

Public Use Management Plan Issues Addressed in the Proposed Rule

Relevant issues identified through the public involvement activities discussed above and addressed in the draft and final public use management plan and these proposed regulations are outlined below.

1. Off-Road Vehicles (ORVs): Should additional ORV use be allowed on the refuge complex or are additional limits needed on ORV use on the refuge complex? Motor vehicle use, including ORVs, had occurred historically in some areas and on some trails in the refuge complex.

2. Guided and Non-Guided Use: Should the number of guided and/or non-guided users and/or the length of time they are allowed to stay at one location be limited to protect important refuge complex resources or to reduce conflicts between user groups?

3. Temporary Facilities: Are additional temporary facilities (especially tent platforms) needed? How should temporary facility applications be evaluated? How should temporary facilities be managed?

Public Comments Received on the Draft Public Use Management Plan

The draft public use management plan was released for public review March 1, 1993. Over 1,000 notices of availability were mailed to persons on the refuge complex mailing list; notices were also sent to all post office box holders in the 12 refuge complex area communities. Approximately 500 copies of the plan were distributed. Public workshops were held in Anchorage, Chignik Bay, Chignik Lagoon, Chignik Lake, Egegik, Ivanof Bay, Kodiak, Naknek, Perryville, Pilot Point, Port Heiden, and South Naknek during March and April of 1993. One hundred thirty-four people signed-in at these workshops. Public comments were documented at each of the workshops.

Public comments were accepted until June 30, 1993. Forty-seven written responses were received: 34 from individuals, four from the guiding industry, four from Native corporations/organizations, two from conservation organizations, and three from state or local government. Twenty-nine of the comments were from the Alaska Peninsula/Bristol Bay area, six from other parts of Alaska and 12 from other states. The vast majority of public comments were from Alaskans, predominately those residing within or near the refuge complex. All public comments (workshop and written) were used to develop the final public use management plan.

Comments relative to the proposed regulations are summarized below: (1) Off-Road Vehicles (ORVs): The greatest number of comments addressed ORV use. The overwhelming majority of comments supported the continued use of ORVs for subsistence. Some opposed ORV use and several recognized that they could be destructive. One suggested allowing ORV use only on established trails. Local residents provided detailed information about where and when they use ORVs for subsistence activities.

The State objected to the Service determining, independently and without study, what access to allow or prohibit. They recommended a cooperative State and Service study to document traditional subsistence access prior to any limits being placed on this access.

(2) Guided and Non-Guided Use: Some commented that guided visitors and perhaps non-guided visitors should be limited. Comments ranged from support for to opposition to camping limits. Those supporting camping limits suggested two days, seven days, and 10 days. Some questioned the need for a seven day camping limit in an area that is otherwise uncrowded. A guide organization said limits on camping in key areas should not be implemented until a specific and documentable problem is defined. Concerns about the cost of enforcing camping limits were expressed.

(3) Temporary Facilities: Several people suggested allowing temporary facilities; some said they should be allowed for local residents only. Those who said temporary facilities should be allowed said they should not be allowed in sensitive areas. One individual said that when tent frames are allowed, a property ownership atmosphere is created. Conservation groups and some individuals suggested the Service prohibit new temporary facilities. Conservation groups suggested removal of existing facilities that cause conflicts, eyesores, or concentrate use leading to adverse impacts on refuge complex values and resources.

The final public use management plan was prepared considering these public comments. The preferred alternative for ORV use was changed to allow the continued subsistence use of ORVs throughout the refuge complex while proposed regulations limit the weight of these vehicles to protect refuge complex soils and vegetation. Additional details about ORVs appear in the section by section analysis which follows.

Statutory Authority

The National Wildlife Refuge System Administration Act of 1966, (16 U.S.C. 668dd-668ee) authorizes the Secretary of the Interior to permit and regulate the use of any area within the National Wildlife Refuge System for any purpose whenever it is determined that such uses are compatible with the major purposes for which such area was established.

The Refuge Recreation Act of 1962 (16 U.S.C. 460k-460k-4) authorizes the Secretary of the Interior to administer national wildlife refuges for public recreation as an appropriate incidental or secondary use when such use does not interfere with the primary purposes for which the area was established.

The Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.) Section 304(b) emphasizes the authority of the Secretary of the Interior to prescribe such regulations as necessary to ensure the compatibility of uses with refuge purposes. Section 811 states that the Secretary of the Interior "shall permit * * * appropriate use for subsistence purposes of snowmobiles, motorboats, and other means of surface transportation traditionally employed for such purposes by local residents, subject to reasonable regulations [emphasis added]." Section 1316 states, in part, " * * * the Secretary shall permit, subject to reasonable regulations to ensure 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 * * * 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."

Executive Order 11644, "Use of Off-road Vehicles on the Public Lands," February 8, 1972, (37 FR 2877) called for each agency to establish regulations addressing off-road vehicle use. "These regulations shall be directed at protecting resource values, preserving public health, safety, and welfare, and minimizing use conflicts." The Order also states, " * * * trails shall be located in * * * National Wildlife Refuges and Game Ranges only if the * * * agency head determines that off-road vehicle