

## **DRAFT COMPATIBILITY DETERMINATION**

### **Use:** Commercial Guiding and Outfitting

The following refuge uses are considered in this compatibility determination:

- Fishing (guiding and outfitting) – commercial guiding and outfitting of sport anglers (including provision of access to fishing areas)
- Hunting (guiding and outfitting for waterfowl, big and small game) – commercial guiding and outfitting of hunters pursuing waterfowl, big and small game species (including provision of access to hunting areas); and
- Recreational (other than fishing and hunting) – commercial guiding and outfitting of refuge visitors for wildlife observation, photography, environmental education and environmental interpretation.

**Supporting Uses:** The following activities are often done in support of or in conjunction with commercial guiding and outfitting: boating – human-powered, motorized, and wind-driven; cabin use; camping; cross-country skiing; dog sledding & ski touring; fixed-wing aircraft use; fuel caches; hiking and backpacking; photography and videography; snowmobile use; snowshoeing; swimming and beach use; 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 System).

### **Refuge Purposes**

ANILCA sets out the 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

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- 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 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 USC 668dd-668ee]).

### **Description of Uses**

Commercial guiding and outfitting services have been and would continue to be common activities on the refuge. These activities would occur at all times of the year, but mostly in the spring, summer and fall. Guiding and outfitting are commonly done in small groups of 2-12 people, on or near areas of convenient access such as river banks or lake shorelines. These activities typically involve wildlife-dependent recreation and the supporting uses listed above.

This activity is regulated by the refuge, and requires a special use permit. Currently two big-game hunting guides are limited to separate guide use areas within the refuge: one each in the eastern and western portions of the refuge. Their operations result in roughly 100 to 150 client use days per year. There are no guides specializing in fishing, nor have there been any in the past ten years. However, we have permitted hunting guides to take clients fishing. Over the past ten years, there have been a few recreational guide/outfitters permitted on the refuge.

#### Fishing

Guiding and outfitting anglers is not a common refuge use. However, the use would be associated with large lakes or major waterways like Beaver Creek, Sheenjek and Yukon rivers during the months of June through September. This use is currently allowed with a special use permit. For the purposes of this compatibility determination, the guiding and outfitting of anglers following all state and federal fishing regulations is under consideration.

#### Hunting

Guided and outfitted hunting of grizzly and black bears, moose, waterfowl, and/or small game is covered by this compatibility determination. This use is often associated with large lakes or major waterways like Birch Creek and Sheenjek River during the months of May and September. This use is currently allowed with a special use permit. For the purposes of this compatibility determination, the guiding and outfitting of hunters following all state and federal hunting regulations is under consideration.

#### Recreational

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Guiding and outfitting other recreational activities is not common; nonetheless it may occur on major waterways like the Porcupine and Yukon rivers during the months of June through September. This use is currently allowed with a special use permit. For the purposes of this compatibility determination, the guiding and outfitting of refuge visitors for wildlife viewing, photography, environmental education and interpretation is under consideration.

This compatibility determination addresses the predominant uses normally associated with guiding and outfitting of hunters, anglers and other recreationalists on the refuge. Guiding and outfitting that substantially differs in scope and purpose from the activities covered by this compatibility determination will require a separate determination for compatibility.

### **Availability of Resources**

Adequate refuge personnel and base operational funds are available to manage this activity at perceived levels. Currently, staff time is moderate (no more than twenty staff days), and primarily involves phone conversations and written correspondence about permits, proposal reviews, permit issuance, collecting client use-day fees, entering activity information into a database, and monitoring use to ensure compatibility.

### **Anticipated Impacts of the Use(s)**

Guiding and outfitting at current levels, in accordance with established state and federal regulations, does not appear to be resulting in significant long-term adverse impacts to refuge resources. The Refuge has limited the number of big game hunting guide permits to two (in separate areas of the Refuge) and this limit is not expected to change. Other types of guiding on the Refuge are not common, but could increase over the next ten years. Factors such as focal area(s), number of participants, length of stay, fuel storage, garbage and human waste management, type and location of shelters, and type of access will determine the extent of impacts on the refuge. This could lead to more concentrated activity and result in damage to vegetation or user conflicts at popular camping sites. If information indicates impacts are increasing, guiding and outfitting may be reevaluated for compatibility. 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 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

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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 12<sup>th</sup> Avenue, Room 264, Box 14  
Fairbanks, Alaska 99701  
(907)456-0440  
(907)456-0447 (fax)  
[yukonflats@fws.gov](mailto: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 guiding and outfitting uses on the refuge. These monitoring results will determine what additional management actions, if any, are needed to ensure that these activities remain compatible with refuge purposes. Monitoring all authorized guiding and outfitting activities will ensure compliance with the specific terms and conditions tailored for each special use permit, as well as with the following general conditions that are incorporated into all guiding and outfitting use permits to minimize impacts on refuge lands and resources and conflicts with refuge visitors. (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 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.

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- 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 clients' exclusive use of the site(s) or lands covered by the permit.
- 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 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.
- 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.
- 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

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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.

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.
- An annual report of guiding and outfitting activities conducted on the refuge shall be provided to the refuge manager within thirty days of the permit expiration (a form will be provided).

### **Justification**

This compatibility determination is a reevaluation of an existing use that facilitates the following wildlife-dependent priority public uses: hunting, fishing, wildlife viewing, wildlife photography, and environmental education and interpretation. These are activities recognized in the National Wildlife Refuge System Administration Act as priority public uses. Moreover, the Act provides that when wildlife dependent recreational uses are found to be compatible, the use “should be facilitated.” After fully considering the impacts of this activity, as described previously in the anticipated impacts section, it is my determination that this activity does 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.

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Guiding and outfitting are not recognized as priority public uses 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.

**Mandatory 10-Year Reevaluation Date:** May 2017

### 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

- Compatibility Determination, Uses (includes guiding and outfitting) allowed by the 1987 Yukon Flats National Wildlife Refuge Comprehensive Conservation Plan, 19 July 1994
- Comprehensive Conservation Plan, Environmental Impact Statement and Wilderness Review, Yukon Flats NWR, 29 December 1987
- Alaska National Interest Lands Conservation Act of 1980 (as amended)
- River Management Plan – Beaver Creek Wild River, December 1983
- Final Wild and Scenic River Study and Environmental Impact Statement for the Lower Sheenjek, September 1999
- National Wildlife Refuge System Administration Act of 1966 (as amended)
- Refuge Annual Narrative, Yukon Flats NWR, 2002
- 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.
- Subsistence Management for Federal Public Lands in Alaska, Final Environmental Impact Statement, Record of Decision signed 2 April 1992.
- Compatibility Determination and ANILCA Section 810 Evaluations, Concessions and Civilian Aircraft Landings, Yukon Flats National Wildlife Refuge, 23 July 1994.

### Refuge Determination

Refuge Manager /

Project Leader Approval: \_\_\_\_\_

(Signature)

(Date)

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NWR

Regional Chief,  
National Wildlife  
Refuge System:

\_\_\_\_\_

(Signature)

(Date)