

Public Notice

November 7, 2003

The refuge manager of the Yukon Delta National Wildlife Refuge is preparing a compatibility determination for the Alaska Department of Transportation feasibility study of a new road to be constructed on Nelson Island connecting the villages of Toksook Bay, Tununak, and Nightmute. This compatibility determination is for the field investigation of the feasibility study and not for the construction of the road. The proposed study will require the drilling of 50 to 70 test holes using a track mounted B 24 drilling unit. The test holes will be drilled with a 4" auger with depths varying from 5 to 30 feet and spaced approximately ½ mile apart along the proposed road alignment. Standpipes may be placed for monitoring water levels and ground temperature where appropriate. All test holes will be back filled upon completion of the project and affected areas will be left in a "clean and presentable condition." You may contact Linda Mathis, Right of Way Agent with Alaska Department of Transportation at (907) 269-0706 for more information.

Because the project occurs on lands that were originally conveyed to multiple Native Corporations on Nelson Island with patent restrictions imposed by Section 22(g) of the Alaska Native Claims Settlement Act (ANSCA), 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 affect 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 residence; and ensuring water quality and necessary water quality 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. All compatibility determinations must be made in writing and follow uniform procedures that include providing notice to the public and inviting comment on pending determinations.

The final compatibility determination on this use should be available November 14, 2003. Copies can be obtained from the refuge manager. Anyone providing comment will be notified of the final compatibility determination and provided a copy of the final compatibility determination.

In 1971, Congress enacted ANCSA to settle aboriginal land claims of Alaska's Natives by providing land and money in exchange for extinguishments of their land claims. Section 22(g) of the Act made National Wildlife Refuge lands available for selection by

Native Village Corporations, but contained a provision that "...such lands remain subject to the laws and regulations governing use and development of such Refuge." This means that the refuge laws and regulations requiring that we determine the compatibility of proposed refuge uses applies to the village lands in national wildlife refuges in Alaska withdrawn under Section 22(g) of ANSCA. These "22(g)" lands were deeded to multiple Native Corporations on Nelson Island with specific restrictions, called covenants, on their sale and use. On 22(g) lands refuge managers focus their compatibility determination 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 November 14, 2003, contact: Refuge Manager, Yukon Delta NWR, PO Box 346, Bethel, Alaska 99559; (907)543-3151; or by e-mail to michael_rearden@fws.gov.