ground impacts, primarily to wildlife resources. These stipulations and the operator education program referenced by the State are important tools but are not adequate to minimize and essentially prevent social conflicts between commercial hunters and resident subsistence hunters on refuge lands. In accordance with the final decision (i.e., Finding of No Significant Impact) and the revised management direction in the final comprehensive plan, the Service has added permit stipulation number 21 to proactively manage commercial hunting and to prevent most if not all social conflicts related to big game hunting on refuge lands.

The Northwest Arctic Borough suggested general updates to the refuge permitting process for commercial uses. The Service has updated the permit stipulations for this commercial use and associated activities and has published new management direction for commercial hunting in the final comprehensive plan, including a map of the area not authorized for commercial use. The Borough also stated that the comprehensive plan should provide a process to revoke Service

permits due to noncompliance with municipal ordinances. The Service has no authority to enforce municipal ordinances. However, the Service does have a process for denying applicants permits if they have been found to be in violation of the permit stipulations listed in this document (for example, see stipulation number 10) or other State and Federal regulations regarding big game hunting. The refuge manager is willing to discuss with city leaders how to best account for local laws and mores in relation to its permitting process for commercial hunting.

**Refuge Determination (check one below)**

Use is not compatible

Use is compatible

**Stipulations Necessary to Ensure Compatibility**

A special use permit with stipulations is required for commercially guided services for recreational hunting. The guide's operating plan is incorporated into the special use permit and contains details about the operation. Site-specific, special use conditions related to maintenance of defensible space will be incorporated into permits on a case-by-case basis. Following are current special use permit stipulations necessary for big game guide compatibility on the Selawik refuge, which were updated with the last prospectus review in 2007.

**SPECIAL CONDITIONS FOR GUIDES/OUTFITTERS ON SELAWIK REFUGE**

1. Failure to abide by any part of this special use permit; violation of any refuge related provision in Titles 43 (part 36) or 50 (sub-chapters B and C) Code of Federal Regulations (CFR); or violations of any pertinent State regulation (e.g., fish or game violation) will, with due process, be considered grounds for immediate revocation of this permit and could result in denial of future permit requests for lands administered by the U. S. Fish and Wildlife Service. This provision applies to all persons working under the authority of this permit (e.g., assistants). Appeals of decisions relative to permits are handled in accordance with Title 50 CFR, Part 36.41.
2. The permit holder is responsible for ensuring that all employees, party members, aircraft pilots, and any other persons working for the permit holder and conducting activities allowed by this permit are familiar with and adhere to the conditions of this permit.
3. The permit holder may not sublet any part of the authorized use area and is prohibited from subcontracting clients with any other guide.
4. Any problems with wildlife and/or animals taken in defense of life or property must be reported immediately to the refuge manager and/or Alaska Department of Fish and Game and be salvaged in accordance with State regulations.
5. The permit holder and permit holder's clients do not have exclusive use of the site(s) or lands covered by this permit, except for the authorized camp facilities.
6. This permit may be cancelled or revised at any time by the refuge manager in case of emergency (e.g., high fire danger, flooding, unusual resource problems, etc.).
7. The permit holder shall notify the refuge manager during refuge working hours in person or by telephone before beginning and upon completion of activities allowed by this permit.
8. Prior to beginning any activities allowed by this permit, the permit holder shall provide the refuge manager with (1) proof of comprehensive general liability insurance (\$300,000 each occurrence, \$500,000 aggregate) covering all aspects of operations throughout the

- annual use period; (2) aircraft and other vehicle types to be used, with identification information, if different from the original permit or the previous year; (3) changes in names of assistant guides and other employees; and (4) any other changes in information provided in the original permit/proposed operations plan.
9. The permit holder is responsible for accurate record keeping and will provide the refuge manager with a comprehensive summary report of the number of clients, and number of client days per activity type by December 31 for all uses during that calendar year unless stated otherwise in the permit. A legible copy of the State's "Hunt Record" for each client will be required in addition to the summary report.
  10. Failure to report the actual number of client use-days per type of authorized activity by December 31 of each calendar year and annually pay the Service's established fees (client use-day and reserved land site) within 30 days after receiving a bill for collection will be grounds for revocation of this permit.
  11. The permit holder will not be required to provide a letter of concurrence from the State of Alaska before the use of State selected lands can be authorized. However, if any of these selected lands are conveyed to the State during the term of the permit, the permit holder will be required to obtain permission from the State's Department of Natural Resources to continue operation on State land.
  12. In accordance with the Archaeological Resources Protection Act (16 U.S.C. 470aa), the removal or disturbance of archaeological or historic artifacts is prohibited. The excavation, disturbance, collection, or purchase of historical or archaeological specimens or artifacts on refuge lands is prohibited.
  13. Permit holder shall maintain their use areas in a neat and sanitary condition. Latrines must be located at least 150 feet from springs, lakes, and streams to avoid contamination of water resources. All property (except cabins and/or tent frames) of the permit holder must be removed from refuge lands upon completion of permitted activities.
  14. The construction of landing strips or pads is prohibited. Incidental hand removal of rocks and other minor obstructions may be permitted.
  15. The use of off-road vehicles (except snowmachines) is prohibited. Snowmachines may be used where there is adequate snow cover to prevent scaring of the underlying vegetation.
  16. The operation of aircraft at altitudes and in flight paths resulting in the herding, harassment, hazing, or driving of wildlife is prohibited. It is recommended that all aircraft, except for takeoff and landing, maintain a minimum altitude of 2,000 feet above ground level.
  17. All aircraft being used in a commercial guiding operation must have 12-inch identification numbers in contrasting colors that are readily visible.
  18. Motorboat operators must possess a U. S. Coast Guard (USCG) license for all passenger-carrying operations, if required by USCG regulations.
  19. Construction of cabins or other permanent structures is prohibited.
  20. Any action by a permit holder or the permit holder's employees which unduly interferes with or harasses other refuge visitors or impedes access to any site is strictly prohibited. Examples of prohibited acts include, but are not limited to, low flights over camps or persons at less than 500 feet (unless landing) and parking aircraft or placing other objects (rocks, tents, etc.) on any area on which an aircraft might land so as to restrict use by other aircraft or persons.
  21. Use of refuge lands in close proximity to or intermingled with, private lands in the northwest portion of the refuge (west and north of latitude 66 degrees 28.63 minutes and

longitude 159 degrees 24.67) is not authorized. A map of the area is provided with the approved permit and a legal description of the area is available upon request.

22. All tent frames or structures must be disassembled and neatly stacked or removed at the end of each hunting season.
23. The permit holder's operations plan, as amended and accepted by the U.S. Fish and Wildlife Service, is hereby incorporated in its entirety as a special condition of the permit. All deviations from the operations plan must receive prior written approval by the refuge manager or their designee.

#### Fees

Effective January 1, 2010, special use permit fees for all guiding and outfitting on refuges are:

##### Guiding-outfitting

Brown/Grizzly Bear - \$13.67/client use-day

Moose - \$13.67/client use-day

All Other Species - \$6.90/client use-day

Sport Fishing - \$2.75/client use-day

River/Floating - \$2.75/client use-day

Photography/Birding/Other - \$2.75/client use-day

The regional office will issue an adjustment to fees every three years (next adjustment in 2013) which will be based on the Implicit Price Deflator Index (IPDI). The IPDI is compiled each year by the Department of Commerce and is published in February as part of the *Economic Report of the President* for Congress.

#### Administration

A non-refundable \$100 administrative fee will be charged upon issuance of the special use permit. Permit holders will be required to obtain special use permits from each refuge in which they operate, and full fees will be collected by each refuge. Client use-day fees will be based on actual client use-days and will be in addition to the \$100 administrative fee. A "client use-day" shall be defined as one calendar day (24 hours), or portion thereof, for each client using the refuge.

The permit holder is responsible for record keeping and reporting the actual number of use-days to the refuge manager and shall be required to report actual use within 30 days of the end of each authorized use period (December 31 of each year), unless otherwise stated in the permit. The refuge manager is responsible for computing the actual fees owed and issuing a bill for collection to each permit holder within 30 days of receipt of the use report. Permit holders are responsible for paying the fees within 30 days after receipt of the bill for collection. A permit holder may not be issued a new special use permit nor will his/her existing permit be valid to operate on the refuge until all fees have been paid. Special use permits issued for several year terms may be revoked during the term of the permit if annual fees are not paid within the required 30-day period.

This permit may be immediately revoked as the result of successful administrative appeals by other applicants who were denied the privilege of receiving a permit in accordance with 50 CFR 36.41 (b).

## **Justification**

Recreational hunting has been found to be compatible with the purposes of the Selawik refuge and with the National Wildlife Refuge System Mission. Commercial big game guiding and outfitting services are necessary for some citizens to enjoy wildlife-dependent recreation. These commercial services support not only hunting, but also other activities including wildlife observation and photography, which are priority public uses of National Wildlife Refuges. Many people not living in Alaska would most likely not be able to hunt on the Selawik refuge if commercial guiding were not allowed.

Requirements placed on commercial hunting guides by the Service through the original selection process and the terms of special use permits and regulations of the State of Alaska ensure that these commercial operators provide safe, high-quality experiences for their clients and other users. These operations can help the refuge achieve its purposes of protecting fish and wildlife resources and meeting legal requirements to provide compatible opportunities for the public to use and enjoy these resources. After fully considering the impacts of this activity, as described previously in the "Anticipated Impacts" section of this document, it's my determination that commercially guided recreational big game hunting activities on the refuge do not materially interfere with or detract from the purposes of the refuge or mission of the National Wildlife Refuge System.

## **Supporting Documents**

Bouffard, S. 1982. Wildlife values versus human recreation: Ruby Lake National Wildlife Refuge Transactions of the North American Wildlife and Natural Resources Conference 47: 553-558.

Calef, G. W., E. A. DeBock, and G. M. Lortie. 1976. The reaction of barren-ground caribou to aircraft. *Arctic* 29(4): 201-212.

Ward, D. H., R. A. Stehn, D. V. Derksen. 1994. Response of staging brant to disturbance at the Izembek Lagoon, Alaska. *Wildlife Society Bulletin* 22: 220-228.

U. S. Fish and Wildlife Service. 1987. Selawik National Wildlife Refuge Final Comprehensive Conservation Plan, Wilderness Review and Environmental Impact Statement. U. S. Fish and Wildlife Service, Anchorage, Alaska. 378 pp.

U. S. Fish and Wildlife Service. 1987. Record of Decision: Selawik National Wildlife Refuge Comprehensive Conservation Plan, Environmental Impact Statement, Wilderness Review, and Wild River Plan. U. S. Fish and Wildlife Service, Anchorage, Alaska. 15 pp.

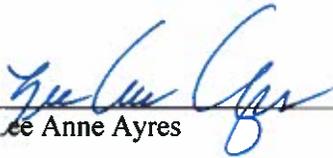
U. S. Fish and Wildlife Service. 2010. Draft Revised Comprehensive Conservation Plan and Environmental Assessment. Selawik National Wildlife Refuge. U.S. Fish and Wildlife Service, Anchorage, AK. 285 pp (plus ten appendices).

U. S. Fish and Wildlife Service. 2011. Final Revised Comprehensive Conservation Plan. Selawik National Wildlife Refuge. U.S. Fish and Wildlife Service, Anchorage, AK.

U. S. Fish and Wildlife Service. 2011. Decision and Finding of No Significant Impact: Environmental Assessment: Revised Comprehensive Conservation Plan. Selawik National Wildlife Refuge. U.S. Fish and Wildlife Service, Anchorage, AK. 5 pp.

**Refuge Determination**

Refuge Manager/  
Project Leader Approval:

  
\_\_\_\_\_  
Lee Anne Ayres

14 July 2011  
Date

**Concurrence**

Regional Chief  
National Wildlife  
Refuge System:

  
\_\_\_\_\_  
Mitch Ellis

7-20-2011  
Date

**Mandatory 10-Year Re-evaluation Date: 2021**

**NEPA Compliance for Refuge Use Decision**

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

