



United States Department of the Interior

FISH AND WILDLIFE SERVICE

PUBLIC NOTICE

July 14, 2003

The Refuge Manager of Alaska Maritime National Wildlife Refuge is preparing a compatibility determination for the proposed construction of a small hydroelectric plant on Chuniisax Creek at Atka, Alaska and is inviting public comments. In this compatibility determination the refuge manager will evaluate how the construction and associated operating impacts of this project will affect adjacent refuge lands, located approximately 4 miles from the project site. Lower Chuniisax Creek is a known salmon stream and the proposed project would alter stream flows and other habitat components, affecting fish habitat. Mitigation is proposed to offset these impacts. Construction is expected to begin in August or September 2003. The characteristics of the project are defined in the report *Hydroelectric Feasibility Study and Preliminary Design for the City of Atka, November 1996*. For more information about the report or the project, contact polarconsult alaska, inc. at 907-258-2420.

Public comments must be in writing and received at the refuge headquarters by August 8, 2003 to be considered. Both U.S. Mail and email comments will be accepted. The final compatibility determination on this use should be available August 15, 2003. Copies can be obtained from the Refuge Manager. Anyone providing comments will be notified of the final compatibility determination and provided a copy of the final compatibility determination.

Because the project occurs on lands that have been conveyed to the Atxam Native Corporation with patent restrictions imposed by Section 22(g) of the Alaska Native Claims Settlement Act (ANCSA), a refuge compatibility determination is required. This determination will only evaluate the effects of the project on the adjacent refuge lands and focus on how the project would effect the ability of the refuge to achieve its purposes.

We invite the public to provide relevant information and express their views on whether or not this project will materially interfere with or detract from refuge's ability to meet its mandated purposes. Refuge purposes include: conserving fish and wildlife populations and habitats in their natural diversity; fulfilling international treaty obligations with respect to fish and wildlife and their habitats; providing the opportunity for continued subsistence uses by local residents; providing a program of national and international scientific research on marine resources; and ensuring water quality and necessary water quantity within the refuge. The 1997 National Wildlife Refuge System Improvement Act requires the refuge manager to determine whether any proposed or existing public use will "materially interfere with or detract from" the refuge's conservation mandates before it is permitted or allowed to continue.

These lands were once refuge lands that were deeded to Alaska Native Village Corporations under the provisions of the Alaska Native Claims Settlement Act Section 22(g) with specific restrictions, called covenants, on their use "...such lands remain subject to the laws and regulations governing use and development of such Refuge." When making compatibility determinations on 22(g) lands refuge managers focus on how the impacts of the proposed use would affect adjacent refuge lands and the degree that the proposed use would materially interfere with the refuge's ability to achieve its legally mandated purposes. This is the fundamental protection provided to the parent refuges from the effects of uses of 22(g) lands that Congress provided in Section 22(g) of ANCSA.

For more information or to provide comments, by August 8, 2003, contact: Refuge Manager, Alaska Maritime National Wildlife Refuge, 2355 Kachemak Bay Drive, Suite 101, Homer, AK 99603; (907) 235-6546; or by email to alaskamaritime@fws.gov.