DRAFT COMPATIBILITY DETERMINATION

Use: Cabins

This compatibility determination is a reevaluation of 13 existing subsistence and trapping cabins. Renewal of permits for the following existing cabins is considered in this compatibility determination:

Permit #1217-C1-Kisken-YF

- BVR-009: located on the upper fork of the Hodzana River near the confluence of Mudd Fork; cabin dimensions 20 ft. x 11 ft., log construction with a sod roof; associated structures: cache and outhouse.
- BVR-012: located on a small, unnamed lake in the NW corner of Section 5, T 19N R4W, Fairbanks Meridian; cabin dimensions 10 ft. x 10 ft.; partially collapsed log structure for which the permit-holder uses canvas as a roof; no associated structures.

Permit #1217-C8-Adams-YF

- BVR-018: located at Shallow Lake and Beaver Creek, main cabin, dimensions 18 ft. x 18 ft.; log construction with sod roof; associated structures: 3 caches
- BVR-019: located at Shallow Lake and Beaver Creek, storage cabin, dimensions 14 ft. x 16 ft., log construction with sod roof; no associated structures.
- BVR-015: located on Jefferson Creek, line cabin; log construction with sod roof; no associated structures.
- BVR-016: located on east side of Jefferson Creek, line cabin; log structure with sod roof; no associated structures.

Permit #1217-C3-Mattie-YF

- CIR-001 located on north side of unnamed lake approximately 5 miles east of Burman Lake, cabin dimensions 12 ft. x 16 ft.; frame construction with metal roof; associated structures: outhouse.
- FY-021: located on north side of lake, south of Burman Lake; cabin dimensions 12 ft. x 12 ft.; log construction with sod roof; associated structures: cache, outhouse, dog houses.

Permit #1217-C2-Herbert-YF

- FY-004: located on north bank of Black River approximately 3.3 miles from Porcupine River; cabin dimensions 16 ft. x 16 ft.; log construction; associated structures: outhouse, fish rack, cache.

Permit #1217-C5-Firmin-YF

- FY-001: located on west side of small lake (Sheenjek River) in SE ¼ Section 9, T24N, R16E; cabin dimensions 16 ft. x 16 ft.; log construction with sod roof; associated structures: 2 caches.
- FY-002: located two miles north of Galley Lake on east side of Sheenjek River; cabin dimensions 10 ft. x 10 ft. , log construction with sod roof; no associated structures.

- FY-003: located four miles south of Galley Lake on west side of Porcupine River; cabin dimensions 14 ft. x 16 ft.; log construction with sod roof; associated structures: 2 caches.

Permit #1217-C6-Henry-YF

- BVR-014: located southeast bank of Marten Slough approximately ¾ air mile NE of Big Lake; cabin dimensions 14 ft. x 14 ft.; log construction; no associated structures.

Supporting Uses: The following 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 jouring; 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

The Yukon Flats National Wildlife Refuge (Refuge) was established on December 2, 1980 when Congress passed the Alaska National Interest Lands Conservation Act (ANILCA).

Refuge Purposes

Section 302 of ANILCA sets forth purposes for which the Refuge was established and shall be managed to include:

(i) 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;

(ii) to fulfill the international treaty obligations of the United States with respect to fish and wildlife and their habitats;

(iii) to provide, in a manner consistent with 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.

National Wildlife Refuge System Mission

The mission of the National Wildlife Refuge System (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]).

As also defined by the National Wildlife Refuge System Administration Act of 1966, as amended (16 U.S.C. 668dd-668ee), wildlife-dependent uses involving hunting, fishing, wildlife observation, photography, interpretation, and education, when compatible, are legitimate and appropriate uses of the Refuge System.

Description of Use

The seasonal use, occupation, and maintenance, of 13 small, single-dwelling structures by rural and non-rural permit-holders on the Yukon Flats National Wildlife Refuge (Refuge) are the subject of this review. These cabins facilitate subsistence activities by rural residents and trapping by rural and non-rural residents. Use of these cabins is seasonal; year-round occupation is not allowed. These 13 cabins, held under 6 permits, represent approximately 30 percent of the permitted cabins on the Refuge. All maintenance and use of cabins are regulated by special use permit and 50 CFR § 36.33. The Refuge Manager authorizes cabin permit-holders to perform tree thinning or removal around cabins for fire protection. Occasionally a separate special use permit may be issued to harvest standing white spruce (or collect downed trees) for cabin rehabilitation.

Cabins are used by subsistence users and trappers as shelter and as a base for their activities. As indicated above, some cabins have associated structures. Caches are used to store food and other supplies out of reach of animals. Subsistence cabin locations are typically 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.

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 the reason for this uncommon method of access.

Availability of Resources

Adequate Refuge personnel and base operational funds are available to manage this activity at existing levels. Annual staff time 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

Each cabin and associated structures have been in existence for many years, often over twenty years. The special use permits issued for subsistence or trapping use do not allow year-round occupation. If the cabin falls into ruin, construction of a new cabin would require a separate special use permit and a new compatibility determination. The source of construction 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 the cabin site for fire protection. Thinning is based upon the Alaska Wildland Fire Coordinating Group *Firewise* program standards (see recommendations below).

The maintenance and use of these cabins at the current level, in accordance with established Federal regulations, is not having significant long-term adverse impacts to natural resources. Because of Refuge administrative oversight of the activity, continuing to use these cabins should have minimal impacts on fish and wildlife resources, other Refuge resources, or other Refuge users. In our opinion, impacts to natural resources from using the cabins at the current level are minimal.

Public Review and Comment

Public comments were solicited for this compatibility determination through an advertisement in the *Fairbanks Daily News Miner* that appeared on March 13, 2012 posting the draft on the Service's Alaska Region compatibility determination Web site, sending a notice the regions compatibility email list, and posting a notice of availability at the Refuge headquarters in Fairbanks. The 14-day public comment period was March 14, 2012 through March 28, 2012.

We received two comments on the draft compatibility determination. One reviewer noted inconsistencies in time-frames within two stipulations, and an incorrect review date. Both reviewers noted inconsistencies between the *Firewise* guidelines and tree cutting stipulation. These inconsistencies were corrected. One reviewer requested removal of the off-road vehicle stipulation. We disagreed with this request because off-road vehicle use is prohibited on Refuge lands under 43 CFR 36.11.

Determination

_____Use is Not Compatible

__X__ Use is Compatible

Stipulations Necessary to Ensure Compatibility

- 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; or violation of any pertinent state regulation (e.g., fish or game violation) will, with due process, be considered grounds for 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 Code of Federal Regulations Part 36.41.

- The permittee is responsible for ensuring that all employees, party members, contractors, aircraft pilots, and any 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 problem 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 must be salvaged in accordance with State regulations.
- The permittee and permittee's guests do not have the exclusive use of site(s) or lands covered by this permit.
- In accordance with the Archaeological Resources Protection Act (16 U.S.C. 470aa), the removal or disturbance of archaeological or historical sites and the removal of artifacts is prohibited. The excavation, disturbance, collection, of historical, recent, ethnological, or archaeological specimens or artifacts is prohibited.
- 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 of the permittee must be removed from Refuge lands within one year 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.
- The construction of landing strips or pads is prohibited. Incidental hand removal of rocks and other minor obstructions may be permitted.
- The use of off-road vehicles (except snow machines) is prohibited except in designated areas.
- The operation of aircraft at altitudes and in flight paths resulting in the herding, harassment, hazing, and driving of wildlife is prohibited. It is recommended that all aircraft, except for take off and landing, maintain a minimum altitude of 2,000 feet above ground level (AGL).
- The use of helicopters is prohibited under this special use permit.
- Fuel caches are allowed only in designated areas. Containers shall be properly stored and marked with the owner's name, address and type of fuel, and held within appropriate containment.
- 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.

- The Service does not guarantee protection of a permitted cabin or its contents in the event of fire. Public and firefighter safety is the first priority in wildland fire activities and decisions. Firefighter safety will not be compromised for structure protection. **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 can be provided upon request.) General guidelines are as follows:
    - **Zone 1** (within 30 feet of the structure)
        - no trees or branches within 10 feet of the structure;
        - no dead trees within 30 feet of the structure;
        - no black spruce within 30 feet of the structure;
        - no wood piles or burn barrels within 30 feet of the structure;
    - **Zone 2** (30 to 100 feet of the structure)
        - all trees are free of branches between ground level and 8 feet;
        - stands of black spruce may be thinned upon consultation with the Refuge Fire Management Officer; and
    - **Zone 3** (100 to 200 feet of the structure)
        - stands of black spruce may be thinned upon consultation with the Refuge Fire Management Officer.
- This permit may be canceled or revised at any time by the Refuge Manager to protect Refuge resources.
- The cutting or girdling of live trees further than 100 feet from the structure that are greater than 3 inches in diameter is prohibited without prior approval of the Refuge Manager. 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.
- The permittee acknowledges that he/she has no interest 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 specifically stated in this permit.
- The 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 and or subsistence related activities. Use of cabins for other purposes 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 reminded that: a person who has been airborne may not use a

firearm to take or assist in taking a wolf or wolverine until after 3:00 a.m. on the day following the day in which the flying occurred; this paragraph does not apply to a trapper using a firearm to dispatch an animal caught in a trap or snare.

- 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.
- For non-commercial cabins (e.g., trapping, subsistence), upon the death of the original permittee, a qualifying family member is entitled to renew the permit for use of the cabin. To qualify, an immediate family member must have been listed on the original permit as having resided in the cabin. The permit will be renewed or reissued until the death of the last qualifying immediate family member of the original permittee, unless the permit has been revoked or the cabin abandoned.
- Revocation of the permit may be executed 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.
- For existing/privately owned cabins - the permittee must notify the Refuge Manager with intentions of selling the cabin and provide the name and contact information of the person purchasing the cabin.
- This permit is not marketable or transferable.
- The permittee must provide the exact location and photos of the cabin to the Refuge Manager when applying or renewing a permit. The location must be one of the following methods: latitude and longitude coordinates, UTM coordinates, or a U.S. Geological Survey topographic map.

Justification

The regulated use of cabins in support of traditional ongoing activities like subsistence activities and trapping is a use that Congress intended to preserve with the enactment of ANILCA (Section 1303). Cabins can facilitate some traditional activities by providing users 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 continued use of these 13 cabins, at current levels, 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. Authorizing the subsistence cabins helps the refuge meet its purpose of providing the opportunity for continued subsistence uses by local residents. In addition, permitting trapping cabins for non-rural residents allows for the continuation of this ongoing traditional activity, when compatible with Refuge purposes, as provided for in ANILCA.

Mandatory 10-Year Reevaluation Date: May 2022.

This compatibility determination is a reevaluation of 13 existing cabins as mandated by the Region 7 Policy for Management of Permitted Cabins of National Wildlife Refuges in Alaska. Cabin use is not recognized as a priority public use of the Refuge System; however, cabin use facilitates hunting and fishing (priority uses) by rural subsistence users, and trapping (wildlife dependent use, though not identified

as a priority public use) by rural and non-rural trappers. After an opportunity for public comment, cabins 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
__X__ Environmental Impact Statement and Record of Decision (1987 CCP & EIS)

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
- 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

Acting Refuge Manager/
Project Leader Approval: Lennona L. Braun (Signature) 30 March 2012 (Date)

acting Regional Chief,
National Wildlife
Refuge System: (Signature) 3 April 2012 (Date)