

Compatibility Determination

Uses: recreational fishing, big game hunting, other migratory bird hunting, upland game hunting, waterfowl hunting, snowmobiles, boating (non-motorized), camping, dogsledding, firewood cutting, wildlife photography, powerboats, civilian aircraft landings, environmental education, berry/fruit/nut picking, subsistence hunting, subsistence trapping, subsistence fishing, and subsistence gathering.

Station Name: Yukon Delta National Wildlife Refuge

Date Established: On December 2, 1980, President Jimmy Carter signed the Alaska National Interest Lands Conservation Act (ANILCA). With enactment of ANILCA, the refuge was established.

Establishing and Acquisition Authority: Alaska National Interest Lands Conservation Act, Public Law 96-487, (94 Stat. 2371).

Purpose(s) for which Established: Section 303 (7) (B) of ANILCA set forth the following major purposes for which the Yukon Delta Refuge was established:

(i) to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited to, shorebirds, seabirds, whistling (tundra) swans, emperor, white-fronted and Canada geese, black brant and other migratory birds, salmon, muskox, and marine mammals;

(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 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 paragraph (i), water quality and necessary water quantity within the refuge.

In addition to the purposes identified above, ANILCA identifies two items which must be considered in managing the refuge. Section 303(7) (C) states that "Subject to such reasonable regulations as the Secretary may prescribe, reindeer grazing, including necessary facilities and equipment, shall be permitted within areas where such use is, and in a manner which is, compatible with the purposes of this refuge."

Section 303(7) (D) also requires that "Subject to reasonable regulation, the Secretary shall administer the refuge so as to not impede the passage of navigation and access by boat on the Yukon and Kuskokwim Rivers."

Applicable laws, regulations, and policies: Sections of ANILCA other than those delineating the specific refuge purposes are applicable in making this compatibility determination. Section 304 required that comprehensive conservation plans be prepared and revised periodically for each refuge. Each plan was required to specify the uses within each area which may be compatible with the major purposes of the refuge and set forth those opportunities which will be provided within the refuge for fish and wildlife-oriented recreation if such recreation is compatible with the purposes of each refuge. The following uses were identified as a permitted activity (subject to reasonable stipulations) in the Yukon Delta NWR Comprehensive Conservation Plan: subsistence hunting, fishing, trapping, and berry picking; house log and firewood collection; nonmotorized access; pack animals; motorboats (excluding airboats and air-cushion boats); fixed-wing airplanes; snowmobiles; sport hunting, fishing and trapping; primitive camping, wildlife observation; and interpretation and environmental education.

Section 802 states, "It is hereby declared to be the policy of Congress that -

(1) consistent with sound management principles, and the conservation of healthy populations of fish and wildlife, the utilization of the public lands in Alaska is to cause the least adverse impact possible on rural residents who depend upon subsistence uses of the resources of such lands; consistent with management of fish and wildlife in accordance with recognized scientific principals and the purposes for each unit established, designated, or expanded by or pursuant to titles II through VII of this Act, the purpose of this title is to provide the opportunity for rural residents engaged in a subsistence way of life to do so;

(2) nonwasteful subsistence uses of fish and wildlife and other renewable resources shall be the priority consumptive uses of all such resources on the public lands of Alaska when it is necessary to restrict taking in order to assure the continued viability of a fish or wildlife population or the continuation of subsistence uses of such population, the taking of such population for nonwasteful subsistence uses shall be given preference on the public lands over other consumptive uses;...."

Section 1316(a) states "On all public lands where the taking of fish and wildlife is permitted in accordance with the provisions of this Act or other applicable State and Federal law the Secretary shall permit, subject to reasonable regulation to insure compatibility, the continuance of existing uses, and the future establishment, and use, of temporary campsites, tent platforms, shelters, and other temporary facilities and equipment directly and necessarily related to such activities."

Section 1316(b) states "Notwithstanding the foregoing provisions, the Secretary may determine, after adequate notice, that the establishment and use of such new facilities or equipment would constitute a significant expansion of existing facilities or uses which would be detrimental to the purposes for which the affected conservation system unit was established, including the wilderness character of any wilderness area within such unit, and may thereupon deny such proposed use or establishment."

Other applicable laws, regulations, and policies include:

A. Laws: Refuge Administration Act, Refuge Recreation Act, Wilderness Act, Wild and Scenic Rivers Act, National Environmental Policy Act, Migratory Bird Treaty Acts.

B. Regulations: 50 CFR Subchapter C - The National Wildlife Refuge System; 50 CFR Part 36 - Alaska National Wildlife Refuges (specifically 36.12, 36.13, 36.14, 36.15, 36.31, 36.32, 36.34, 36.36, Subpart B and Subpart E).

C. Policies: 5 RM 20 - Compatibility Determination; RW-21 - Compatibility Determinations; RW-7 - Special Use Permits; RW-23 Interim Management of State and Native Selected Lands.

Description of Use: The subject uses are fully described in the station's comprehensive conservation plan (1988). In summary, subsistence's various uses and sport hunting comprise the majority of public use on the refuge. Other recreational uses are a relatively minor component of the refuge public use program. Other types of recreational use found on the refuge include camping, sport fishing and rafting.

Anticipated Impacts on Refuge Purposes(s): The anticipated impacts of the subject uses are comprehensively addressed in the station's comprehensive conservation plan. Refuge habitats will remain largely unaffected by continuation of subject uses as outlined in the comprehensive conservation plan. Anticipated and unanticipated impacts to resident fish and wildlife populations and subsistence opportunities can be mitigated through further restriction on methods, means, and seasons of harvest and bag limits by the Alaska Board of Fisheries and Game and the Federal Subsistence Board, or through subsequent revisions of the comprehensive conservation plan. Likewise, impacts related to availability of anadromous fish, particularly salmon, and migratory birds would be mitigated through the Alaska Board of Fisheries and/or the Federal Subsistence Board allocation process and through federal regulations. In summary, the subject uses will not materially interfere with or detract from the purposes for which Yukon Delta Refuge was established.

Determination:

This use is compatible X This use is not compatible

The following stipulations are required to ensure compatibility:
The subject uses continue to occur at current or lesser levels.

Justification: Ensuring the continuation of subsistence and recreational uses was clearly the intent of Congress providing that such uses are compatible. Title 1 of ANILCA, Section 1(b), states, "It is the intent of Congress that this Act ... preserve wilderness resource values and related recreational opportunities including but not limited to hiking, canoeing, fishing, and sport hunting." The public use activities being considered herein will not detract from or materially interfere with the purposes for which the Yukon Delta National Wildlife Refuge was established.

NEPA Compliance:

Categorical Exclusion _____
Environmental Assessment _____
Environmental Impact Statement 1988, 1992
Finding of No Significant Impact _____

ANILCA Section 810 Compliance: Overall 810 evaluations were included in the final comprehensive conservation plans and specific 810 evaluations are completed for each special use permit.

Supporting documents:

1) Yukon Delta National Wildlife Refuge, Comprehensive Conservation Plan, Environmental Impact Statement, Wilderness review, Wild River Plan, Final. Record of Decision signed April 13, 1988.

2) Subsistence Management for Federal Public Lands in Alaska, Final Environmental Impact Statement, Record of Decision signed April 2, 1992.

Project Leader: Vernis W. Dyer Date 8-25-94

Review and Concurrence: _____ Date _____

Date _____