

DRAFT COMPATIBILITY DETERMINATION

Use: Cabins

This compatibility determination is a reevaluation of an existing public use. The following refuge use is considered in this compatibility determination:

- Cabins – Constructing, maintaining, or using cabins authorized under special use permit or maintained by the refuge to facilitate public use or safety.

Supporting Uses: The following non-recreational activities may occur in support of or in conjunction with the use of cabins: audio recording; boating – human-powered, motorized, and wind-driven; camping; cross-country skiing; disease management; dog sledding & ski touring; fixed-wing aircraft use; fuel caches; hiking and backpacking; photography and videography; electronics use; scientific capture/release or collection – plants, fish, birds, mammals, insects, rocks, etc.; snowmobile use; snowshoeing; subsistence; surveys – scientific inventory and monitoring; swimming and beach use; trapping; tree harvest – firewood; and wildlife observation.

Refuge Name: Yukon Flats National Wildlife Refuge, Fairbanks, Alaska

Establishing and Acquisition Authority

In 1978, President Jimmy Carter established the 10.6 million-acre Yukon Flats National Wildlife Monument with Presidential Proclamation 4627. The monument was established from lands in the public domain. In 1980, the Alaska National Interest Lands Conservation Act (ANILCA) (Section 302) adjusted the boundary to 8.6 million acres, and established the Yukon Flats National Wildlife Refuge (Yukon Flats NWR) as part of the National Wildlife Refuge System.

Refuge Purposes

ANILCA sets out purposes for each refuge in Alaska. The purposes of the Yukon Flats NWR as described in Section 302(9)(B), include:

- to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited to, canvasbacks and other migratory birds, Dall sheep, bears, moose, wolves, wolverines and other furbearers, caribou (including participation in coordinated ecological studies and management of the Porcupine and Fortymile caribou herds) and salmon
- to fulfill the international treaty obligations of the United States with respect to fish and wildlife and their habitats
- to provide, in a manner consistent with the purposes set forth above, the opportunity for continued subsistence uses by local residents
- to ensure, to the maximum extent practicable and in a manner consistent with the purposes set forth above, water quality and necessary water quantity within the refuge.

National Wildlife Refuge System Mission

The mission of the 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 USC 668dd-668ee]).

Description of Use

The seasonal occupation, maintenance, construction and existence of small, single-dwelling structures (private and government-owned) by the public on the Yukon Flats NWR are the subject of this review. This activity facilitates subsistence by rural residents and trapping by rural and non-rural residents. Use of these sites is seasonal, and year-round occupation is not allowed. Moreover, pursuant to ANILCA, cabins constructed for private recreational uses are not allowed. Currently, there are nineteen permits issued for the use of thirty-eight cabins on the refuge. All construction, maintenance and use of cabin sites are regulated by special use permit and 50 CFR § 36.33. The refuge manager authorizes cabin permittees to perform tree thinning or removal around cabins for fire protection, and occasionally a permit may be issued to harvest standing white spruce (or collect downed trees) for cabin construction or rehabilitation.

Cabins are used by subsistence users and trappers as shelter and as a base for their activities. Small (often elevated) sheds or caches are often associated with cabins. Caches are used to store food and other supplies out of reach of animals. The building materials are normally native materials such as white spruce poles and sod. The cabins are single-story dwellings with dimensions averaging 10 ft by 12 ft while the caches are normally 10 ft off the ground and about 6 ft by 6 ft. Cabin site locations vary, but most subsistence cabins are next to rivers or lakes while trapping cabins (typically in a series along a trap line) may or may not be associated with water bodies. Separate compatibility determinations for cabin construction proposals that differ significantly from the physical attributes described above, or activities that may be associated with cabin use (such as, camping, motorized transportation, natural resource collection, non-motorized transportation, scientific research, subsistence, and trapping) will be prepared by the refuge manager.

The scope of this determination includes cabin use conducted by all agencies or entities other than the Service. Government-owned cabins for the exclusive use of the Service and its partners are referred to as administrative cabins. Cabin use that is part of a collaborative effort or part of a cooperative effort with the U.S. Fish and Wildlife Service is not subject to a formal compatibility determination.¹

¹ Administrative cabins and their use by the Service is a refuge management activity, and is thus exempt from the compatibility determination process. 50 CFR 25.12 defines refuge management activities as any activity conducted by the Service or a Service-authorized agent to fulfill one or more purposes of the national wildlife refuge, or the National Wildlife Refuge System Mission. Service-authorized agents include contractors, cooperating agencies, cooperating associations, refuge support groups, and volunteers.

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Specific means of access will be authorized in each special use permit. Common methods of access for cabin use include motorboats, fixed-wing aircraft, snowmachines, and occasionally human-powered boats, dog sleds, hiking, snowshoeing, and cross-country skiing. Requests for access by helicopter are rare, and would be considered on a case-by-case basis with regard to refuge purposes.

Availability of Resources

Adequate refuge personnel and base operational funds are available to manage this activity at existing levels. Annual staff time (approximately forty staff days) primarily involves phone conversations, written correspondence, proposal reviews, permit issuance, and entering activity information into a database. Field work associated with administering the program primarily involves monitoring permittee compliance with the terms of the permit. An additional demand to manage this use is fire protection. Each year, the Service and Alaska Fire Service monitor fires on the refuge, and smokejumpers may be placed at a cabin site to protect the cabin from a wildland fire.

Anticipated Impacts of the Use

The majority of cabins and caches have been in existence for over twenty years, and subsequently some are falling to ruin. This trend has led to infrequent requests to construct a new cabin. New cabin construction often requires up to one-hundred white spruce logs. The source of these logs is site-specific, and varies between downed timber, drift logs and standing, green logs. A special use permit with specific stipulations is required for both the harvest of logs from the refuge, and the construction of the cabin (also see 50 CFR 36.15).

Minor maintenance activity includes tree pruning and thinning around cabin sites for fire protection. Thinning is based upon the Alaska Wildland Fire Coordinating Group, *Firewise* program standards (see recommendations below).

The construction, maintenance and use of subsistence and trapping cabins at current levels, in accordance with established Federal regulations, is not having significant long-term adverse impacts to natural resources. Frequency of this activity may rise in the next ten years as visitation, and/or access to the refuge increases, and the number of local residents rises. This could lead to requests for more localized standing tree harvest. However, this is very speculative. Because of refuge administrative oversight of the activity, the continuation of this activity should have minimal impacts on fish and wildlife resources, other refuge resources, or other refuge users. In our opinion, impacts to natural resources from this activity at present levels are minimal.

Public Review and Comment

Public involvement for this document includes: a public notice in the *Fairbanks Daily News Miner*; posting the draft on the Service's Alaska Region compatibility determination Web site, <http://alaska.fws.gov/nwr/planning/index.htm>; posting a notice

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of availability at the Refuge headquarters in Fairbanks; and a 30-day public comment period.

Copies will be mailed or e-mailed upon request. Comments must be received by the refuge headquarters within the 30-day comment period to receive timely consideration. The period of public review and comment will commence on 16 April 2007, and end 16 May 2007.

Please send comments to:

U.S. Fish and Wildlife Service
Yukon Flats National Wildlife Refuge
Attn: Compatibility Determination Comments
101 12th Avenue, Room 264, Box 14
Fairbanks, Alaska 99701
(907)456-0440
(907)456-0447 (fax)
yukonflats@fws.gov

If you e-mail comments, please place the words, “Compatibility Comments,” in the subject line and your comments in the body of the text. Please do not include attachments because they will not be opened due to the potential of computer viruses.

Determination

Use is Not Compatible

Use is Compatible

Stipulations Necessary to Ensure Compatibility

Refuge staff will monitor all public use activities being conducted on the refuge. Findings from these monitoring efforts will be used to determine what additional management actions, if any, are needed to ensure that activities remain compatible with refuge purposes. Monitoring of all authorized activities will be continued to ensure compliance with specific terms and conditions tailored for each special use permit as well as with the following general conditions that are incorporated into all permits to minimize impacts on refuge lands and resources. (Note, the stipulations for special use permits may be updated to comply with new regional policy or the Record of Decision for the Comprehensive Conservation Plan when it is revised.)

- Failure to abide by any part of this special use permit; violation of any refuge related provision in Titles 43 (Part 36) or 50 Code of Federal Regulations (CFR) (sub-chapters B and C); or violation of any pertinent state regulation (e.g., fish or game) 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

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by the Service. This provision applies to all persons working under the authority of this permit. Appeals of decisions relative to permits are handled in accordance with 50 CFR 36.41.

- The permittee is responsible for ensuring that all employees, party members, aircraft pilots and other persons working for the permittee and conducting activities allowed by this permit are familiar with and adhere to the conditions of this permit.
- Any problems with wildlife and/or animals taken in defense of life or property must be reported immediately to the refuge manager and Alaska Department of Fish and Game, and be salvaged in accordance with state regulations.
- This permit does not grant the permittee and his/her primary users exclusive use of the site(s) or lands covered by the permit.
- All non-combustible waste materials must be removed at least annually from the refuge (not buried) upon the permittee's departure and/or guests' departure. The permittee is responsible for removal of guests' garbage. The areas around the cabin will be kept clean and free of trash, human waste, and discarded animal parts. Food, garbage, or other materials will not be kept so as to attract bears or other wildlife.
- Permittees 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 permittee must be removed from refuge lands within ninety days upon completion or revocation of permitted activities, and the surrounding grounds must be left in a neat, clean, and orderly condition. If the permittee does not abide by these conditions, he/she will be liable for the cost of the removal of property and/or restoration of the site.
- This permit may be canceled or revised at any time by the refuge manager due to high fire danger, flooding, unusual resource problems, or other significant problems or emergencies.
- The permittee or his/her primary users shall notify the refuge manager during refuge working hours in person or by telephone before beginning and upon completing activities allowed by this permit.
- Before beginning activities allowed by this permit, the permittee shall provide the refuge manager with: (1) the name and method of contact for the field party chief/supervisor; (2) the aircraft and other vehicle types to be used, including identification information; (3) names of assistants and helpers; and (4) any changes to information provided in the original permit application.

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- In accordance with the Archaeological Resources Protection Act (16 USC 470aa), the removal, excavation, disturbance, collection, or purchase of historical, recent, ethnological, or archaeological specimens or artifacts is prohibited.
- The use of off-road vehicles (except snow machines) is prohibited.
- 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 maintain a minimum altitude of 2000 feet above ground level, except during take-off and landing, and when safety considerations require a lower altitude.
- The use of helicopters is not authorized.
- Fuel caches are allowed only in designated areas, must be identified on a US Geological Survey map (or map photocopy), and submitted in writing for approval by the refuge manager before they are established. Storage will meet standards of US Fish and Wildlife Service-Alaska Region, Fuel Storage Policy.
- Any action by a permittee or the permittee's employees that unduly interferes with or harasses refuge visitors or impedes access to any site is strictly prohibited. Examples of prohibited acts include, but are not limited to: 1) parking aircraft or placing other objects (rocks, tents, etc.) on any area so as to restrict use by other aircraft; 2) otherwise intentionally interfering in the activity of other refuge users; and 3) engaging in activity that is contrary to state and federal laws.
- The permit is for refuge lands only. This permit does not authorize use of private lands such as land owned by Alaska Native Claims Settlement Act Native regional and village corporations, individuals or the State of Alaska.
- The permittee will take no action that interferes with subsistence activities of rural users or restricts the reasonable access of subsistence users to refuge lands. This may include, but is not limited to, disturbance of wildlife and their movements near subsistence hunters, and damage to cabins, trails, traditional campsites or caches used by subsistence users.
- The permittee will be responsible for reporting any fires arising from these activities and will immediately notify the Alaska Fire Service and the Fish and Wildlife Service.
- An annual report of cabin use activities conducted on the refuge shall be provided to the refuge manager within thirty days of the end of the seasonal use period. This information will be incorporated into the refuge's public use database to document trends in the distribution and type of public use on the refuge.
- The construction of landing strips or pads is prohibited. Incidental hand removal of rocks and other minor obstructions may be permitted.

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- Construction of new cabins or other permanent structures is prohibited, unless specifically approved in writing by the refuge manager. 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.
- Subject to available suppression resources, all permitted cabins structures, and/or related facilities may be protected by Alaska Fire Service from wildfire to the extent possible. Human safety will receive the highest priority consideration by land managers and fire suppression personnel. The permittee is encouraged to create and maintain defensible space for fire protection as recommended by the Alaska Wildland Fire Coordinating Group, *Firewise* program. (A copy of these recommendations is provided with this permit.) Specifically, all structures should be maintained by the following standards:
 - Zone 1** (within 30 feet of the structure)
 - no trees or branches within 10 feet;
 - no dead trees within 30 feet;
 - no black spruce within 30 feet;
 - Zone 2** (30 to 100 feet of the structure)
 - no wood piles or burn barrels within 60 feet;
 - all trees are free of branches between ground level and 8 feet;
 - stands of black spruce will be thinned upon consultation with the refuge fire management officer; and
 - Zone 3** (100 to 200 feet of the structure)
 - stands of black spruce will be thinned upon consultation with the refuge fire management officer.
- The cutting or girdling of live trees (greater than 3 inches in diameter) is prohibited except those trees that should be removed to maintain defensible space as described above. The gathering of dead or downed timber for firewood is allowed anytime.
- The permittee agrees to vacate the cabin and related structures, and remove all personal property within one year of non-renewal or revocation of this permit, and will leave the surrounding grounds in a neat, clean and orderly condition. If the permittee fails to remove all such property within one year, the permittee will be liable for the cost of its removal and restoration of the site.
- For existing cabins, as recognized by 50 CFR § 36.33, the permittee acknowledges that he/she has no interest in the land on which the cabin(s) and related structures are located. In addition, for new cabins, as recognized by 50 CFR § 36.33, the permittee acknowledges that he/she also has neither legal interest in the cabin and related structures, nor in the land on which the cabin(s) and related structures are located. The granting of this permit in no way implies that the permittee has exclusive use of local lands, resources, or privileges beyond those

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specifically stated in this permit.

- The US Fish and Wildlife Service assumes no liability in the event of fire, vandalism, property damage, theft, or injury occurring at the cabin site, or in the exercise of privileges authorized by this permit.
- The use of the cabin(s) is authorized for trapping, commercial fishing, big game guiding services, and or subsistence-related activities. Use of cabins for other purposes, including recreation, is prohibited and will result in revocation of the permit. The permittee must notify the refuge manager of any proposed or on-going changes in use or cabin users.
- The permittee is required to post a copy of this permit on the outside (or inside by the door) of the cabin covered by this permit.
- This permit may be renewed, upon request, every five years until the death of the last immediate family member of the original claimant. There are no guarantees for rights of succession beyond the immediate family of the original claimant.
- The permit may be revoked at any time if, on the basis of substantial evidence in the administrative record as a whole, the uses under this permit have caused or may cause significant damage to the principle purposes for which the refuge area was established, or that the permittee has violated the conditions of the permit.
- This permit may be canceled or revised at any time by the refuge manager to protect refuge resources.
- This permit is not marketable or transferable. The permittee will provide and abide by the list of approved occupants.

Depending on the specific circumstances, additional special conditions may be applied to the special use permit. These include but are not limited to:

- Some activities may not be permitted in certain areas and/or during some sensitive time periods (e.g., raptor nesting 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 route, proposed activity, etc.

Justification

The regulated use of cabins in support of traditional ongoing activities like subsistence, trapping, certain commercial operations, and public safety is a use that Congress intended to preserve with the enactment of ANILCA (Section 1303). Cabins can facilitate some traditional activities by providing the public with a safe base of operations. After fully considering the impacts of this activity, as described in the anticipated impacts section, it is my determination that cabins, at current

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levels, do not materially interfere with or detract from the fulfillment of the National Wildlife Refuge System mission or the purposes for which the Yukon Flats National Wildlife Refuge was established.

Mandatory 10-Year Reevaluation Date (provide month and year for allowed uses only): May 2017.

This compatibility determination is a reevaluation of an existing use that facilitates wildlife-dependent, priority public uses and other refuge uses. The use is not recognized as a priority public use of the Refuge System, and after an opportunity for public comment, must be reevaluated if conditions under which the use is permitted change significantly or if there is significant new information regarding the effects of the use, but not less frequently than every ten years.

NEPA Compliance for Refuge Use Decision

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

Supporting Documents

- Alaska National Interest Lands Conservation Act of 1980 (as amended)
- Alaska Native Claims Settlement Act of 1971 (as amended)
- Alaska Region Fuel Storage Policy, US Fish and Wildlife Service, 1997
- Archaeological Resources Protection Act of 1979 (as amended)
- Compatibility Determination, Subsistence Cabins, 23 July 1994.
- Compatibility Determination, Trapline Cabins, 23 July 1994.
- Compatibility Determination, Uses (includes timber harvest, natural resource collection, trapping, subsistence activities, aircraft landings, and snowmachine use) allowed by the 1987 Yukon Flats NWR Comprehensive Conservation Plan, 19 July 1994
- Comprehensive Conservation Plan, Environmental Impact Statement and Wilderness Review, Yukon Flats NWR, 29 December 1987
- Environmental Assessment for the Policy on Commercial Big-Game Guide-Outfitters and Transporters on National Wildlife Refuges in Alaska, 22 May 1992
- Finding of No Significant Impact, Environmental Assessment for the Policy on Commercial Big Game Guide-Outfitters and Transporters on National Wildlife Refuges in Alaska, 9 June 1992
- National Wildlife Refuge System Administration Act of 1966 (as amended)
- Refuge Manual, US Fish and Wildlife Service, 12 March 1982
- River Management Plan – Beaver Creek Wild River, December 1983

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- Section 810 (ANILCA) Evaluations (Concessions and Civilian Aircraft Landings), Yukon Flats National Wildlife Refuge, 23 July 1994
- Section 810 (ANILCA) Evaluations (Subsistence Cabins and Trapping Cabins), Yukon Flats National Wildlife Refuge, 2004
- Subsistence Management for Federal Public Lands in Alaska, Final Environmental Impact Statement, Record of Decision signed 2 April 1992

Refuge Determination

Refuge Manager/
Project Leader Approval:

_____ (Signature) _____ (Date)

Regional Chief,
National Wildlife
Refuge System:

_____ (Signature) _____ (Date)