



United States Department of the Interior

FISH AND WILDLIFE SERVICE
1011 East Tudor Rd.
Anchorage, AK 99503



November 23, 2015

Jeff Ruch, Executive Director
Public Employees for Environmental Responsibility
2000 P Street, NW, Suite 240
Washington, DC 20036

REF FWS-2016-00065

Dear Mr. Ruch:

On October 19, 2015, you filed a Freedom of Information Act (FOIA) request with the United States Fish and Wildlife Service (FWS) Region 7-Alaska Office requesting the following information:

"1. All records concerning the construction of a new (fifth) cabin on Stuver Lake and related trail development in Tetlin National Wildlife Refuge (NWR), including:

- A. Decision and authorization documents for this construction, including any permits issue(d) and review of cabin design;*
- B. Records reflecting compliance with the National Environmental Policy Act and the National Historic Preservation Act for this project;*
- C. Any Compatibility Determination or other records indicating how this project furthers or comports with the Refuge Comprehensive Conservation Plan;*
- D. Records reflecting how the trail route was chosen and how he avoided lands that are eligible for wilderness designation under the Wilderness Act; and*
- E. Guest list indicating the identity of who has stayed at this cabin, together with records indicating who and by what process cabin reservations are made*

2. Documents reflecting FWS expenditures for the cabin construction and related trail extension.

3. Any documents reflecting plans for additional cabins to be constructed on the refuge.

4. Documents reflection Region 7 approval of this cabin and trail construction.

5. Copies of any citations issued during calendar years 2014 and 2015 by Fish and Wildlife Law Enforcement for felling trees within the Refuge boundary without permission, together with information indicating the disposition of these enforcement actions."

The Region 7 Alaska FOIA Office received your request on October 19, 2015, and assigned it tracking number FWS-2016-00065. We requested an extension to complete the FOIA request with a

current deadline of December 1, 2015. Please refer to this number in communications regarding this request.

The following identify the requested records. However, it should be noted that the 'trail' in question is not a trail, but instead an unimproved, marked route. Additionally, the cabin in question is the fourth (not fifth) administrative cabin on Tetlin NWR and was built upon an existing structure.

1(A): Decision and authorization documents for this construction, including any permits issued and review of cabin design.

-2008 Comprehensive Conservation Plan:

-2008 Compatibility Determination (CD) for Scientific Research and associated activities

-Portions of Chapters 1-4

-ANILCA Section 1306

-50CFR36.33(f)

-603FW1

1(B): Records reflecting compliance with National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA).

See attached, pertinent compatibility determination and hi-lighted sections from 2008 CCP, ANILCA, CFR. Generally, the CCP provides the following direction and guidance:

-CCP 2.4.2.2 Trails (page 2-33): '...other existing trails...are not maintained. Most of these trails pass through low wetland areas and are primarily used by snow machine and dogsled...Under the revised CCP, these trails will be marked and some cleared...to make travel easier and safer...'

-CCP 3.1.1 Minimal management (page 3-1): Minimal management areas are designed 'to maintain the natural environment with very little evidence of human-caused change...Generally, no roads or permanent structures are allowed **except cabins and trails**' (emphasis added). Furthermore, 'Public use or administrative cabins may be constructed if necessary for health and safety'.

1(C). Any compatibility determinations or other records indicating how this project furthers or comports with the refuge CCP.

Please see attachments for the following quotes and/or paraphrases:

-CCP Appendix E, Compatibility Determination for Scientific Research: Supporting and incidental uses for scientific research included existing cabins (attached). '...this CD includes all means of investigations and sampling efforts, access, camping/lodging facilities and activities, and other uses typically associated with research projects'. It should be noted the special use permit conditions (pp E-21 thru E-34) apply only to non-FWS entities to whom a special use permit is issued (not FWS). To wit: Page E-31 (Stipulations necessary to ensure compatibility) - 'Research activities not conducted by or in cooperation with the Service must be authorized by a special permit from the Refuge'.

-CCP Table 3-2 (attached). Activities, public uses, commercial uses, and facilities by management category. All the following activities, including cabins and/or trails, were identified as being 'Allowed', which is defined as 'activity, use or facility is allowed under existing NEPA analysis, appropriate use findings, refuge compatibility determinations, and applicable laws and regulations of the Service, other Federal agencies and the State':

- 1) Research and Management-access and collection of data necessary for management decisions...:
- 2) Mechanical treatment of vegetation; cutting, crushing or mowing of vegetation;
- 3) Snow machine use for transportation;
- 4) Designated hiking routes-unimproved and unmaintained trails; may be designated by signs, cairns, or on maps;
- 5) Cabins (public use, administrative, subsistence)-existing cabins allowed to remain;
- 6) Administrative field sites (permanent facilities used by refuge staff or other authorized personnel for administration of the refuge). Includes administrative cabins and related structures...use of existing sites allowed including replacement of existing facilities as necessary...

1(D). Records reflecting how the trail route was chosen and how he avoided lands that are eligible for wilderness designation under the Wilderness Act.

-This winter route was chosen based on recommendations in the CCP as well as aerial reconnaissance.

- See CCP p.4-49 (attached)
- See route location (attached)

-CCP 4.4 Wilderness Values (attached): As directed by sections 304(g) and 1317 of ANILCA, all refuge lands were reviewed during the planning process as to their suitability or non-suitability for designation as wilderness. Upon completion of that review no lands on Tetlin Refuge were recommended for designation as Wilderness.

1(E). Guest list indicating the identity of who has stayed at this cabin, together with records indicating who and by what process cabin reservations are made.

-This cabin is an administrative field camp, but will remain available to the public for emergency use.

-See attached public use cabin reservation protocol.

2. Documents reflecting FWS expenditures for the cabin construction and related trail extension.

Most construction materials were not purchased specifically for the cabin but were on hand at the Refuge from past bulk orders. However, the engineered roof trusses were purchased specifically for the cabin (see attached receipt and engineering report).

3. Any documents reflecting plans for additional cabins to be constructed on the refuge.

None

4. Documents reflecting Region 7 approval of this cabin and trail construction.

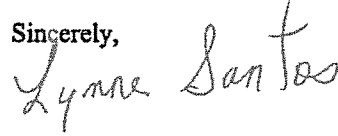
-See attached compatibility determinations, CCP references as described above

5. Copies of any citations issued during CF 2014 and CY2015 by FWS law enforcement for felling trees within the refuge boundary without permission, together with information indicating the disposition of these enforcement actions.

No citations were issued in CY14 or CY15 for felling trees within the refuge boundary without authorization.

If you have any questions concerning your request, please contact Shawn Bayless at (907)883-9401 or at shawn_bayless@fws.gov.

Sincerely,



Lynne Santos, Region 7 FOIA Office

Enclosures:

- 2008 CD for scientific research and associated activities,
- Excerpted portions of CCP Chapters 1-4
- ANILCA Section 1306
- 50CFR36.33(f)
- 603FW1(B)
- Cabin reservation policy
- Receipt for engineered roof trusses

cc: Joseph Darnell, Department of Interior Solicitor
Doug Damberg, Refuge Supervisor, Alaska National Wildlife Refuges
Melissa Allen, Freedom of Information Act/Privacy Act Officer, Division of Information Resources & Technology Management

"For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist."