

Compatibility Determination

Use: Scientific Research

Primary Uses: Research, inventory and monitoring

Supporting and Incidental Uses: Fixed-wing aircraft landings, helicopter landings (subject to Minimum Requirements Analysis before landing in the Selawik Wilderness Area), boating (motorized and non-motorized), snowmobiling, environmental education and interpretation (not conducted by refuge staff or authorized agents), fishing, firewood cutting, trapping, natural resource gathering, camping, cross-country skiing, hiking and backpacking, wildlife photography, videography and audio recording, snorkeling and scuba diving, snowshoeing, scientific collecting, and wildlife observation.

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 the full spectrum of uses associated with the scientific research and inventory and monitoring of fish, wildlife, habitat, and other resources on refuge lands. Scientific research may occur on the refuge throughout the year and employ a wide spectrum of methods from many disciplines of science.

This compatibility determination includes all means of access, lodging and facilities, and other uses identified in research proposals and protocols. Equipment for sampling may include both hand-powered and motorized instruments (tools). Logistical support for research activities may include temporary camps with tents, tent frames, spike camps, weather ports, removable floors, existing administrative cabins, satellite communication systems, human waste management, and temporary fuel and supply caches.

Potential means of access include fixed-wing aircraft, helicopter, motor boats, non-motorized boats, hiking, snowshoeing, dog sled, snowmobiles (providing there is adequate snow cover), and cross-country skiing. Requests for access by helicopter are anticipated and will be considered on a case-by-case basis with regard to refuge purposes. Helicopter use in designated wilderness areas is subject to the minimum requirements decision process used by the Service.

When justified to collect important data not otherwise available, lethal sampling may be allowed. All applicable State and Federal permits must be obtained prior to the start of lethal sampling. Any scientific research activity that involves an invasive procedure or that harms or materially alters the behavior of an animal under study must be reviewed and approved by a recognized Institutional Animal Care and Use Committee pursuant to the Animal Welfare Act before implementing field work.

All scientific research on the refuge requires a special use permit with stipulations to ensure compatibility. Since 1980, the refuge has issued one to four scientific permits annually to academic institutions, other Federal agencies, and environmental consulting firms employed by agencies or native corporations with lands within the refuge boundary. Researchers are required to minimize impacts to natural resources, refuge visitors, residents of communities in and near the refuge, and other users of refuge lands, and to minimize negative encounters with wildlife. As a stipulation in their permit, researchers are encouraged, and in some cases required, to communicate research activities and findings to refuge staff, communities near the refuge, and the public.

The scope of this compatibility determination includes research conducted by all agencies or entities other than the Service. Scientific research done by the Service is a refuge management activity and thus is exempt from the compatibility determination process. Regulations at 50 CFR 25.12 define refuge management activities as any activity conducted by the Service or a Service-authorized agent to fulfill one or more purposes of the refuge or to meet the mission of the National Wildlife Refuge System. Service-authorized agents include contractors, cooperating agencies, cooperating associates, refuge support groups, and volunteers.

Availability of Resources

Adequate refuge personnel and base operational funds are available to manage research activities at existing and projected levels. Administrative staff time primarily involves phone

conversations, written correspondence, proposal review, and interaction with researchers and potentially effected publics. Field work associated with administering the program primarily involves monitoring researchers' compliance with the terms of the permit. Total staff time required is less than 15 days per year.

Anticipated Impacts of Uses

Many factors will affect the extent of impacts from individual research projects. These factors include targeted resources, number of researchers, methods, duration and frequency of sampling activities, timing of field work in relation to subsistence activities on the refuge, transportation modes, fuel storage, garbage and human waste management, and type and location of lodging. Research activities require a special use permit from the refuge, which will contain provisions to minimize or avoid impacts on fish, wildlife, and plant resources, and on other refuge users. However, some minor impacts are unavoidable.

Some research projects may require or result in some fish or wildlife mortality. Temporary displacement and/or disturbance to fish and wildlife can occur during sampling efforts, motorized boat use, airplane takeoffs and landings, use of snowmachines, helicopters, and at campsites or other areas of concentrated human activities. There are no known long-term impacts to refuge fish and wildlife populations from such disturbance, and such impacts can be minimized by permit stipulation. Some research activities entail excavation and/or collection of soils and plant materials, which result in localized disturbances. The introduction of invasive species carried on boats, aircraft floats, or field supplies could affect resources on refuge lands. There have been no known invasive species introductions on Selawik refuge, and refuge staff will be vigilant to prevent future occurrences.

Frequency of this activity may rise in the next 10 years as interest in arctic and subarctic ecosystems and global climate change increases. Overall, scientific research and associated activities should have only minor impacts on the fish, wildlife, and other resources (e.g., water quality, soil, and vegetation), and on other refuge users, including subsistence users, because of the limited scope of such activities and the administrative scrutiny that the refuge maintains over such uses through the permitting process.

Public Review and Comment

Public comments were solicited concurrently with the revision of the Selawik National Wildlife Refuge's Comprehensive Conservation Plan and Environmental Assessment (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.

We received no comments on the draft of this compatibility determination. However, a few reviewers suggested that the comprehensive plan recognize climate change and its effects on resources on refuge lands and the need for further studies on this topic.

Refuge Determination (check one below)

- Use is not compatible
 Use is compatible

Stipulations Necessary to Ensure Compatibility

Refuge staff will monitor all research being conducted on the refuge. Findings from monitoring will be used to determine what additional management actions, if any, are needed to ensure research activities remain compatible with refuge purposes.

A special use permit with stipulations is required for some scientific research on Selawik refuge. The permit includes details of the specific research. Typical special use permit stipulations are described here, some of which are necessary for compatibility. Site-specific special use conditions related to maintenance of defensible space will be incorporated into permits on a case-by-case basis. Other project-specific stipulations may be included in individual permits.

Researchers will be required to submit investigation plans or proposals, annual activity reports, and copies of publications resulting from the research. Proposed research and investigation plans for research on the refuge are expected to be peer reviewed. The type and level of review should be commensurate with the potential significance of the scientific information and its likely influence on policy and management actions.

Continued monitoring of all authorized research activities will be carried out to ensure compliance with specific terms and conditions tailored for each research project's permit and to ensure that the permit holder is following general conditions that are incorporated into all research permits to minimize impacts to resources on refuge lands.

**SPECIAL USE PERMIT CONDITIONS FOR CONDUCTING SCIENTIFIC RESEARCH
AT SELAWIK REFUGE**

1. This permit is valid only on Selawik refuge lands and will be considered void if permission is not granted by adjacent private landowners and native village corporations.
2. Some activities may not be permitted in certain areas and/or during some sensitive time periods. Area closures and effective dates may be modified by the refuge manager as needed. Specific authorization to use localities within special areas may sometimes be obtained on a case-by-case basis, depending on the location of animal concentrations, high public use areas, access routes, proposed activity, and land management designation (i.e., wilderness, wild river, etc.).
3. The permit holder is responsible for ensuring that all employees, party members, contractors, aircraft pilots, and any persons working for the permit holder and conducting activities allowed by this permit are familiar with and adhere to the conditions of this permit.
4. Prior to beginning activities allowed by this permit, the permit holder shall provide the refuge manager with (1) the name and method of contact for the field party chief and/or supervisor; (2) the aircraft and other vehicle types to be used, including identification information; (3) names of research assistants, volunteers, and other helpers; and (4) any changes to information provided in the original permit application.
5. Prior to implementing field work, the permit holder must provide documentation that activities that involve an invasive procedure that harms or materially alters the behavior of an animal under study have been reviewed and approved by an Institutional Animal

Care and Use Committee (IACUC) pursuant to the Animal Welfare Act. Approval of research methods and protocols used with refuge visitors or other human subjects must be obtained by a university Human Subjects Review Board or similar entity before data collection begins.

6. The permit holder or his/her designee shall notify the refuge manager during refuge working hours in person or by telephone before beginning and upon completing activities allowed by this permit.
7. This permit does not grant the permit holder and his/her employees or coworkers exclusive use of the site(s) or lands covered by the permit.
8. This permit may be canceled or revised at any time by the refuge manager for noncompliance or in case of emergency (e.g., high fire danger, flooding, unusual resource problems, etc.).
9. Any problems with wildlife and/or animals taken in defense of life or property must be reported immediately to the refuge manager and the Alaska Department of Fish and Game, and animals taken must be salvaged in accordance with State regulations.
10. In accordance with the Archaeological Resources Protection Act (16 U.S.C. 470aa), the removal or disturbance of archaeological or historical artifacts is prohibited. The excavation, disturbance, collection, or purchase of historical, ethnological, or archaeological specimens or artifacts is prohibited.
11. Permit holders shall maintain their research sites and camps 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 research activities.
12. The construction of landing strips or pads is prohibited. Clearing vegetation for aircraft landing or takeoff areas is also prohibited. Incidental hand removal of rocks and other minor obstructions may be permitted.
13. The use of off-road vehicles (except snowmobiles with adequate snow cover) is prohibited unless specifically authorized in writing in this permit.
14. 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.
15. The use of helicopters may be authorized for the direct support of the research activity covered by this permit and emergencies (no recreational use of helicopters is permitted), and no clearing of vegetation for landing and/or takeoff is permitted. Use of a helicopter in the Selawik Wilderness Area is subject to the Minimum Requirements Analysis process used by the Service.
16. Fuel caches are allowed only in designated areas and must be approved by the refuge manager or his/her designate prior to caches being established. If caches are established, fuel containers must be clearly marked with the permit holder's name, address, local contact telephone number, and type of fuel.
17. Construction of cabins or other permanent structures is prohibited.
18. Any action by a permit holder or the permit holder's employees that unduly interferes with or harasses other refuge visitors or impedes access to any site is strictly prohibited.
19. The permit holder shall provide the refuge manager with a report of activities under this permit within 30 days of permit expiration.

20. All information, reports, photos, data, collections, and observations obtained as a result of this permit must be accessible from the permit holder at any time upon request by the Service at no cost unless specific arrangements are made to the contrary. The Service recognizes the proprietary nature of scientific data and will respect the researcher's privileged position regarding first publication within a reasonable and agreed upon time frame. These data may be used in resource management decisions by the Service prior to their publication, however. Proprietary data of commercial value will be treated confidentially upon request but may also be used in management decisions.
21. You may use specimens collected under this permit, any components of any specimens (including natural organisms, enzymes, genetic materials, or seeds), and research results derived from collected specimens for scientific or educational purposes only and not for commercial purposes unless you have entered into a Cooperative Research and Development Agreement (CRADA) with the Service. We prohibit the sale of collected research specimens or other transfers to third parties. Breach of any of the terms of this permit will be grounds for revocation of this permit and denial of future permits. Furthermore, if you sell or otherwise transfer collected specimens, any components thereof, or any products or research results developed from such specimens or their components without a CRADA, you will pay us a royalty rate of 20 percent of gross revenue from such sales. In addition to such royalty, we may seek other damages and injunctive relief against you.
22. The refuge manager, upon request, shall be afforded the opportunity and logistical support from the nearest commercial transportation site to accompany the permit holder for the purpose of inspection and monitoring permit holder activities. A final inspection trip provided by the permit holder of the areas of use may be required by the refuge manager to determine compliance with the terms of this permit.
23. Failure to abide by any part of this special use permit; violation of any refuge related provision in titles 43 (part 36) or 50 (subchapters B and C) Code of Federal Regulations; or violation 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 50 CFR 36.41.

Justification

Section 101 of ANILCA states, in part, the intent of Congress to maintain opportunities for scientific research on conservation system units, including National Wildlife Refuges. The U. S. Fish and Wildlife Service supports research as described in the Refuge Manual (4 RM 6.1), which states:

“Natural and social science information is necessary for the proper management of the National Wildlife Refuge System. It is the policy of the Service to encourage and support research and management studies in order to provide scientific data upon which decisions regarding management of units of the refuge system may be based. The Service will also permit the use of a refuge for other investigatory scientific purposes when such use is compatible with the objectives for which the refuge is managed. Priority will be given to studies that contribute to the enhancement, protection, use, preservation, and management of native wildlife populations and their habitats in their natural diversity.”

The refuge manager also may permit the use of a refuge for other investigatory purposes when such use is compatible with the purposes for which the refuge is managed. Priority will be given to studies that contribute to the enhancement, protection, use, conservation, and management of native wildlife populations and their habitats in their natural diversity. All proposed research conducted by other agencies or entities will be thoroughly evaluated prior to authorization and then monitored closely to ensure that the activities do not materially interfere with or detract from the purposes of the refuge or the mission of the National Wildlife Refuge System.

Scientific investigations of wildlife, other natural resources, and social interactions will support the refuge's ability to provide for wildlife-dependent priority public uses and meet other refuge purposes. These investigations must be conducted safely. After fully considering the impacts of this activity, as described previously in the "Anticipated Impacts of the Use" section of this document, it is my determination that scientific research activities within 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

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. Service Manual. No date. U.S. Fish and Wildlife Service, Washington D.C. Accessed February 4, 2010 at <http://www.fws.gov/policy/manuals/>.

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.

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