

fully integrate all proposals that might have an impact on the environment with the provisions of NEPA (40 CFR 1501.2). Implementation of any one of the alternatives in this Plan for managing Arctic Refuge is such an action. Therefore, this planning process is subject to NEPA requirements.

A.1.2.11 Federal Water Pollution Control Act of 1972, as amended by The Clean Water Act of 1977, Public Law 95-217; (33 U.S.C. 1251-1387, et seq., as amended; 33 CFR 320ff; 40 CFR 15, 100-400, 220-233, 400-471)

This act regulates the discharge of pollutants into waters of the United States. The act protects fish and wildlife, establishes operation permits for all major sources of water pollution, and limits the discharge of pollutants or toxins into water. The act makes it unlawful for any person to discharge any pollutant from a point source into navigable waters unless a permit is obtained under the Clean Water Act.

A.1.2.12 Coastal Zone Management Act of 1972

The Federal Coastal Zone Management Act was passed in 1972 in recognition of the increasing and conflicting uses that were causing irreparable harm to biological and physical systems associated with coastal areas. The act directs states to complete comprehensive coastal management programs or plans. Once a State's plan receives Federal approval, this law mandates that Federal actions be consistent with that State's coastal management program. The Alaska Coastal Management Program was terminated on July 1, 2011, per AS 44.66.030.

A.1.2.13 Antiquities Act (16 U.S.C. 431-433); Archaeological Resources Protection Act of 1979, Public Law 96-95; (16 U.S.C. 470as, et seq., as amended; 43 CFR 50-58); and the National Historic Preservation Act of 1966, (Public Law 89-665; 16 U.S.C. 470 et seq., as amended)

These laws make reference to cultural resources or govern the management of cultural resources on Federal lands. The various historic preservation laws, in general, do the following:

- Vest ownership of historic and prehistoric properties and of materials collected from such sites with the State and Federal government.
- Protect archeological and historic sites from unauthorized disturbance and prescribe penalties for individuals who damage (or collect from) such sites.
- Provide for issuing permits to qualified individuals and institutions to conduct scientific research.
- Mandate the inventory and evaluation of all sites on government owned and managed lands. The inventory is the responsibility of the individual Federal agency involved.
- Require that all projects with State or Federal involvement be conducted in such a way as to protect any significant cultural resources that may be present. This includes, but is not limited to, the performance of archeological surveys, site evaluations, and, if necessary, mitigation of adverse impacts to such resources.

A.2 Policy Guidance

Programmatic guidance and policy documents provide additional direction for the management of national wildlife refuges throughout the Refuge System. While it is not practical to provide information about all of these documents in this Plan, they are critical to management of the Refuge. This section summarizes key policies.

A.2.1 Wildlife Dependent Recreation Policy 605 FW 1-7

The National Wildlife Refuge System Improvement Act of 1997 states that “compatible wildlife-dependent recreation is a legitimate and appropriate general public use of the [Refuge] System.” The overarching goal of the Service’s wildlife-dependent recreation policy is to enhance wildlife-dependent recreation opportunities and access to quality visitor experiences on refuges while managing refuges to conserve fish, wildlife, plants, and their habitats.

A.2.2 Biological Integrity, Diversity, and Environmental Health 601 FW 3

The biological integrity, diversity, and environmental health policy is an additional directive for refuge managers to follow while achieving refuge purpose(s) and the Refuge System mission. It provides for the consideration and protection of the broad spectrum of fish, wildlife, and habitat resources found on refuges and associated ecosystems. It also provides refuge managers with an evaluation process to analyze their refuge and recommend the best management direction to prevent further degradation of environmental conditions and, where appropriate and in concert with refuge purposes and the Refuge System mission restore lost or severely degraded components.

A.2.3 Appropriate Refuge Uses 603 FW 1

The National Wildlife Refuge System Improvement Act of 1997 identified six priority wildlife-dependent recreation uses: hunting, fishing, wildlife observation and photography, environmental education, and interpretation. With the exception of these six uses, and with the exception of the taking of fish and wildlife under State regulations, the refuge manager follows the Service’s Appropriate Refuge Uses policy to decide if a new or existing use is an appropriate refuge use. If an existing use is not appropriate, the refuge manager will eliminate or modify the use. If a new use is not appropriate, the refuge manager will deny the use.

A.2.4 Compatibility 603 FW 2

A compatible use is a proposed or existing wildlife-dependent recreational use or any other use of a national wildlife refuge that, based on sound professional judgment, will not materially interfere with or detract from the fulfillment of the Refuge System mission or the purposes of the national wildlife refuge. The refuge manager will not initiate or permit a new use of a national wildlife refuge or expand, renew, or extend an existing use of a refuge unless the refuge manager has determined the use is a compatible use. A compatibility determination is not an action under NEPA. Deciding whether or not to allow the use is the action—not the compatibility determination. Actions such as developing or revising comprehensive conservation plans or step-down plans and issuing special use permits are about allowing or