

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 36**

RIN 1018-AD30

Public Use Regulations for the Alaska Peninsula/Becharof National Wildlife Refuge Complex**AGENCY:** Fish and Wildlife Service, Interior.**ACTION:** Proposed rule.

SUMMARY: The Fish and Wildlife Service (Service) proposes regulations to implement portions of the "Alaska Peninsula/Becharof National Wildlife Refuge Complex Public Use Management Plan." The proposed rulemaking would allow the Service to manage public uses by adopting regulations addressing off-road vehicles, camping, and temporary facilities. The regulations will provide for continued public use of the refuge complex while protecting refuge resources and resolving conflicts between refuge users.

DATES: Written comments, suggestions, or objections will be accepted until September 15, 1995.

ADDRESSES: Assistant Regional Director—Refuges and Wildlife, U.S. Fish and Wildlife Service, Attention: Bob Stevens, 1011 East Tudor Road, Anchorage, AK 99503.

FOR FURTHER INFORMATION CONTACT: Ronald E. Hood, Refuge Manager, Alaska Peninsula/Becharof National Wildlife Refuge Complex, P.O. Box 277, King Salmon, AK 99613, telephone: (907) 246-3339; or Bob Stevens, Public Involvement Specialist, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, AK 99503, telephone: (907) 786-3499.

SUPPLEMENTARY INFORMATION:**Background**

The Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3101 et seq.) was signed into law on December 2, 1980. The broad purpose of this law is to provide for the disposition and use of a variety of Federally owned lands in Alaska. Section 302 of ANILCA established Alaska Peninsula and Becharof National Wildlife Refuges (NWRs) and Section 303 of ANILCA expanded Alaska Maritime National Wildlife NWR. ANILCA states that the purposes for which Alaska Maritime, Alaska Peninsula and Becharof NWRs were established and shall be managed include:

(A) Alaska Maritime Refuge * * * to conserve fish and wildlife populations and

habitats in their natural diversity including, but not limited to marine mammals, marine birds and other migratory birds, the marine resources upon which they rely, bears, caribou and other mammals;

(B) Alaska Peninsula Refuge * * * to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited to, brown bears, the Alaska Peninsula caribou herd, moose, sea otters and other marine mammals, shorebirds and other migratory birds, raptors, including bald eagles and peregrine falcons, and salmonids and other fish;

(C) Becharof Refuge * * * (i) to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited to, brown bears, salmon, migratory birds, the Alaskan Peninsula caribou herd, and marine birds and 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[s].

In 1987, the Service decided to manage the Ugashik and Chignik units of the Alaska Peninsula NWR, the Seal Cape area of the Alaska Maritime NWR and the Becharof NWR as a "complex." These units share a contiguous boundary and common resources and resource issues. Legislation to formalize the "complex" has been drafted. The Public Use Management Plan, and the proposed regulations cover the Ugashik and Chignik Units of Alaska Peninsula NWR, the Seal Cape area of the Alaska Maritime NWR, and Becharof NWR.

Refuge Planning

Section 304(g) of ANILCA directs the Secretary of Interior to prepare a comprehensive conservation plan (comprehensive plan) for each national wildlife refuge in Alaska. The Alaska Maritime NWR comprehensive plan was completed in 1988; the Alaska Peninsula NWR comprehensive plan was completed in 1987; and the Becharof NWR comprehensive plan was completed in 1985. A number of public use management issues were identified and resolved in the comprehensive plans. Other issues involving public use of the refuges were identified as needing more thorough investigation. These issues were addressed in the Public Use Management Plan (public use plan) approved in May 1994.

Public involvement was an important part of the public use management planning process. In February 1989 a citizen participation plan was approved and initiated. The plan specified that

public involvement activities were to occur during the winter months when most rural Alaskans and other interested citizens would be available.

On March 1, 1989, a letter announcing the start of the planning process was sent to each address on the mailing list as well as to each box holder/general delivery recipient in the refuge complex area. That letter was followed by two workbooks which were sent to those people indicating a desire to be a planning participant. Each workbook was also followed by a newsletter summarizing comments from the workbooks.

In December of 1989, 12 public workshops were held in local villages and in Anchorage and Kodiak addressing Workbook No. 2. Written responses on Workbook No. 2 were received from 80 people and 130 people attended the public workshops. Individuals accounted for almost two thirds of the written responses. Commercial operators, conservation organizations, and local and State governments represented the remainder.

Because of the Exxon Valdez oil spill, the refuge complex staff needed to devote extensive time and energy to projects related to that event. As a result the pace of the planning process slowed. A newsletter was mailed to all entries on the refuge complex mailing list in October 1992; it was also distributed within each community in the area of the refuge complex. The purpose of the newsletter was to bring the public up-to-date on the planning process and let people know that the draft plan would be released for public review during the winter of 1993. This newsletter summarized earlier efforts and identified key issues and proposed management alternatives.

Personal contacts were also made with over 50 interested citizens and group representatives to make certain they had received the newsletter and to determine if they had any major concerns about public use of the refuge complex that were not addressed in one or more of the preliminary alternatives. Comments were not formally solicited on the newsletter; however, 43 written comments were received.

These comments, previous comments, and analysis of the impacts of each preliminary alternative led to the construction of the preferred alternative identified in the draft public use management plan and environmental assessment which was released to the public for review on March 1, 1993.

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

use in such locations will not adversely affect their natural, aesthetic, or scenic values.”

Section-by-Section Analysis

Subsection 36.39(c)(1) states that the proposed regulations apply to the administratively established refuge complex consisting of Becharof NWR, the Seal Cape area of the Alaska Maritime NWR and the Ugashik and Chignik units of Alaska Peninsula NWR.

Subsection 36.39(c)(2) provides direction for management of off-road vehicles (ORVs) on the refuge complex. It begins by limiting the type and weight of ORVs authorized for subsistence use and on designated trails for general public use. It then designates three trails for general public ORV use. The final public use plan decision stated that the Service would also evaluate the use of airboats as off-road vehicles on the refuge complex. After additional research, it was determined that airboats have been used within refuge complex boundaries on waters that are probably navigable and thus managed by the State of Alaska. As long as this use continues at the present low level with no discernible effects on refuge complex resources there is no need for the refuge complex to attempt to regulate this airboat use. However, expansion of the use of airboats onto refuge complex lands and waters is likely to have significant adverse effects and therefore is not proposed to be allowed.

Subsection 36.39(c)(2)(i) proposes size and weight restrictions for general public and subsistence ORV use. These restrictions are proposed to address a number of public and resource concerns and are realistic to implement. The draft public use plan called for limiting subsistence use of ORVs to frozen water bodies and their adjacent non-vegetated shorelines. Other alternatives considered were: allowing subsistence ORV access with the same size and weight restrictions as proposed only when the ground is frozen; no ORV use; and certain designated winter trails.

In response to public comments received, field visits were made to sites where ORV use was known or reported to occur throughout the refuge complex. Photographs and narrative were used to document observed conditions. Off-refuge complex sites where heavy recreational ORV use was known to occur were also visited. Damage at these off-refuge complex sites was documented since similar damage could occur on the refuge complex if such use were permitted on the refuge complex.

The field review showed no significant ORV damage. In fact, no impacts could be detected in two areas

where the refuge manager had observed winter ORV use occurring and expected to find impacts. Upon review of the public comments, these new data, relevant scientific literature, and the requirements of 50 CFR 36.12 for managing subsistence use of ORVs, the Service concluded that the current level of ORV use is not “causing or is likely to cause an adverse impact on public health and safety, resource protection, protection of historic or scientific values, subsistence uses, . . . or other purposes for which the refuge was established.” (50 CFR 36.12(b)).

It was also determined, after review of available scientific literature, that the first impacts likely to occur from ORV use in the refuge complex would be clearly visible and easy to monitor from the air with existing staffing and funding. Therefore, the Regional Director decided that continued use of ORVs for subsistence on the refuge complex was appropriate.

The final public use plan limits ORV use to three- and four-wheel vehicles with a gross vehicle weight of 650 pounds or less. Three- and four-wheel ORVs are commonly used in refuge complex area communities. The rationale for limiting the weight and width by regulation is that from studies (Ahlstrand and Racine 1990, Racine and Ahlstrand 1991, Sinnott 1990) it appears that smaller vehicles cause less damage. Ground pressure would probably be a more reliable predictor of impacts, however, through contacting ORV dealers the Service found that this information is not available. Therefore, it was determined to limit the gross vehicle weight which is readily available to a purchaser of an ORV and can be easily measured. Limiting vehicle weight and limiting the types of vehicles to those commonly used in refuge complex area communities would pose no hardship on local residents yet continue to provide protection for refuge complex resources. It is recognized that many ORV users also tow small trailers to carry items that will not fit on the ORV. The staff determined that there did not appear to be any need to regulate the use of trailers and the regulations do not include trailers with the understanding that their use is not restricted. The size and weight of trailers will indirectly be affected by size and weight restrictions on the vehicles that tow them.

Subsection 36.39(c)(2)(ii) designates three trails for general public ORV use: Yantarni Bay Airstrip, Yantarni Bay Airstrip to beach trail, and Yantarni Bay Airstrip to oil well site trail. The Yantarni Bay Airstrip is an approximately one mile long by 250 foot

wide gravel landing strip located about six miles northeast of Yantarni Bay on the Pacific coast of the Alaska Peninsula. Constructed in the early 1980s for oil exploration, the airstrip provides access for wheeled aircraft to this rugged, remote coast. Public lands in this area were selected by the Afognak Native Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601–1624) prior to creation of the Alaska Peninsula NWR. These lands were relinquished to the refuge complex in 1994.

During the time the Yantarni Bay area lands were in private ownership, a sport fishing guide and several big game guide/outfitters began using the airstrip. Their operations included use of three- and four-wheeled ORVs to transport supplies and guests along the airstrip and the two connected trails. The connected trails are located on roads constructed for oil exploration. In the public use plan, it was decided to allow general public use of these ORV trails. Sport fishing, hunting, and guiding are all considered compatible uses of refuge complex lands and resources. As these trails are all located on constructed gravel roads, there is almost no potential for soil and resource damage with the current type of ORV use.

The trail to the oil well site allows hunters and others to get away from people at or near the airstrip. The trail to the beach is primarily used to transport anglers along the beach to fish at various nearby streams. The beach (below mean high tide) is owned by the State of Alaska and not subject to refuge complex regulations. The combined total distance of these trails is less than four miles. The beach to the airstrip trail is less than one-half mile long; the airstrip is approximately one mile long; and the airstrip to the oil well site trail is approximately one and one-half miles long.

Subsection 36.39(c)(2)(iii) allows subsistence use of ORVs to continue as authorized in 50 CFR 36.12(a) subject to the size and weight limitations of subsection 36.39(c)(2)(i).

Subsection 36.39(c)(3) addresses camping on the refuge complex. Subsection 36.39(c)(3)(i) clarifies that special use permits are required for campsite improvements that would remain after camping ceases. Temporary improvements, such as constructing fire rings, would be allowed under these regulations; but permanent improvements, such as leveling tent pads would not be allowed without a permit.

Subsection 36.39(c)(3)(ii) places limits on the length of time visitors may camp at one campsite at six specific locations

during the fall hunting season from August 1 through November 15, annually. All are popular camping areas during hunting season and conflicts were reported to have occurred between hunting parties using these areas. The camping limits were selected to ensure that no one party monopolizes a prime hunting area and that various members of the public can all have an opportunity to visit these locations. It is not likely to cause hardship to those users as the average fall hunting trip is seven days or less.

Camping limits do not apply to subsistence users at five of the six locations as reported conflicts have been between different parties of sport hunters or sport hunters and subsistence hunters. However, in the Big Creek area, conflicts have been reported among subsistence hunters. The area is located immediately adjacent to the two largest communities in the refuge complex area, Naknek and King Salmon. Most of the camping is by local residents. There is also substantial day-use by local residents engaged in subsistence activities along Big Creek.

Subsection 36.39(c)(4) addresses temporary facilities under authority of Section 1316 of ANILCA. Subsection 36.39(c)(4)(i) provides that temporary facilities shall be authorized by special use permits.

Under subsection 36.39(c)(4)(ii) new temporary facilities are prohibited within 1/4 mile of the Becharof Lake shoreline other than for subsistence or administrative purposes. Subsistence is a purpose of the refuge complex and having temporary camps located by others within this subsistence use area would have the potential to adversely affect subsistence activities of rural residents of the area. There are currently some sort of facilities, including abandoned structures which could be used in an emergency, located every few miles around the 100+ mile circumference of the lake.

Subsection 36.39(c)(4)(iii) closes five areas of the refuge complex to temporary facilities other than for administrative use. The Regional Director found in the public use plan that location of additional temporary facilities would be a significant expansion of existing facilities which would be detrimental to the purposes for which the unit [refuge complex] was established. The proposed closed areas already contain a number of facilities and receive relatively high levels of public use. It is unlikely that additional facilities would be necessary in these areas and their presence would potentially affect subsistence and general public access to and use of the

areas. The closed areas were designed to be the minimum necessary to meet refuge complex purposes.

Gertrude Lake is approximately one mile long and the entire shoreline is clearly visible from any place along the lake. Placing a temporary facility at this popular hunting location would, in effect, "privatize" the lake—detering others from using the area. Long Lake is a similar situation and is also on the boundary with Katmai National Park. The airstrip at the confluence of Gertrude Lake and King Salmon River is a small undeveloped landing area. If a facility were constructed adjacent to the strip, other users would likely be displaced from the area.

Upper and Lower Ugashik Lakes present a situation similar to Becharof Lake except they are smaller and contain relatively more facilities. There are several parcels of private land adjacent to the lakes and facilities present include numerous cabins, a lodge and other private developments. Locating additional facilities on public lands would likely affect use and enjoyment of refuge complex resources.

The Becharof Lake outlet area contains private and refuge complex lands. There are several facilities present in this area. Becharof Lake outlet is readily accessible by boats and aircraft. Additional facilities would detract from other refuge complex uses.

The prohibition on temporary facilities along Big Creek is in addition to the limit on camping. As stated before, Big Creek is very close to King Salmon and Naknek and receives substantial day use. Temporary facilities would potentially restrict use of important hunting areas by residents and visitors.

Request for Comments

A complete public involvement process was conducted during the development of the Alaska Peninsula/Becharof plan and the environmental assessment that accompanied the draft plan. As stated earlier in this document, public meetings were held in all refuge complex area communities, Kodiak and Anchorage during preparation of the draft and final public use management plans. Public comments received were reviewed and considered prior to drafting these proposed regulations.

As stated in the final public use plan, in addition to accepting written public comments regarding the proposed regulations, public hearings will be held during the public comment period. All relevant comments received in writing or at public hearings will be reviewed and considered prior to preparing the final regulations. During the 60-day

public review period public hearings will be held in Chignik Bay, Chignik Lake, Chignik Lagoon, Egegik, Ivanof Bay, Naknek, Perryville, Pilot Point, Port Heiden, and South Naknek, Alaska.

Conformance With Statutory and Regulatory Authorities

The impact of these proposed regulations on subsistence uses has been evaluated as required by Section 810 of ANILCA. A subsistence evaluation was included in the public use management plan environmental assessment and the Regional Director found that the plan would not significantly restrict subsistence use on the Alaska Peninsula/Becharof National Wildlife Refuge Complex. Subsistence uses and access are expected to differ little, if any, from existing uses. The regulations are consistent with the purposes and intent of Section 810 and will result in no significant restrictions on subsistence uses.

These proposed regulations are consistent with the purposes for which the Alaska Maritime, Alaska Peninsula and Becharof national wildlife refuges were established. A compatibility determination was approved for the public use management plan.

Paperwork Reduction Act

This proposed rule does not contain collections of information that require approval by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.)

National Environmental Policy Act

An environmental assessment accompanied the draft public use management plan. On May 21, 1994, a Decision Notice and Finding of No Significant Impact was signed by the Regional Director. Copies of these documents may be obtained from the Alaska Peninsula/Becharof National Wildlife Refuge Complex, P.O. Box 277, King Salmon, Alaska 99613. Telephone: (907) 246-3339. No further documentation is required by the National Environmental Policy Act (42 U.S.C. 4321-4347).

Economic Effects

This rulemaking was not subject to the Office of Management and Budget review under Executive Order 12866. In addition, a review under the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 et seq.) has been done to determine whether the proposed rulemaking would have a significant effect on a substantial number of small entities, which include businesses, organizations or governmental jurisdictions. This proposed rule would have minimal

effect on such entities as the proposed rule impacts the refuge complex only to the extent that off-road vehicles and camping are better administered. Temporary facilities are only allowed for administrative and subsistence purposes at particular sites. These provisions are seen, therefore, as administrative in nature and having little or no impact on small entities.

References Cited

A complete list of all references cited herein is available upon request from Bob Stevens (See ADDRESSES above).

Primary Author

Helen Clough, Refuges and Wildlife, Alaska Regional Office, U.S. Fish and Wildlife Service, Anchorage, Alaska is the primary author of this proposed rulemaking document.

List of Subjects in 50 CFR Part 36

Alaska, Recreation and recreation areas, Reporting and recordkeeping requirements, Wildlife refuges.

Accordingly, Part 36 of Chapter I of Title 50 of the Code of Federal Regulations is proposed to be amended as follows:

PART 36—[AMENDED]

1. The authority citation for Part 36 continues to read as follows:

Authority: 16 U.S.C. 460(k) et seq., 668dd et seq., 742(a) et seq., 3101 et seq., and 44 U.S.C. 3501 et seq.

2. Section 36.39 *Public use* is amended by adding paragraph (c) to read as follows:

§ 36.39 Public use.

* * * * *

(c) *Alaska Peninsula/Becharof National Wildlife Refuge Complex*—(1) *Public use area.* The Alaska Peninsula/

Becharof National Wildlife Refuge Complex includes the Becharof National Wildlife Refuge, the Chignik and Ugashik Units of the Alaska Peninsula National Wildlife Refuge and the Seal Cape Area of the Alaska Maritime National Wildlife Refuge.

(2) *Off-road vehicles.* (i) Off-road vehicles operated on the refuge complex under § 36.12(a) or paragraph (c)(2)(ii) or (c)(2)(iii) of this section are limited to three or four-wheeled vehicles with a maximum gross weight of 650 pounds as listed by the manufacturer.

(ii) The following trails are designated for off-road vehicle use: Yantarni Bay Airstrip; Yantarni Bay Airstrip to beach trail; and Yantarni Bay Airstrip to oil well site trail. Maps of the areas in this paragraph (c)(2)(ii) are available from the Refuge Manager.

(iii) Subject to the weight and size restrictions listed in paragraph (c) (2)(i) of this section, subsistence use of off-road vehicles, as authorized by § 36.12 (a) is allowed throughout the Alaska Peninsula/Becharof National Wildlife Refuge Complex.

(3) *Camping.* Camping is permitted on the Alaska Peninsula/Becharof National Wildlife Refuge Complex subject to the following restrictions:

(i) No permanent improvements may be made to campsites without a special use permit. All materials brought on to the refuge complex must be removed upon cessation of camping unless authorized by a special use permit.

(ii) Other than reserved sites authorized by special use permits, camping at one location is limited to seven consecutive nights from August 1 through November 15 within ¼ mile of the following waters: Becharof Lake in the Severson Peninsula area (Island Arm); Becharof Lake Outlet; Ugashik Narrows; Big Creek; Gertrude Lake; and

Gertrude Creek between Gertrude Lake and the King Salmon River. Maps of the areas in this paragraph (c)(3)(ii) are available from the Refuge Manager.

(iii) Tent camps must be moved a minimum of one mile following each seven-night camping stay during the periods specified in paragraph (c)(3)(ii) of this section. The camping limits in this paragraph (c)(3)(iii) do not apply to subsistence users except at Big Creek where they apply to all refuge complex users.

(4) *Temporary facilities.* (i) New temporary facilities may be authorized on the Alaska Peninsula/Becharof National Wildlife Refuge Complex by special use permit only.

(ii) Except for administrative or subsistence purposes, new temporary facilities are prohibited within ¼ mile of the Becharof Lake shoreline.

(iii) Except for administrative purposes, new temporary facilities are prohibited in the following areas: within ¼ mile of the shorelines of Gertrude Lake and Long Lake; within ¼ mile of the airstrip on the south side of the King Salmon river approximately ½ mile above the confluence of Gertrude Creek and the King Salmon River; within ½ mile of the shoreline of Upper and Lower Ugashik lakes; within ¼ mile of the shoreline of Becharof Lake outlet; and within ¼ mile of the shoreline of Big Creek. Maps of the areas in this paragraph (c)(4)(iii) are available from the Refuge Manager.

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Dated: June 16, 1995.

George T. Frampton, Jr.,
Assistant Secretary for Fish and Wildlife and Parks.

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