

Submitted at the request of Board Member John Wood, report prepared by the Alaska Department of Fish and Game.

The attached report contains information regarding the McNeil River State Game Refuge and State Game Sanctuary Management Plan.

Specifically of note, this report contains the Alaska Statutes first establishing the McNeil River State Game Sanctuary adopted in 1967, the statutes outlining the Department of Fish and Game's role in management of the area and establishing allowable activities in the area and the goal and purpose of the regulations.

The sections of Title 5 in the Alaska Administrative Code (5 AAC) applicable to the McNeil River State Game Refuge and State Game Sanctuary are also contained in the attached report.

Special Publication No. 08-01

McNeil River State Game Refuge and State Game Sanctuary Management Plan

by

Janet Hall Schempf

and

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May 2008

Alaska Department of Fish and Game

Divisions of Sport Fish and Wildlife Conservation



Symbols and Abbreviations

The following symbols and abbreviations, and others approved for the Système International d'Unités (SI), are used without definition in the following reports by the Divisions of Sport Fish and of Commercial Fisheries: Fishery Manuscripts, Fishery Data Series Reports, Fishery Management Reports, and Special Publications. All others, including deviations from definitions listed below, are noted in the text at first mention, as well as in the titles or footnotes of tables, and in figure or figure captions.

Weights and measures (metric)		General		Measures (fisheries)	
centimeter	cm	Alaska Administrative Code	AAC	fork length	FL
deciliter	dL	all commonly accepted abbreviations	e.g., Mr., Mrs., AM, PM, etc.	mid-eye-to-fork	MEF
gram	g	all commonly accepted professional titles	e.g., Dr., Ph.D., R.N., etc.	mid-eye-to-tail-fork	METF
hectare	ha	at	@	standard length	SL
kilogram	kg	compass directions:		total length	TL
kilometer	km	east	E		
liter	L	north	N	Mathematics, statistics	
meter	m	south	S	<i>all standard mathematical signs, symbols and abbreviations</i>	
milliliter	mL	west	W	alternate hypothesis	H _A
millimeter	mm	copyright	©	base of natural logarithm	<i>e</i>
		corporate suffixes:		catch per unit effort	CPUE
Weights and measures (English)		Company	Co.	coefficient of variation	CV
cubic feet per second	ft ³ /s	Corporation	Corp.	common test statistics	(F, t, χ^2 , etc.)
foot	ft	Incorporated	Inc.	confidence interval	CI
gallon	gal	Limited	Ltd.	correlation coefficient (multiple)	R
inch	in	District of Columbia	D.C.	correlation coefficient (simple)	r
mile	mi	et alii (and others)	et al.	covariance	cov
nautical mile	nmi	et cetera (and so forth)	etc.	degree (angular)	°
ounce	oz	exempli gratia	e.g.	degrees of freedom	df
pound	lb	(for example)		expected value	<i>E</i>
quart	qt	Federal Information Code	FIC	greater than	>
yard	yd	id est (that is)	i.e.	greater than or equal to	≥
		latitude or longitude	lat. or long.	harvest per unit effort	HPUE
Time and temperature		monetary symbols (U.S.)	\$, ¢	less than	<
day	d	months (tables and figures): first three letters	Jan, ..., Dec	less than or equal to	≤
degrees Celsius	°C	registered trademark	®	logarithm (natural)	ln
degrees Fahrenheit	°F	trademark	™	logarithm (base 10)	log
degrees kelvin	K	United States (adjective)	U.S.	logarithm (specify base)	log ₂ , etc.
hour	h	United States of America (noun)	USA	minute (angular)	'
minute	min	U.S.C.	United States Code	not significant	NS
second	s	U.S. state	use two-letter abbreviations (e.g., AK, WA)	null hypothesis	H ₀
Physics and chemistry				percent	%
all atomic symbols				probability	P
alternating current	AC			probability of a type I error (rejection of the null hypothesis when true)	α
ampere	A			probability of a type II error (acceptance of the null hypothesis when false)	β
calorie	cal			second (angular)	"
direct current	DC			standard deviation	SD
hertz	Hz			standard error	SE
horsepower	hp			variance	
hydrogen ion activity (negative log of)	pH			population	Var
parts per million	ppm			sample	var
parts per thousand	ppt, ‰				
volts	V				
watts	W				

SPECIAL PUBLICATION NO. 08-01

**MCNEIL RIVER STATE GAME REFUGE AND STATE GAME
SANCTUARY MANAGEMENT PLAN**

Alaska Department of Fish and Game
Division of Sport Fish, Region V
333 Raspberry Road, Anchorage, Alaska, 99518-1599

May 2008

The Division of Sport Fish Special Publications series was established in 1991 for the publication of techniques and procedures manuals, informational pamphlets, special subject reports to decision-making bodies, symposia and workshop proceedings, application software documentation, in-house lectures, and other documents that do not fit in another publication series of the Division of Sport Fish. Since 2004, the Division of Commercial Fisheries has also used the same Special Publication series. Special Publications are intended for fishery and other technical professionals. Special Publications are available through the Alaska State Library and on the Internet: <http://www.sf.adfg.state.ak.us/statewide/divreports/html/intersearch.cfm>. This publication has undergone editorial and peer review. The Division of Sport Fish Special Area Management Plans are management plans used by the Department and other entities for management of legislatively designated refuges, critical habitat areas, and sanctuaries. The goals and policies of management plans are adopted by regulation.

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The revised *McNeil River State Game Refuge and State Game Sanctuary Management Plan* was prepared by Alaska Department of Fish and Game (ADF&G) biologists Janet Hall Schempf (Sport Fish Division, Habitat Biologist) and Joe Meehan (Division of Wildlife Conservation, Wildlife Biologist). This plan was developed with the aid of an interagency planning team composed of representatives from state and local agencies with jurisdiction within the refuge and sanctuary.

Planning team members who participated in development of the plan are Ray Burger, Alaska Department of Natural Resources (ADNR); Kent Patrick-Riley, Alaska Department of Environmental Conservation (ADEC); John Czarnezki, Kenai Peninsula Borough; and ADF&G representatives Tracy Lingnau (Division of Commercial Fisheries), and Tom Vania and Mark Fink (Division of Sport Fish).

Others who participated in planning team meetings and development of the document are Judy Alderson (National Park Service), John Hechtel (ADF&G, Division of Wildlife Conservation), and Ron Somerville (Alaska Board of Game).

Tom Brookover (ADF&G, Division of Sport Fish) provided policy direction to the planning team. Lance Nelson and Kevin Messing (Department of Law), Kerri Tonkin (ADF&G, Division of Commercial Fisheries), and Al Cain (ADF&G, Division of Sport Fish) provided technical and practical advice about implementing regulations for special area management plans. Frances Inoue and Jason Graham (ADF&G, Division of Sport Fish) provided cartographic support and Joanne MacClellan, Dean Hughes, and Nita Meierhoff (ADF&G, Division of Sport Fish) assisted document preparation. McNeil River State Game Sanctuary staff and volunteers, including Tom Griffin, Polly Hessing, Doug Hill, Josh Peirce, and Kellie Peirce, provided orientation for planning team members. Terry Thompson (ADF&G Division of Sport Fish) and the Alaska Islands and Oceans Visitors Center provided meeting space and logistical support for meetings held in Homer.

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TABLE OF CONTENTS

	Page
ACKNOWLEDGEMENTS.....	I
INTRODUCTION.....	3
STATUTES.....	5
McNeil River State Game Refuge.....	5
McNeil River State Game Sanctuary.....	7
STATUTORY GOALS.....	9
Statutory Goals: McNeil River State Game Sanctuary.....	9
Statutory Goals: McNeil River State Game Refuge.....	9
POLICIES.....	11
Compatibility Policy.....	11
Access.....	11
Off Road Use of Motorized Vehicles.....	11
Information/Education.....	11
Scientific Research.....	11
Recreational Activities Mentioned in Statute.....	12
Archæological and Historical Resources.....	12
Habitat and Population Enhancement.....	12
Camping.....	12
Structures.....	13
Boat Storage.....	13
Oil and Gas.....	14
Mining.....	14
Material Extraction.....	14
Hazardous Substances and Petroleum-Based Fuel.....	14
Roads/Trails/Docks/Pipelines/Utility Lines.....	14
Sanctuary and Refuge Management Activities.....	15
Grazing.....	15
Timber Harvest.....	15
Ecosystem Integrity.....	15
REGULATIONS.....	17
IMPLEMENTATION.....	21
APPENDIX A: RESOURCE INVENTORY.....	A
APPENDIX B: MAP SECTION.....	B

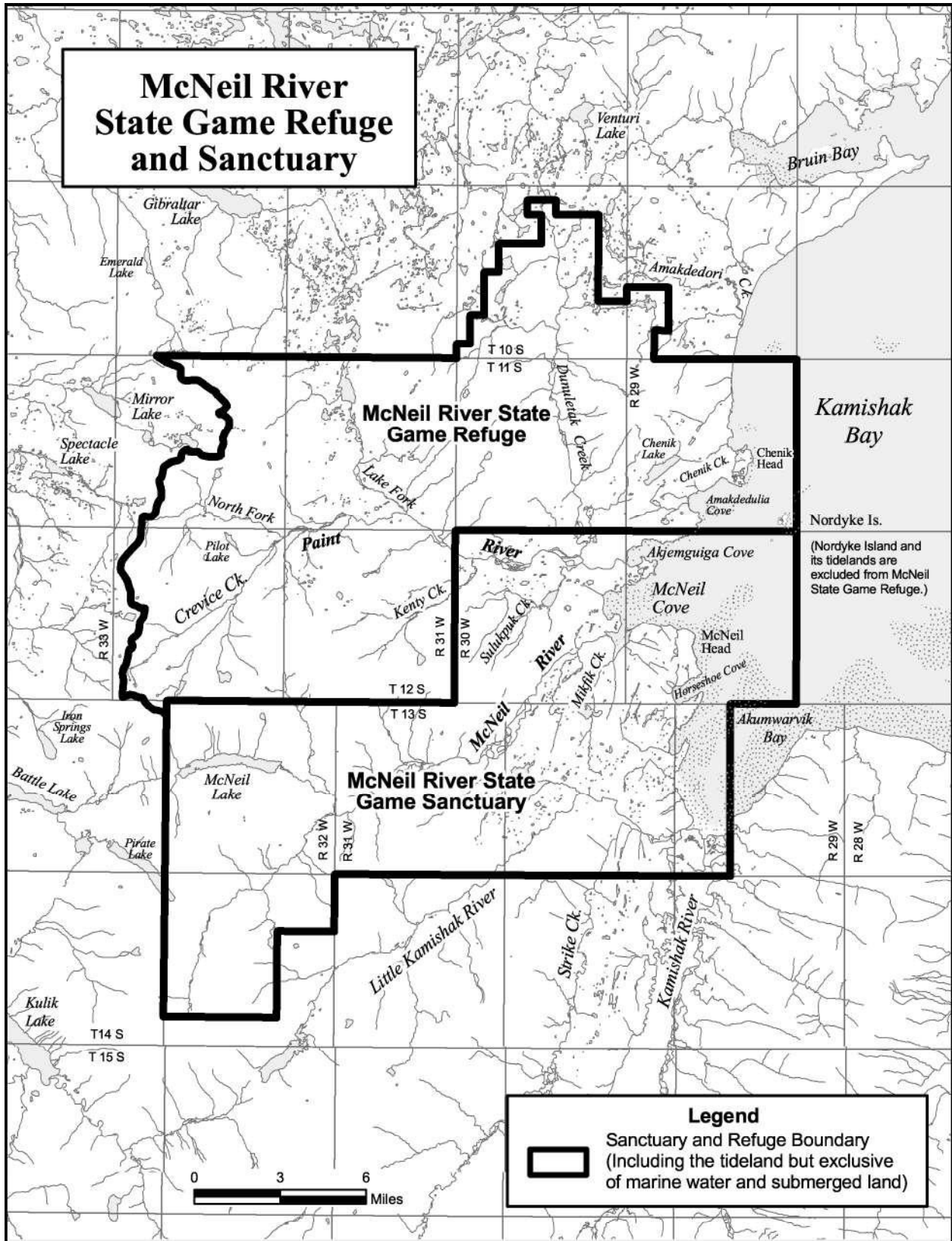


Figure 1.—Map of McNeil River State Game Refuge and State Game Sanctuary.

INTRODUCTION

The McNeil River State Game Sanctuary (sanctuary) was first established by the Alaska legislature in 1967. In 1991, the legislature expanded the sanctuary and established the McNeil River State Game Refuge (refuge). Both the sanctuary and refuge were established for these purposes:

1. The permanent protection of brown bear and other fish and wildlife populations and their habitats for scientific, aesthetic, and educational purposes;
2. To manage human use and activities in a way that is compatible with that purpose and to maintain and enhance unique bear viewing opportunities in the sanctuary;
3. To provide compatible opportunities for wildlife viewing, fisheries enhancement, fishing, temporary safe anchorage and other activities in both the sanctuary and refuge, and, in the refuge, for hunting and trapping opportunities if compatible with sanctuary management objectives.

ADF&G adopted the *McNeil River State Game Refuge and State Game Sanctuary Management Plan* (plan) for the refuge and sanctuary in 1996. In the course of implementation, department staff found four of the plan's policies (ACCESS, RECREATIONAL ACTIVITIES MENTIONED IN STATUTE, NON-COMMERCIAL CAMPING, AND COMMERCIAL FACILITIES/STRUCTURES) difficult to interpret and apply to permitting situations. In the fall of 2005, the Department decided to revise the plan so these specific policies could be clarified.

The Department began the revision process in April 2006. Public meetings were held in Anchorage and Homer to identify issues to address during the planning process, and additional comments were submitted to the department by electronic mail. As part of the revision, ADF&G staff updated the 1996 resource inventory of fish and wildlife and their habitats, public access, land use, and land ownership. A planning team, composed of state, federal, and local agency representatives with responsibilities on refuge and sanctuary lands, developed the revised management plan policies based on the issues identified at the public meetings; identified refuge and sanctuary resource values; the purposes for which the areas were established; the products of earlier planning efforts for the areas; and additional guidance provided in law.

The draft revised plan was distributed for public review. Based on comments received during the review period, appropriate changes were made and the Commissioner of Fish and Game adopted the plan for use by the department in managing the refuge and sanctuary.

The adopted plan will be implemented by ADF&G in several ways. A Special Area Permit is required for any habitat altering activity, including any construction work, in a designated state game refuge or game sanctuary (5 AAC 95). The Department will use the plan in administering the Special Area Permit program to ensure that all proposed activities are consistent with the goals and policies outlined in the plan. Activities will be approved, conditioned, or denied based on the direction provided in the plan as well as other applicable state laws and regulations. As a result, activities including research programs, public use facilities, and other projects conducted within the McNeil River State Game Refuge and State Game Sanctuary will be consistent with the goals and policies presented in this plan. The plan will be reviewed every five years, and if appropriate, updated as funding permits.

The Department anticipates that other state, federal, and local agencies having management responsibilities within the refuge and sanctuary will consult the plan when making their own planning and permitting decisions. For example, any use, lease, or disposal of resources on state land in the refuge and sanctuary requires authorization from Alaska Department of Natural Resources (ADNR). Activities affecting air or water quality require authorization from Alaska Department of Environmental Conservation (ADEC). The U.S. Army Corps of Engineers (COE) evaluates applications for discharging dredged and fill material in waters of the United States, including wetlands. Federal and state resource agencies, including the U.S. Fish and Wildlife Service, National Marine Fisheries Service, and Environmental Protection Agency, along with local governments, review proposals for COE permits, pursuant to the Fish and Wildlife Coordination Act (16 USC 661-666 et. seq.). U.S. Coast Guard approval is required for certain kinds of work in navigable waters. The Kenai Peninsula Borough reviews and comments on proposed projects within the Alaska coastal zone, including the portion of the McNeil River State Game Refuge and Sanctuary that lies within the area of coastal consistency applicability. Review of activities requiring more than one type of authorization will be coordinated through the Office of Project Management and Permitting (ADNR) for a finding of consistency with the Alaska Coastal Management Program.

STATUTES

Alaska statutes that specifically pertain to the establishment and management of the McNeil River State Game Refuge and Sanctuary are codified at AS 16.20.

The refuge statute first became law in 1991 (§ 2 ch 56 SLA 1991), and was amended in 1995 and 1999 (am § 21 ch 21 SLA 1995; am § 2 ch 59 SLA 1999).

The sanctuary statutes were first adopted in 1967 (§ 2 ch 108 SLA 1967), and were amended in 1972, 1991, 1995, and 1999 (am § 15 ch 71 SLA 1972; am § 3 and 4 ch 56 SLA 1991; am § 22 ch 21 SLA 1995; am § 3 ch 59 SLA 1999).

MCNEIL RIVER STATE GAME REFUGE

AS 16.20.041. McNeil River State Game Refuge. (a) The following state-owned land and water, including the tideland but exclusive of marine water and submerged land, lying within the parcels described in this subsection is established as the McNeil River State Game Refuge:

Township 10 South, Range 29 West, Seward Meridian

- Section 19: S1/2
- Section 20: SW1/4
- Section 29: W1/2
- Sections 30 – 31

Township 10 South, Range 30 West, Seward Meridian

- Section 3: SW1/4
- Section 4: SE1/4
- Sections 10 - 11
- Sections 14 - 16
- Section 17: E1/2
- Sections 20 - 23
- Sections 25 - 29
- Section 30: SE1/4
- Section 31: NE1/4, S1/2
- Sections 32 – 36

Township 11 South, Range 29 West, Seward Meridian

- Sections 1 – 35
- Section 36, except Nordyke Island and its tideland

Township 11 South, Range 30 West, Seward Meridian

- Sections 1 – 36

Township 11 South, Range 31 West, Seward Meridian

- Sections 1 – 36

Township 11 South, Range 32 West, Seward Meridian

- Sections 1 – 36, except land within Katmai National Park and Preserve

Township 12 South, Range 31 West, Seward Meridian

- Sections 1 – 36

Township 12 South, Range 32 West, Seward Meridian

Sections 1 – 36, except land within Katmai National Park and Preserve

Township 13 South, Range 33 West, Seward Meridian

Section 1 - except land within Katmai National Park and Preserve.

- (b) The McNeil River State Game Refuge is established to:
- (1) provide permanent protection for brown bear and other fish and wildlife populations and their habitats, so that these resources may be preserved for scientific, aesthetic, and educational purposes;
 - (2) manage human use and activities in a way that is compatible with (1) of this subsection and to maintain and enhance the unique bear viewing opportunities in the McNeil River State Game Sanctuary established under AS 16.20.160;
 - (3) provide opportunities that are compatible with (1) of this subsection for wildlife viewing, fisheries enhancement, fishing, hunting, and trapping, for temporary safe anchorage, and for other activities.
- (c) The Board of Game shall determine whether hunting of brown bears within the McNeil River State Game Refuge should be prohibited.
- (d) The use and enjoyment of valid rights and interests in mineral claims, including the right of access, within the McNeil River State Game Refuge is protected. This subsection does not affect the power of the commissioner of natural resources to open or close land within the McNeil River State Game Refuge to new mineral entry under AS 38.05.185 - 38.05.275.
- (e) The department and the Department of Natural Resources
- (1) may not enter into sales of land within the McNeil River State Game Refuge;
 - (2) may enter into leases within the McNeil River State Game Refuge if the commissioner finds that activity conducted under the lease is compatible with the purposes for which the refuge is established;
 - (3) may not accept transfer of state selected land from the federal government, or conveyance of other land, within the refuge if the land is subject to
 - (A) a lease, easement, or other right to operate or maintain a private facility on the land or to conduct a private enterprise on the land; or
 - (B) a continuing trespass by an unauthorized private facility or private enterprise.
- (f) The commissioner shall prepare a report and notify the legislature of its availability by January 30 of each year on
- (1) the status of the brown bears and other fish and wildlife resources within the McNeil River State Game Refuge; and
 - (2) the effect of hunting, fishing, and trapping, fishery enhancement activity, and mineral resource development on these resources.

MCNEIL RIVER STATE GAME SANCTUARY

Sec. 16.20.160. McNeil River State Game Sanctuary. The following state-owned land and water, including the tidelands but exclusive of marine water and submerged land, lying within the parcels described in this subsection is established as the McNeil River State Game sanctuary:

Township 12 South, Range 29 West, Seward Meridian
Sections 1 - 36

Township 12 South, Range 30 West, Seward Meridian
Sections 1 - 36

Township 13 South, Range 29 West, Seward Meridian
Sections 5 - 8
Sections 17 - 20
Sections 29 - 32

Township 13 South, Range 30 West, Seward Meridian
Sections 1 - 36

Township 13 South, Range 31 West, Seward Meridian
Sections 1 - 36

Township 13 South, Range 32 West, Seward Meridian
Sections 1 - 36

Township 14 South, Range 32 West, Seward Meridian
Sections 1 - 12
Sections 15 - 22
Sections 27 - 30.

Sec. 16.20.162. Purpose; regulations. (a) The McNeil River State Game Sanctuary is established to:

- (1) provide permanent protection for brown bear and other fish and wildlife populations and their habitats, so that these resources may be preserved for scientific, aesthetic, and educational purposes;
 - (2) manage human use and activities in a way that is compatible with (1) of this subsection and to maintain and enhance the unique bear viewing opportunities within the sanctuary; and
 - (3) provide opportunities that are compatible with (1) of this subsection for wildlife viewing, fisheries enhancement, and fishing, for temporary safe anchorage, and for other activities.
- (b) Hunting and trapping within the McNeil River State Game Sanctuary are prohibited.
- (c) The department and the Department of Natural Resources
- (1) may not enter into sales of land within the McNeil River State Game Sanctuary;
 - (2) may enter into leases within the McNeil River State Game Sanctuary if the commissioner finds that activity conducted under the lease is compatible with the purposes for which the sanctuary is established;

- (3) may not accept transfer of state selected land from the federal government, or conveyance of other land, within the sanctuary if the land is subject to:
 - (A) a lease, easement, or other right to operate or maintain a private facility on the land or to conduct a private enterprise on the land; or
 - (B) a continuing trespass by an unauthorized private facility or private enterprise.
- (d) The McNeil River State Game Sanctuary is closed to mineral entry under AS 38.05.185 - 38.05.275.
- (e) The State of Alaska Boards of Fish and Game may adopt regulations governing access, entry, development, construction, fishing, and other uses and activities affecting the natural habitat, fish and wildlife, and public use of the McNeil River State Game Sanctuary.
- (f) The commissioner shall prepare a report and notify the legislature of its availability by January 30 of each year on
 - (1) the status of the brown bears and other fish and wildlife resources within the McNeil River State Game Sanctuary; and
 - (2) the effects of fishing and fishery enhancement activity on these resources.

STATUTORY GOALS

STATUTORY GOALS: MCNEIL RIVER STATE GAME SANCTUARY

Activities within the **McNeil River State Game Sanctuary** will reflect the following goals in accordance with the purpose for which the area was established. All department management decisions in the McNeil River State Game Sanctuary, whether affecting activities undertaken by the Department, other agencies, or the public will be in accordance with these goals.

- I. **Fish and Wildlife Populations and Their Habitat** - Manage the sanctuary to provide permanent protection for brown bear and other fish and wildlife populations and their habitats for the following purposes:
 - A. Scientific.
 - B. Aesthetic.
 - C. Educational.
- II. **Public Use** - Manage human activities in the sanctuary compatible with Goal I and with maintaining and enhancing the unique bear viewing opportunities in the sanctuary including:
 - A. Provide opportunities for wildlife viewing.
 - B. Provide opportunities for fisheries enhancement.
 - C. Provide opportunities for fishing as allowed by the Board of Fisheries.
 - D. Provide opportunities for temporary safe anchorage.

STATUTORY GOALS: MCNEIL RIVER STATE GAME REFUGE

Activities within the **McNeil River State Game Refuge** will reflect the following goals in accordance with the purpose for which the area was established. All department management decisions in the McNeil River State Game Refuge, whether affecting activities undertaken by the Department, other agencies, or the public will be in accordance with these goals.

- I. **Fish and Wildlife Populations and Their Habitat** - Manage the refuge to provide permanent protection for brown bear and other fish and wildlife populations and their habitats for the following purposes:
 - A. Scientific.
 - B. Aesthetic.
 - C. Educational.
- II. **Public Use** - Manage human activities in the refuge compatible with Goal I and with maintaining and enhancing the unique bear viewing opportunities in the McNeil River State Game Sanctuary including:
 - A. Provide opportunities for wildlife viewing.
 - B. Provide opportunities for fisheries enhancement.
 - C. Provide opportunities for fishing, hunting, and trapping where allowed by the Boards of Fisheries and Game.
 - D. Provide opportunities for temporary safe anchorage.

POLICIES

COMPATIBILITY POLICY

Refuge and Sanctuary Policy: Uses and activities may be allowed in the sanctuary and refuge when the uses and activities are compatible with the purposes for which the refuge and sanctuary were established and the goals and policies of the management plan. Uses and activities will be restricted as necessary to 1) prevent disturbance to or displacement of bears and other fish and wildlife, 2) prevent erosion, trampling, and other impacts to habitats; and 3) maintain public access to refuge or sanctuary resources.

ACCESS

Refuge and Sanctuary Policy: Maintain public access for research and public use in the sanctuary and refuge. Except for helicopter landings, no permit is necessary for access to the refuge. Access to the sanctuary generally requires a Sanctuary Access Permit. Development of access sites, including airstrips, is not allowed in the sanctuary and refuge. Helicopter landings in the sanctuary and refuge require a Special Area Permit and may be authorized only for activities for which there is a demonstrable need and for which there is no feasible alternative.

OFF ROAD USE OF MOTORIZED VEHICLES

Refuge Policy: The off-road use of wheeled, tracked, or ground-effect motorized vehicles for recreational use will not be allowed, except the use of snowmachines in support of trapping activities may be authorized by Special Area Permit under conditions identified by the Department. These conditions will include: adequate snow and ground frost conditions exist to protect soils and vegetation from damage, and timing and location of the activity will not cause disturbance to wildlife, particularly denning bears.

The off-road use of wheeled, tracked, or ground-effect motorized vehicles for non-recreational activities will generally not be allowed. However, the Department may, in its discretion, issue a Special Area Permit allowing the off-road use of these vehicles for authorized non-recreational activities only when the use of these vehicles fulfills a demonstrable need for which there is no feasible alternative.

Sanctuary Policy: To ensure the protection of sensitive habitats and avoid harmful disturbance to fish and wildlife, do not allow the off-road use of wheeled, tracked, or ground-effect motorized vehicles in the sanctuary, except for management or research purposes only when the use of these vehicles fulfills a demonstrable need for which there is no feasible alternative.

INFORMATION/EDUCATION

Refuge and Sanctuary Policy: Provide information to refuge and sanctuary users regarding resource values and rules, especially information about avoiding impacts to natural brown bear behavior, and uses and activities occurring in the refuge and sanctuary.

SCIENTIFIC RESEARCH

Refuge and Sanctuary Policy: Encourage scientific research of fish, wildlife, habitats, and other resources when compatible with the Research Policy maintained by the Division of Wildlife Conservation.

RECREATIONAL ACTIVITIES MENTIONED IN STATUTE

Refuge Policy: Low intensity recreational activities, including wildlife viewing, hunting, trapping, and fishing, are allowed. Use levels may be managed through Special Area Permits if necessary to avoid adverse impacts to fish and wildlife populations and their habitats. For the purposes of this policy, “low-intensity” means “insignificant, inconsequential, or inconspicuous.”

Sanctuary Policy: Low intensity recreational activities, including wildlife viewing and sport fishing, may be allowed in the sanctuary through Sanctuary Access Permits. Use levels on the Kamishak River may be managed through Sanctuary Access Permits and Special Area Permits if necessary to avoid adverse impacts to fish and wildlife populations and their habitats. For the purposes of this policy, “low-intensity” means “insignificant, inconsequential, or inconspicuous.”

ARCHÆOLOGICAL AND HISTORICAL RESOURCES

Refuge and Sanctuary Policy: Protect archæological and historical resources located within the refuge and sanctuary. Where appropriate, allow legal investigation of archæological and historical resources through a Special Area Permit (in the refuge and sanctuary) and a Sanctuary Access Permit (in the sanctuary).

HABITAT AND POPULATION ENHANCEMENT

Refuge and Sanctuary Policy: As appropriate, allow enhancement of fish and wildlife populations and their habitats if it is compatible with statutory goals of the area, especially the permanent protection of brown bears and the unique brown bear viewing opportunities of the sanctuary, is not at the expense of refuge and sanctuary resource values (including diversity and abundance), and does not interfere with public use and enjoyment.

CAMPING

Refuge and Sanctuary Policy: Camping will be managed in the refuge and sanctuary to afford parties camping opportunities of up to 2 weeks in duration, with certain exceptions. Restrictions to camping may include provisions for location of camps and associated activities, types of structures, number of camp occupants, access points, period(s) of use, and number of authorized camps within a particular area.

Camping (commercial and non-commercial) in the refuge and sanctuary for more than 14 consecutive days at any one location, or relocating a camp within a two-mile radius of the original campsites, will generally not be allowed.

Camping (commercial and non-commercial) in the sanctuary will be allowed only under the terms, including designated locations, of a Sanctuary Access Permit.

Non-commercial camping will be allowed within the refuge and sanctuary for up to 14 days in a calendar year without a Special Area Permit. Non-commercial camping in the refuge and sanctuary for more than 14 days in a calendar year will require a Special Area Permit.

Commercial camping in the refuge and sanctuary may be allowed under terms of a Special Area Permit. In the Chenik area, only two commercial camps will be permitted at any one time and the

aggregate number of campers shall number twenty or fewer individuals at any one time. Commercial camping in the Chenik area will be restricted to 14 days per operator in a calendar year.

Special Area Permit applications for commercial camping in the Chenik Area will be accepted by the Department after November 1 for the following calendar year. Permits authorizing commercial camps will include a requirement to report activity.

For all camping in the refuge and sanctuary, solid waste disposal is not allowed; solid waste, including garbage, must be removed from the refuge and sanctuary. Human waste disposal must be done accordance with Department of Environmental Conservation requirements (18 AAC 60). Food and garbage must be isolated from bears by using bear-proof containers, electric fences, and/or enclosed food caches located at least 15 feet above ground, or within a hard sided building, or within a lockable and hard-sided section of a vehicle, vessel, or aircraft.

Camping Policy Definitions: For the purposes of implementing the refuge and sanctuary Camping policies, “Bear-proof container” means a securable container constructed of a solid non-pliable material capable of withstanding the stress and compacting forces of an adult grizzly bear. When secured and under stress, the container will not have any cracks, openings, or hinges that would allow a bear to gain entry by biting or pulling with its claws. Wood containers are not considered bear resistant unless the containers are reinforced with metal. Ice chests and/or coolers are not considered to be bear-proof containers. The “Chenik Area” means the area within 1 mile of Chenik Creek, Chenik Head, and the outlet of Chenik Lake.

STRUCTURES

Refuge and Sanctuary Policy: Permanent recreation related structures are prohibited, except as allowed under the SANCTUARY AND REFUGE MANAGEMENT FACILITIES policy.

Temporary structures, including tent platforms, elevated food caches, latrines, and other hardened structures may be allowed by Special Area Permit only when:

- a) the allowance does not reduce bear viewing opportunities; and
- b) the proposed use requires the structure, or impacts to fish and wildlife and their habitat would be lessened by allowing the temporary structure; and
- c) the structure does not adversely impact the public’s ability to access and use an area.

For any permitted structure, all materials must be removed from the refuge and sanctuary at the end of permitted operations. Off-season or over winter storage of materials will not be authorized.

“Temporary” means is used for the term of the permit or the authorized duration of activity or use.

BOAT STORAGE

Refuge and Sanctuary Policy: Small boat storage may be allowed by Special Area Permit. Storage will be authorized only for boats less than or equal to twenty feet in length. Storage of motors, fuel, fuel containers, and other accessories will generally not be allowed. The number of boats and storage locations may be limited.

OIL AND GAS

Refuge and Sanctuary Policy: To avoid damage to fish and wildlife habitats, disturbance to fish and wildlife populations (especially impacts to brown bears), and displacement of public use in a high quality environment, surface entry for oil and gas development and transportation, including supplies and equipment storage for offshore exploration or development, will not be allowed in the refuge or sanctuary. Exploration may be allowed under terms and conditions compatible with statutory goals, including appropriate restrictions.

MINING

Refuge and Sanctuary Policy: Mining of valid mineral claims may occur within the refuge under Special Area Permit. The sanctuary is closed to mineral entry under AS 38.05.185 - 38.05.275 in accordance with AS 16.20.162(d).

MATERIAL EXTRACTION

Refuge and Sanctuary Policy: Avoid material extraction within the refuge or sanctuary unless for purposes of maintenance, enhancement, restoration, or management of the refuge or sanctuary. Material extraction may be allowed for other authorized activities in the refuge where there is a public need and no feasible alternatives. Impacts of material extraction activities within the refuge or sanctuary will be fully mitigated including, if appropriate, rehabilitation and restoration.

HAZARDOUS SUBSTANCES AND PETROLEUM-BASED FUEL

Refuge and Sanctuary Policy: Hazardous substances (as defined by AS 46.09.900) and petroleum-based fuels may not be disposed in the refuge or sanctuary. Fuel storage is prohibited unless required to conduct an activity authorized by Special Area Permit, under conditions identified by the department. Authorized fuel storage will only be permitted for the period of operation during which the fuel is required to conduct the activity. Fuel authorized for storage must be contained in a structure that holds 110% of the combined volume of all fuel containers, and the containment structure or fuel containers must not be susceptible to damage by bears. This policy does not apply to fuel on board vessels, vehicles or aircraft; or for fuel actively used in a camp; or for fuel contained within authorized structures.

ROADS/TRAILS/DOCKS/PIPELINES/UTILITY LINES

Refuge and Sanctuary Policy: To prevent damage to fish and wildlife habitats and disturbance to fish and wildlife populations, especially brown bears that seasonally use the refuge or sanctuary, construction of new permanent roads in the refuge or sanctuary is not allowed. A temporary (life of the project) road may be allowed in the refuge if the road fulfills a public need for which there is no feasible alternative. Construction of new pipelines, utility lines, or docks is not allowed unless the facilities are a necessary component of an authorized project in the sanctuary or refuge. Impacts will be fully mitigated including, if appropriate, rehabilitation and restoration. New trails shall be constructed only where needed to protect habitats or as necessary to sustain public use. For the purposes of this policy, “temporary” means is used for the term of the permit or the authorized duration of activity or use.

SANCTUARY AND REFUGE MANAGEMENT ACTIVITIES

Refuge and Sanctuary Policy: To facilitate management of the refuge and sanctuary, including administration of the McNeil River brown bear viewing program, the construction, maintenance, and upgrade of cabins, campgrounds, associated facilities, and brown bear viewing areas may be permitted. Facilities should be sited and constructed consistent with the primitive character of the area.

GRAZING

Refuge and Sanctuary Policy: With the exception of incidental grazing of pack animals, the grazing of domestic or feral animals within the refuge or sanctuary is prohibited.

TIMBER HARVEST

Refuge and Sanctuary Policy: Timber harvest is prohibited in the refuge or sanctuary. Dead and down wood may be used for personal use within the refuge or sanctuary.

ECOSYSTEM INTEGRITY

Refuge and Sanctuary Policy: Allow only those uses and activities that will not compromise the integrity of the refuge and sanctuary ecosystem. Do not allow the introduction of exotic plant or animal species, whether wild or feral, unless for purposes described in the Habitat and Population Enhancement Policy.

REGULATIONS

Title 5. Fish and Game.

Chapter 95. Fish and Game Habitat.

Article 5. State Game Refuges.

5 AAC 95.540. McNeil River State Game Refuge and State Game Sanctuary

Management Plan. The McNeil River State Game Refuge and State Game Sanctuary goals and policies stated in the McNeil River State Game Refuge and State Game Sanctuary Management Plan dated May 2008 are adopted by reference. The plan presents management goals and policies for the refuge and sanctuary and their resources that the department will use in determining whether proposed activities in the refuge and sanctuary are compatible with the protection of fish and wildlife, their habitats, and public use of the refuge and sanctuary. Under 5 AAC 95.420, a special area permit is required for certain activities occurring in a designated state game refuge or state game sanctuary. The department will review each special area permit application for consistency with the goals and policies of the management plan adopted by reference in this section. A special area permit for an activity in the McNeil River State Game Refuge or the McNeil River State Game Sanctuary will be approved, conditioned, or denied based on the criteria set out in the goals and policies stated in the McNeil River State Game Refuge and State Game Sanctuary Management Plan and on the standards contained elsewhere in this chapter. (Eff. 8/23/96, Register 139; am 6/29/2008, Register 186)

Authority:	AS 16.05.020	AS 16.20.041	AS 16.20.160
	AS 16.05.050	AS 16.20.050	AS 16.20.162
	AS 16.20.020	AS 16.20.060	

5 AAC 95.542. McNeil River State Game Refuge and McNeil River State Game Sanctuary. (a) The following conditions apply to activities in the McNeil River State Game Refuge (refuge) and the McNeil River State Game Sanctuary (sanctuary):

(1) **Helicopter access:** a person must obtain a special area permit before landing a helicopter within the refuge or sanctuary;

(2) **Off-road use of wheeled, tracked, or other ground-effect motorized vehicles:** the off-road use of wheeled, tracked, or other ground-effect motorized vehicles is prohibited within the refuge and sanctuary, except that

(A) the off-road use of a snowmachine in support of lawful trapping activities within the refuge may be conducted only under the terms of a special area permit;

(B) the commissioner may issue an individual special area permit, on a case-by-case basis, for the off-road use of a wheeled, tracked, or other ground-effect motorized vehicle within the refuge or sanctuary if the applicant shows that the use of the applicable vehicle is

- (i) a demonstrable need for which there is no feasible alternative;
- (ii) consistent with the goals and policies of the management plan under this section; and
- (iii) consistent with the purpose for which the refuge or sanctuary was established;

(3) **Camping:** the following restrictions apply to camping activities within the refuge and sanctuary:

(A) a person may not engage in noncommercial camping within the refuge or sanctuary for more than 14 days per calendar year unless authorized by a special area permit issued before the camping activity begins;

(B) a person may not provide commercial camping services within the refuge or sanctuary unless authorized by a special area permit issued before providing the services;

(C) the following requirements apply to all camping activity within the refuge or sanctuary:

(i) a person may not place, deposit, or leave any solid waste, including garbage and litter, within the refuge or sanctuary; all waste must be removed at the time the camping activity ends;

(ii) a person may not store food and garbage at the campsite within the refuge or sanctuary unless the food and garbage is isolated from bears by using a bear-proof container, an electric fence, an enclosed food cache located at least 15 feet above ground, or stored within a hard-sided building or a lockable and hard-sided section of a vehicle, vessel, or aircraft;

(4) **Structures:** a person may not construct a structure, including a tent platform, elevated food cache, latrine, or other hardened structure, within the refuge or sanctuary unless authorized by a special area permit issued before the construction begins;

(5) **Boat storage:** the following restrictions apply to boat storage within the refuge or sanctuary:

(A) a person may not store a boat more than 20 feet in overall length within the refuge or sanctuary;

(B) a person may not store a boat 20 feet or less in overall length within the refuge or sanctuary unless authorized by a special area permit issued before the boat is stored;

(6) **Mining:** a person may not engage in mining activities within the refuge unless authorized by a special area permit issued before the mining activity begins;

(7) **Fuel storage and hazardous substances:** the following restrictions apply to fuel storage and the handling of hazardous substances within the refuge or sanctuary:

(A) a person may not release or dispose of a hazardous substance, as defined in AS 46.09.900, or petroleum-based fuel in the refuge or sanctuary;

(B) a person may not store fuel in the refuge or sanctuary unless authorized by a special area permit issued before the activity begins; this prohibition does not apply to

(i) fuel contained in fuel tanks on board vessels, vehicles, or aircraft;

(ii) fuel actively used in a camp; and

(iii) fuel contained within permitted structures;

(8) **Timber harvest:** a person may not harvest live or standing timber within the refuge or sanctuary; the harvest of dead and down wood for personal use within the refuge or sanctuary is allowed.

(b) In this section,

(1) "bear-proof container"

(A) means a securable container constructed of a solid non-pliable material capable of withstanding the stress and compacting forces of an adult grizzly bear, and when secured and under stress, the container will not have any cracks, openings, or hinges that would allow a bear to gain entry by biting or pulling with its claws;

(B) does not include

(i) a wood container unless the container is reinforced with metal;

and

(ii) ice chests and coolers;

(2) "commercial camping service" means the provision of assistance for compensation, or with the intent to receive compensation, to persons who camp in the refuge or sanctuary;

(3) "overall length" means the straight line length between the extremities of the boat, excluding any part of the boat's motor;

(4) "solid waste" means garbage, refuse, abandoned, or other discarded solid or semisolid material, regardless of whether subject to decomposition, originating from any source. (Eff. 6/29/2008, Register 186)

Authority:	AS 16.05.020	AS 16.20.041	AS 16.20.160
	AS 16.05.050	AS 16.20.050	AS 16.20.162
	AS 16.20.020	AS 16.20.060	

IMPLEMENTATION

The McNeil River State Game Refuge and Sanctuary Management Plan will be implemented by the ADF&G through its day-to-day, on-the-ground management activities, through its annual budgetary process, through Special Area Permits issued for land use activities, and through Sanctuary Access Permits.

Special Area Permits: A Special Area Permit is required for any habitat-altering activity, including construction work, in the McNeil River State Game Refuge and Sanctuary. A Special Area Permit application form can be obtained from any ADF&G office and should be submitted to the Sport Fish Division office in Anchorage (5 AAC 95).

Implementing Regulations: In addition to applicable statutes and other laws and the goals and policies of this management plan codified at 5 AAC 95.540, management direction is provided by activity specific regulations codified at 5 AAC 95.542.

Sanctuary Access Permits: A Sanctuary Access Permit is required for access to McNeil River State Game Sanctuary. A Sanctuary Access Permit application can be obtained from the Department, and the completed application should be submitted to the Division of Wildlife Conservation (5 AAC 92.065).

Information/Education: Work with government agencies and private groups to develop an information/education program for the refuge and sanctuary that will inform the public about resource values, rules, and recreational opportunities. Work with air charter operators and the Federal Aviation Administration to explain aircraft access limitations.

Mining Claims and Leasehold Locations: Work with the Department of Natural Resources to review the status of mining claims, close out all lapsed claims, and prepare mineral closing orders and leasehold location orders for the refuge.

Bureau of Land Management: Work with the Bureau of Land Management to acquire BLM lands in the McNeil River State Game Refuge.

Paint River Fish Ladder: For the purposes of implementing this plan, the Paint River Fish Ladder is not considered a commercial facility/structure.

Developed Access: Where feasible, the Department should ensure that developed public access can accommodate disabled visitors, consistent with safety and the wilderness character of the area.

Archæological and Historic Resources: Support archæological investigations to document and protect these resources, and to better understand the prehistoric and historic use of the sanctuary and refuge.

Activities of Other Agencies: This plan will also be used by other state, federal, and local decision makers in making management decisions for the refuge and sanctuary under their respective statutory authorities.