

Chapter I: Introduction

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Chapter I: Introduction

A. Background

On December 6, 2004, the Bureau of Land Management (BLM) issued a Notice of Intent in the Federal Register to prepare a Resource Management Plan (RMP) and Environmental Impact Statement (EIS) for “public lands” administered by BLM’s Anchorage Field Office (AFO). As defined by the Federal Land Policy and Management Act (FLPMA), “public lands” are those Federally-owned lands and interests in lands that are administered by the Secretary of the Interior, through BLM. This includes lands selected by, but not yet conveyed to the State of Alaska or Native corporations. This chapter establishes the purpose and need for this RMP/EIS. It also contains information about BLM’s planning process.

BLM’s Anchorage Field Office is preparing this RMP/EIS to provide a framework for managing and allocating uses of public lands and resources within the Bristol Bay and Goodnews Bay areas of southwest Alaska. FLPMA provides that “land use plans shall be developed for the public lands regardless of whether such lands previously have been classified, withdrawn, set aside, or otherwise designated for one or more uses.” The approved RMP will meet that statutory requirement as well as the statute’s further requirement for a comprehensive land use plan consistent with multiple use and sustained yield objectives. The EIS will fulfill requirements of the National Environmental Policy Act (NEPA) to disclose and address environmental impacts of proposed major Federal actions through a process that includes public participation and cooperation with other agencies. Planning regulations are contained in the Code of Federal Regulations, at 43 CFR 1600. Administrative procedures and guidance for planning are provided by BLM Manual 1601, *Land Use Planning*, and BLM’s Land Use Planning Handbook (H-1601-1).

B. Purpose and Need for the Plan

The purpose of this Resource Management Plan (RMP) is to provide a comprehensive land use plan to guide management of the public lands and resources administered by the Anchorage Field Office within the Bay planning area. Current management of these lands is guided by the Southwest Management Framework Plan (MFP) (BLM 1981), which applies only to the Goodnews planning block. Additional plans impacting the Bay planning area can be found in section H of this chapter. Approximately 85% of the land under BLM management in the Bristol Bay region has never been addressed by a BLM land use plan. The planning area was included in a statewide plan amendment ensuring consistency with the National Fire Plan in 2005.

There is a need for this RMP because new regulations and policies require management considerations for public lands which are in addition to existing management prescriptions, or are entirely new management considerations where none existed before. New issues and concerns affecting all of these lands must be addressed. Consequently, some of the decisions in the MFP are no longer valid, have been superseded by requirements that did not exist when the MFP was prepared, and do not apply throughout the Bay RMP region. This RMP is also needed given that 85% of the land in the planning area has never addressed by a BLM land use plan. Further, satisfaction of land claims under ANSCA and the Alaska Statehood Act changes BLM’s focus from custodial management of the land to managing the land for multiple use under FLPMA’s mandate. These new issues and changes in management policy and the change in BLM’s land management role drive the need for an inclusive, comprehensive plan that provides clear direction to both BLM and the public.

Additionally, this document will analyze impacts and make a recommendation for retention and revocation of ANSCA 17(d)(1) withdrawals (Chapter I, section E.1, Issue Statement 1). This is because State- and Native-selected lands have been acknowledged and are projected to be satisfied in the next few years.

Consequently, it is now possible to identify lands that will remain in Federal ownership. For those lands, this changes BLM's focus from custodial management of the land for the potential benefit of a claimant to FLPMA's mandate of managing the land for multiple use.

C. Description of the Planning Area

1. Land Ownership and Administration

Map 1.1 shows the location of the planning area within the State of Alaska and provides the varying ownership and conveyance status within the planning area. Of the approximately 23,048,654 acres within the planning area, the RMP/EIS will apply to 1,975,966 acres, as described below and as shown in Table 1.1 and Map 1.1. When conveyances are complete in 2010, approximately 1,163,604 acres, or approximately 5% of the total acreage in the Bay planning area, are expected to remain under BLM management. Until conveyances are approved, State-selected, Native-selected, Top Filed and dual-selected lands outside of National Park system lands or National Wildlife refuges will continue to be managed by BLM.

What actions produced the major land ownership patterns in the Bay planning area?

The following actions created the major outlines of today's land ownership in the planning area.

Early Withdrawals

Katmai National Monument, September 24, 1918, by presidential proclamation.

A small portion of what is today the Togiak NWR south of Goodnews was withdrawn as a Refuge prior to ANILCA; Cape Newenham NWR, Clarence Rhode NWR, Hazen Bay NWR and Nunivak Island NWR were also previously withdrawn and became parts of the Yukon Delta NWR with the passage of ANILCA.

Alaska Statehood Act 1959

Under the provisions of the Statehood Act, the State selected large tracts of land administered by the Federal government. To date, a majority of these selections have been patented or tentatively approved and are under State management.

Alaska Native Claims Settlement Act (ANCSA) 1971

Native regional and village corporations selected large tracts of land administered by the Federal government. To date, a majority of these selections have been interim conveyed to the corporations.

Alaska National Interest Land Conservation Act (ANILCA) 1980

ANILCA expanded Katmai National Monument to include Wilderness, National Park, and Preserve and established Lake Clark National Park and Preserve, Alaska Peninsula National Wildlife Refuge, and the Becharof National Wildlife Refuge.

Unencumbered BLM. These are lands that will most likely be retained in long-term Federal ownership. These lands, which constitute approximately 5% of the planning area, are not selected by the State or by Native corporations or villages.

State-selected. These are lands that were selected by the State of Alaska under the Alaska Statehood Act of 1958 and the Alaska National Interest Lands Conservation Act (ANILCA) of 1980. ANILCA allowed for overselection by the State of up to 25% of its entitlement (sec. 906[f]). Therefore, some State-selected lands will remain in Federal ownership. Per 43 CFR 2627.4(b), State-selected lands will be

segregated from all appropriations including leasable and locatable minerals. State-selected lands constitute approximately 348,388 acres of the planning area.

Top Filed Lands. Section 906(e) of ANILCA allowed for future land claims or "Top Filings" by the State of Alaska. Under this authority, the State filed claims for lands which were not available to the State under the provisions of §6(a) or (b) of the Alaska Statehood Act on the date of the filing. Upon revocation of ANSCA 17(d)(1) withdrawals, Top Filed lands currently designated as unencumbered BLM would become State-selected. Though ANSCA 17(d)(1) withdrawals would open lands to mineral entry, essentially ANILCA 906(e) would continue to prevent mineral entry as the lands become State-selected as described the previous paragraph, *State-selected*.

Native-selected. The Alaska Native Claims Settlement Act (ANCSA) of 1971 entitled Alaska Natives to select 44 million acres of land from a pool of public lands specifically defined and withdrawn by the Act for that purpose. Some ANCSA corporations filed selections in excess of their entitlements. Similar to that of over-selections by the State, some of the Native-selected lands will not be conveyed and will remain in Federal ownership. Per ANCSA, section 11, Native-selected lands will be segregated from all appropriations including leasable and locatable minerals. Native-selected lands constitute approximately 411,268 acres of the planning area.

Dual-selected. These are lands that have been selected by both the State and Native corporations. Because of overselection, some of these lands may remain in Federal ownership. Dual-selected lands constitute approximately 265,056 acres of the planning area.

Mineral estate. Alaska is a "split estate" property state in which there can be two distinct owners of a given parcel of land—the surface owner and the sub-surface owner. Federal split-estate lands are those where the surface estate has been patented out of Federal ownership, while all or a portion of the subsurface estate is retained by the United States. The rights of a surface owner generally do not include subsurface interests such as oil, natural gas or coal resources. Under the appropriate provisions and authorities of the Mineral Leasing Act of 1920, individuals and companies can prospect for and develop coal, petroleum, natural gas and other minerals or interests reserved by the Federal government. The subsurface estate lying beneath BLM lands is managed by BLM. The subsurface estate of some Native allotments is reserved to the Federal government. Within the planning area, BLM manages an estimated 52,705 acres of the subsurface estate where it does not manage the surface.

Table 1.1. Land Status within the Bay Planning Area

Land Category	Acres	Percent of the Planning Area
BLM-managed lands		
BLM public lands (unencumbered)*	1,163,604	5.05%
State-selected**	348,388	1.51%
Native-selected	411,268	1.78%
Dual-selected***	265,056	***
Mineral Estate	52,705	0.23%
BLM-managed lands subtotal	1,975,965	8.57%
National Park Service managed lands	4,193,427	18.19%
U.S. Fish and Wildlife Service managed lands	4,400,956	19.09%
Military	10,832	0.06%
State of Alaska	9,731,275	42.2%
Private****	2,788,904	12.1%
Total lands within the planning area	23,048,654	100.0%

*Includes a portion of the Neacola Block, in the northeastern most corner of the planning area, comprising 21,419 acres, which was addressed in the Ring of Fire RMP/EIS and will not be addressed in this plan.

**State-selected lands according to BLM Land Status.

*** Intersection of State priority selection with Native selected lands (according to BLM Land Status). Dual-selected acres are already included in the State-selected and Native-selected totals, and are not included in the total lands within the planning area acreage.

****Private lands include ANCSA lands, Native allotments, and all other privately owned lands. The vast majority of this acreage is comprised of Native corporation land.

Lands within the planning area that will not be covered by the RMP/EIS:

National Park Service lands. These are lands within Lake Clark National Park and Preserve, Katmai National Park and Preserve, and the Alagnak Wild River. These lands constitute approximately 18% of the planning area.

U.S. Fish and Wildlife Service lands. These are lands managed by the U.S. Fish and Wildlife Service within the Yukon-Kuskokwim Delta National Wildlife Refuge, the Alaska Maritime National Wildlife Refuge, the Togiak National Wildlife Refuge, and the Alaska Peninsula/Becharof National Wildlife Refuge. These lands constitute approximately 19% of the planning area.

Military lands. These lands are withdrawn for military purposes. If the withdrawals are revoked and the lands are returned to BLM during the life of this RMP, the management provisions contained in this RMP/EIS may apply. Military lands constitute one-tenth of one percent of the planning area.

State of Alaska lands. These are lands that have been conveyed to the State of Alaska. These lands constitute approximately 40% of the planning area.

Native lands. These are lands conveyed to village and regional Native corporations and are now private lands. These lands are listed in Table 1.1 with other private lands and, in total, constitute approximately 12% of the planning area.

Private lands. Aside from village and regional Native corporation lands, these lands are privately owned and include Native allotments and other private land. In Table 1.1, they are included with Native lands to comprise approximately 12% of the planning area.

2. Geographic and Social Setting

The Bay planning area includes lands adjacent to Bristol, Goodnews, and Jacksmith bays, and extends northerly to the Kanektok River. It includes the headwaters of the Togiak, Tikchik, King Salmon, Nushagak, Mulchatna, Kvichak-Alagnak, and Naknek river drainages. It also includes the east side of Iliamna Lake and Kakhonak Lake, the western portion of the Alaska Range and the Aleutian Range, and the upper portions of the Alaska Peninsula north of Becharof Lake and Egegik Bay (Map 1.1). This region consists primarily of broad, level to rolling upland tundra-covered river basins (Map 1.1).

Residents of the Bay planning area are located in 25 villages. There are two State organized boroughs within the planning area, Bristol Bay and Lake and Peninsula Boroughs, and three ANCSA Regional Corporations have real estate holdings within the planning area; Calista, Incorporated, Ltd., Bristol Bay Native Corporation, and Cook Inlet Region, Incorporated.

People residing within the Bay planning area are heavily engaged in a subsistence economy. Besides the subsistence economy, commercial fishing, commercial guiding, and sports hunting and fishing are the primary pursuits in the planning area.

Natural gas, coal, and coal bed methane may be present in the region based on data collected from exploratory wells drilled on the Alaska Peninsula and offshore in the Bristol Bay basin. A few families have windmills, but most of the energy used to generate heat and electricity is derived from diesel fuel and heating oil that is barged to the region. Transportation is predominantly by air or water. The planning area contains approximately 92 miles of secondary roads, none of which are located on unencumbered BLM lands. Access to public lands is by boat, airplane, or snow machine, though a few areas are accessible by automobile or off-highway vehicle (OHV).



Photo 1.1. Alagnak River, View South.

In addition to BLM-managed lands, the planning area includes lands administered by the State of Alaska (State), Native corporations, the National Park Service (NPS), U.S. Fish and Wildlife Service (FWS) and private landowners (Map 1.1; Table 1.1).



Photo 1.2. Jacksmith Creek, Goodnews planning block



Photo 1.3. Bear Creek, Kvichak planning Block.

D. Planning Blocks

In order to more easily discuss specific locales within the Bay planning area, and to provide for some consistency among discussions within the RMP/EIS, the different blocks of unencumbered BLM land have been named. Map 1.1 provides the names.

The land ownership pattern in Alaska changes daily as BLM continues to convey land to Native entities and the State per the Alaska Land Transfer Acceleration Act, Public Law 108-45. The land ownership pattern within the planning area that existed on February 5, 2007 is the basis for the text that follows.

E. Issues and Management Concerns Identified During Scoping

The Bay Scoping Report was issued on May 30, 2005, and is available at the BLM website for the Bay RMP/EIS at http://www.blm.gov/ak/st/en/prog/planning/bay_rmp_eis_home_page.html, or a hard copy is available from BLM AFO upon request (BLM 2005). Scoping is an open public process for determining the range of issues to be analyzed in the RMP/EIS, and for identifying important issues related to the Bay planning area. Internal scoping meetings were held, meetings were arranged with other public agencies, and a series of five public meetings were conducted to provide the public with information about the planning effort to identify issues and concerns that should be addressed in the RMP/EIS, and to collect information that would enable selection of the best overall Alternative while meeting FLPMA's multiple use mandate. In addition to public scoping meetings, Government-to-Government consultations were carried out in six villages, and presentations were given to a wide variety of public interest groups. Comments were also received by letter and through the Bay planning website.

Comments received fell into three categories: (1) Issues and concerns that could be addressed in the planning document; (2) Issues that relate to BLM-managed lands but are beyond the scope of this RMP/EIS; (3) Issues that relate to lands administered by other agencies. The first two will be discussed here. With regard to the third, issues that relate to lands administered by other agencies or entities, comments were forwarded to the relevant agencies in formal letters, and letters were also sent to the commenters, informing them of our actions.

1. Issues Addressed

Public and internal scoping identified several issues and management concerns that are being addressed in the Bay RMP/EIS. They are:

Issue Statement 1: Which lands would be made available for oil and gas and other mineral development, and how should these lands be managed to sustain natural resources?

The plan makes recommendations for the location and number of acres available for Fluid Mineral leasing, Locatable Mineral entry, and the sale of Salable Minerals.

Withdrawal orders issued under the authority of Section 17(d)(1) of ANCSA withdrew substantial acreage within the planning area from all forms of appropriation under the public land laws, including mining and mineral leasing laws. These withdrawal orders were intended to be temporary – the lands were to be withdrawn until conveyance of the majority of State- and Native corporation-selected lands had taken place and a planning process was completed. The withdrawal orders close the land to mineral development and provide temporary protection of resources, but restrict BLM from fully realizing the multiple use potential of the lands it manages.

Under this plan, BLM proposes revoking the ANCSA 17(d)(1) withdrawals in the Bay planning area. Where necessary, some of the withdrawals may be replaced by appropriate management strategies aimed at resource conservation.

The Bristol Bay blocks of BLM land have a wide variety of world-class renewable and non-renewable resources, including much-utilized salmon, caribou, moose, and bear, the potential for the presence of rich cultural and paleontological resources, as well as a potential for oil, gas, and solid mineral development. These lands are the focus of current but limited multiple uses, including subsistence hunting, fishing, and gathering, sport hunting and fishing, and commercial fishing. Members of the public have expressed concern that these resource values be retained, including that of a properly functioning ecosystem. At the same time there is an interest in developing mineral resources and attendant infrastructure, creating the possibility of user conflict.

The lands in the Goodnews planning block are remarkable for their unique coastal beaches, wetlands and marshes, habitat for migrating waterfowl and shorebirds, and a wide variety of unique vegetation types. Ahklun Mountains habitat is non-forested alpine tundra with willow-lined drainages and tall willow and alder shrub thickets skirting the bases of the hills and occurring in scattered patches throughout (Photo 1.2). Salmon and freshwater fish are available in its rivers and streams. It is a focus of subsistence activities for this region's villages. A number of known historic sites are present on BLM lands in this planning block. BLM lands have moderate to high potential for locatable minerals, and mining has historically taken place in the area. There is a concern for potential user conflict.

These issues are addressed in the program Goals and Objectives in Chapter II, in the Alternatives, and in the Required Operating Procedures and Stipulations (Appendix A).

Issue Statement 2: What land tenure adjustments would allow BLM to consolidate discontinuous blocks of land to benefit land management for the people of the United States?

The pattern of State and Native corporation selections and conveyances leaves a number of small, scattered tracts for BLM to administer, creating management difficulties for BLM, subsistence, sport, and commercial users, and adjacent landowners. The situation also complicates permitting processes for activities that cross administrative lines. BLM wishes to consolidate these lands into larger blocks of land for management and administrative purposes.

After settling all of the State and Native corporation claims in the planning area, BLM would prefer to use the smaller, isolated blocks for exchange in order to consolidate its long-term holdings.

Issue Statement 3: How will access be provided to BLM-managed lands for various purposes including recreation, subsistence activities, and general public land use, while protecting natural and cultural resources?

The public expressed concern about the compatibility of new Rights-of-Way with other interests. Avoidance areas for Land Use Authorizations and Rights-of-Way would be identified in conjunction with the proposed Bristol Bay and Carter Spit ACECs in this plan. Because BLM currently has no development proposals for BLM lands in the Bay planning area, other avoidance areas will be identified on a case-by-case basis.

Members of the public expressed a desire to be informed about access to public lands via 17(b) easements. Existing 17(b) easements are identified and described in this plan. The summary tables in Appendix F provide identification of each 17(b) easement by the Easement Identification Number (EIN)

BLM will make recommendations in this RMP/EIS regarding how recreation opportunities on BLM lands will be managed, and will provide recommendations to establish Visual Resource Management and Recreation Opportunity Spectrum classes.

Commenters expressed the expectation that user conflicts would be expressly addressed in the RMP. Concerns expressed include:

- competition between subsistence hunters and sport hunters
- analysis of BLM's Special Recreation Permit program
- regulating aircraft access to BLM lands
- enforcement of regulations on BLM lands
- signing BLM lands

Both State and Federal statutes provide a priority for subsistence use of wildlife in Alaska. State regulations apply to all subsistence activities unless otherwise superseded by Federal regulations. The Federal Subsistence Board regulates subsistence harvests on unencumbered BLM-managed lands for rural residents while the State Division of Wildlife Conservation continues to have the responsibility to manage wildlife for all other users on all lands within Alaska. Withdrawals and mining claims are qualified Federal public lands and are under the authority of the Federal Subsistence Board. Potential subsistence management conflicts and potential management resolutions with respect to harvesting wildlife do not reside with BLM but rather with the State Board of Game and the Federal Subsistence Board.

That said, it remains that BLM, pursuant to the provisions of Title VIII of ANICLA, evaluates all land use applications for their effects on subsistence, and a section 810 (ANILCA) Compliance/Clearance Determination of Need is performed before any use is approved.

Prior to issuing any permits or use authorizations on Native-selected lands, the views of ANCSA Native corporations are obtained and considered. On State-selected lands, permit applications or use authorizations are not processed without first obtaining the concurrence of the State.

Enforcement of Bureau regulations and policies on BLM-managed lands will be performed by AFO Recreation Program staff, BLM Law Enforcement rangers, field staff, and other AFO specialists

conducting field compliance examinations. BLM will continue to seek the assistance of neighboring land management agencies and rural communities in pursuit of its monitoring and enforcement efforts.

Because conveyances under the Statehood Act, ANCSA and ANILCA are still in progress, the land ownership pattern is continually changing, thus signage identifying BLM lands and boundaries, while a very good idea, is not yet practical.

Issue Statement 4: Should eligible rivers be recommended for inclusion in the National Wild Rivers System?

Twenty eight rivers, river segments, streams, and lakes were nominated by the public during scoping to be evaluated for their eligibility for nomination to the Wild and Scenic River system. The details regarding these water bodies can be found in Appendix B.

The National Wild and Scenic River Act of 1968 was enacted to preserve the free flowing condition, water quality, and outstandingly remarkable values of select rivers. A four-step process is required before a river can be included in the National Wild and Scenic River System. Rivers are ranked based on eligibility, classification, and suitability. Recommended rivers are studied further by Congress before their inclusion in the Wild and Scenic River System.

The first step is an evaluation of a river's eligibility. For a river to be eligible, it must be free-flowing and possess one or more outstandingly remarkable values (ORV). An ORV is defined as a unique, rare or exemplary feature that is significant at a comparative regional or national scale. If a river is found eligible, its current level of development is documented. Next, a river is categorized as wild, scenic, and/or recreational. The final step is a suitability analysis which provides the basis for determining whether to recommend a river for inclusion in the Wild and Scenic River System.

2. Issues Considered But Not Further Analyzed

The following topics were raised during public scoping or in comments received after publication of the draft Bay plan but will not be addressed in this RMP. Some of these issues are beyond the scope of the plan, while others do not meet BLM policy or planning criteria and will not be addressed. The issues and concerns that will not be analyzed further are summarized below.

a) Wilderness Characteristics

In 1964, Congress enacted the Wilderness Act “. . . to assure that an increasing population . . . does not occupy and modify all areas within the United States . . . , leaving no lands designated for preservation and protection in their natural condition.” The statutory criteria used to identify lands with wilderness character have been in effect since passage of the Wilderness Act over 40 years ago.

Alaska lands were inventoried, reviewed, and studied for their wilderness values under the Wilderness Act criteria beginning in 1971 when Congress enacted ANCSA. For eight years thereafter, the Department evaluated national parks, forests, wildlife refuges, wild and scenic rivers, and other lands for potential designation as wilderness.

Subsequently, Congress passed ANILCA, which preserved more than 150 million acres in specially protected conservation units. This represents more than 40% of the land area of the State of Alaska, and about 60% of the Federal land in Alaska. Pursuant to ANILCA, more than one-third of the lands preserved in conservation units, or 57 million acres, were formally designated as wilderness.

In recognition of the sensitive and protracted negotiations that resulted in the designation of large amounts of wilderness and the limitations wilderness designations impose on the multiple use of those

lands, Congress did not mandate further wilderness inventory, review, or study of BLM lands in Alaska, with one exception. Section 1001 of ANILCA mandated a study of Federal lands north of 68 degrees latitude and east of the western boundary of the National Petroleum Reserve-Alaska. These lands are not within the planning area.

Rather than mandating further wilderness inventory, review, or study, Congress granted the Secretary the discretion to undertake additional wilderness study of BLM lands but, per section 1326 (b) of ANILCA, precluded further study of any Department lands in the State of Alaska “. . . for the single purpose of considering the establishment of a conservation system unit, national recreation area, national conservation area, or for related or similar purposes” absent Congressional direction.

Shortly after the passage of ANILCA, the Secretary exercised this discretion to adopt a policy to not conduct further wilderness inventory, review, or study (outside of ANILCA) as part of the BLM planning process in Alaska. This policy was in effect for approximately 20 years. On January 18, 2001, Secretary Babbitt adopted another approach that deviated from this long-term policy.

Clearly, Congress may direct BLM to undertake further wilderness study in Alaska in future legislation. However, in the absence of further legislation, Congress has granted the Secretary the discretion to determine whether further wilderness inventory, review and study of BLM lands in Alaska is warranted.

Wilderness inventory was not conducted as part of this planning process, and wilderness areas are not considered in any of the alternatives in the Proposed RMP. There are no BLM-managed wilderness areas or wilderness study areas within the planning area. There are areas that possess opportunities for a primitive recreation experience, solitude, and naturalness. These areas are described in Chapter III in the Recreation Opportunity Regions section. These areas will not be recommended for congressional designation as wilderness areas.

b) Subsistence

Many comments were received on subsistence. Many people requested that subsistence be made a priority in the plan and on BLM lands, that subsistence resources and the subsistence way of life be protected, that important subsistence use areas be identified, and that impacts on subsistence from other uses be monitored. Iliamna residents noted that they were seeing a decline in moose, caribou, and salmon populations. Commenters placed a great deal of emphasis on salmon fisheries and the importance of maintaining the health of rivers that provide salmon spawning habitat. Infrastructure development (i.e. roads) was seen as being both positive for access to subsistence resources and as a potential source of user conflict.

This RMP will consider impacts to subsistence activities, access for subsistence use, and management of fish and wildlife habitat in support of maintaining a sustained yield of subsistence species. Appendix D provides a Section 810 (ANILCA) analysis.

c) Fish and Wildlife, Habitat, and Regulations

The majority of comments received during scoping addressed fish and wildlife as they relate to subsistence resources, hunting and fishing, and commercial activities involving fish and wildlife. Comments pointed out the unique nature of the Bay region with regard to fish and wildlife populations and the natural environment. Commenters urged preservation of fish and wildlife resources and habitat. They also highlighted the potential for conflict between maintenance and use of these resources and development of mineral resources and infrastructure in the Bay area.

BLM received many comments relating to habitat management for important subsistence species such as caribou and moose. This issue proved to be one of the most important themes at all of the public meetings and in written comments. Several comments noted that the planning area includes important

habitats and migration routes for moose and for the Nushagak and Mulchatna caribou herds. Twenty-five villages in and adjacent to the planning area depend on these resources. Comments reflected the serious concerns of subsistence and recreational users about various kinds of development on BLM lands, including infrastructure development. Commenters recommended an ecosystem management approach to habitat management.

Comments emphasized the world-class river systems within the Bay planning area and the spawning and rearing habitat found within those systems for five species of salmon and other anadromous and freshwater fish species. Salmon are the single most important species for subsistence users. There is concern that this habitat be retained intact. Specific rivers and streams were identified for their importance (Appendix B, Wild and Scenic Rivers).

Commenters were interested in BLM working with others to discuss enhancing moose and caribou populations and carefully tracking wildlife populations. Commenters in the villages repeatedly mentioned increased predation by wolves and bears on moose and caribou populations. BLM was encouraged to work with Togiak National Wildlife Refuge to adopt consistent conservation objectives to protect the Nushagak and Mulchatna caribou herds.

This RMP will not affect State and Federal hunting or fishing regulations, or predator control initiatives. Although BLM manages fish and wildlife habitat, the Alaska Department of Fish and Game (ADF&G) manages fish and wildlife populations, including harvest by recreational, commercial, and subsistence users on State lands, selected lands, and private lands. The Federal Subsistence Board manages qualified Federal subsistence harvests of fish and wildlife on Federally-administered public lands and waters in Alaska. Changes in hunting and fishing regulations, propagated by the Alaska Board of Fisheries and Game and the Federal Subsistence Board, are beyond the scope of this plan. BLM participates in the Federal Subsistence Board, and is a member of several fish and wildlife planning groups for the Bay planning area, including those addressing moose, the Mulchatna caribou herd, brown bear, salmon, migratory waterfowl, and shorebirds. Any actions that might affect hunting and fishing will be coordinated with Alaska Department of Fish and Game consistent with 43 CFR Part 24. Appendix G contains the Master Memorandum of Understanding between the agencies.

d) State of Alaska Administration of Guides, Outfitters, and Transporters

There were numerous comments about the State of Alaska's administration of guides, outfitters, and transporters. A State Commercial Services Board was recently reestablished to make recommendations to the State on how to better manage guides, outfitters, and transporters. BLM does not administer the State of Alaska program.

e) Special Status Species/Critical Habitat

Members of the public requested that BLM focus on identifying critical wetland and water habitat areas. Several commenters recommended that Kaskanak Creek be designated critical fish habitat, and critical habitat for moose, beaver, and migratory birds.

BLM manages fish and wildlife habitat on BLM lands, and can provide special attention to important habitat areas by using any of a number of planning tools. It is the function of the U.S. Fish and Wildlife Service to formally make a determination of critical habitat in conjunction with the Federal List of Endangered and Threatened Wildlife.

f) Implementation of the RMP

Public comments requested that BLM make clear in this RMP/EIS how it intends to implement proposed actions. The specifics of implementing this RMP/EIS will not be addressed in this plan, but will be addressed in the Record of Decision.

g) Education and Interpretation

Commenters recommended informing potential users of Federal Public Lands of local customs and concerns, including cultural values, subsistence needs, respect for the land and preservation of historic and prehistoric archaeological sites.

Chapter III, Section F and Appendix D (analysis of impacts to subsistence by the proposed Alternatives and subsistence use area maps) provide information on the subsistence customs and practices of the people in the Bay planning area, traditional subsistence hunting areas and hunting practices, and Native belief systems.

h) Co-Management

One comment expressed interest in co-management of lands and resources between BLM and Native entities. Although administration of BLM lands remains under BLM management, land management issues will be addressed on a case-by-case basis in Government-to-Government consultation with interested Native entities. Government-to-Government consultation can take place regarding any subject at any time; however, should a Native entity desire a more formal arrangement, AFO is willing to enter into a Memorandum of Agreement with any affected Tribe to provide a framework for those discussions.

i) Impacts to Subsistence Users of Activities Occurring on State or Private Lands.

Some comments that were outside the scope of the RMP included the impacts to subsistence users from lodges, guiding, and transporting activities on State lands, and the impacts on subsistence use from U.S. Air Force low flying aircraft. These issues will not be addressed in this RMP/EIS.

j) Pebble Project

The Pebble Project, state mining claims operated by Northern Dynasty Mines Inc. (NDM), is a copper-gold-molybdenum porphyry deposit on State of Alaska land. As of May 2007, the project is in the advanced exploration stage. Pebble is located approximately 17 miles northwest of the community of Iliamna, and is approximately 30 miles northeast of the nearest BLM-managed land. The proposed Pebble project is included as a potential cumulative influence within the planning area.

k) Subsistence Only Areas

Several requests were received during the draft EIS/RMP comment period to designate portions of BLM-managed lands as subsistence use only areas. FLPMA sec. 302(a) explains BLM's mandate to manage public lands under the principles of multiple use and sustained yield. Currently, BLM has no authority to designate "Subsistence Use Only" areas.

F. Planning Criteria and Legislative Constraints

FLPMA provides BLM with the authority to manage Federal public lands. The law sets forth the fundamental policy of managing the land for multiple use while preserving the sustainable yield of its renewable resources. It allows for land use planning, land acquisition and disposal, administration, range management, right-of-way grants, and designation of special management areas. Aspects of ANCSA and ANILCA provide additional land use planning considerations. NEPA provides a national charter of environmental responsibility and requires public disclosure of information regarding the environmental impacts of major Federal actions significantly affecting the quality of the human environment.

Planning criteria are the standards, rules and guidelines that help to guide data collection, Alternative formulation, and Alternative selection in the RMP/EIS development process. In conjunction with the planning issues, planning criteria assure that the planning process is focused. The criteria also help guide the selection of the Final RMP and provide a basis for judging the responsiveness of the planning options.

The AFO uses the following planning criteria for the Bay planning effort. BLM will:

- Encourage opportunities for public participation throughout the RMP/EIS process.
- Protect valid existing rights throughout the planning area.
- Consider subsistence uses and minimize adverse impacts in accordance with Title VIII of ANILCA.
- Cooperate with State and Federal agencies, Native corporations, Tribes, Municipal governments, and interested groups and individuals.
- Manage wildlife habitat consistent with Alaska Department of Fish and Game (ADF&G) objectives and Federal Subsistence Board requirements and mandates.
- Comply with FLPMA, the National Historic Preservation Act, the Wild and Scenic Rivers Act, and other Federal laws, regulations, and required policies. Prepare the RMP/EIS in compliance with Council on Environmental Quality (CEQ) regulations implementing NEPA, and comply with BLM's planning regulations at 43 CFR 1600 and the BLM H-11601-1 Land Use Planning Handbook (BLM 2005a), and BLM ACECs Manual 1613 (BLM 1988c).
- Utilize and comply with the Alaska Land Health Standards.
- Analyze land tenure adjustments, disposals and acquisitions. Include land transfers, exchanges, and sales as allowed under FLPMA, the Recreation and Public Purposes Act (R&PP) (1954), and other laws as land acquisition and disposal options. Emphasize exchanges of isolated parcels of unencumbered land for parcels that will help in consolidating existing discontinuous large blocks of unencumbered BLM land in the Bristol Bay area and the Goodnews Bay area.
- Consider plans and policies of adjacent Federal conservation system units, landowners and State and local governments. RMP/EIS decisions will be consistent with officially approved or adopted resource-related plans of other Federal, State, local and tribal governments to the extent those plans are consistent with Federal laws and regulations applicable to public lands. BLM's management of the subsurface estate in components of the National Wildlife Refuge and the National Park System will be consistent with the plans of the surface managers.
- Manage withdrawn lands consistent with the purpose for which the withdrawal was established.
- Identify, designate, and protect special management areas such as Areas of Critical Environmental Concern (ACECs), and Special Recreation Management Areas (SRMAs). Develop and incorporate management alternatives into the RMP/EIS.
- Focus management prescriptions on all resources and not the combination of uses that will give the greatest economic return or economic output.
- Analyze Visual Resource Management (VRM) class designations to reflect present conditions and future needs. Identify areas requiring modifications or restrictions for specific land uses to resolve conflicts.

- Include the preservation, conservation, and enhancement of important historic, cultural, paleontological, and natural components of public land resources.
- Maintain coordination with Alaska Native entities to identify sites, areas, and objects important to their cultural and religious heritage.
- Consult with USFWS and the National Marine Fisheries Service (NMFS) as required by the Endangered Species Act (ESA).
- Determine Wild and Scenic River eligibility and suitability in accordance with Section 5(d) of the Wild and Scenic Rivers Act (WSRA) and BLM Manual 8351.
- Complete designations for Off-Highway Vehicles for all public lands within the planning area according to the regulations found in 43 CFR 8342.

G. The Planning Process

This Resource Management Plan is intended to be a flexible and adaptive management tool for managing the public lands and their resources. Decisions in plans guide future management actions and subsequent site-specific implementation decisions. Plan decisions establish goals and objectives for resource management (desired outcomes) and the measures needed to achieve those goals and objectives (management actions and allowable uses).

The RMP provides broad, multiple use guidance for managing public lands and resources administered by BLM. In Alaska this applies to unencumbered BLM lands and, through concurrence and consultation with State or Native corporations, those lands that have been selected but have yet to be conveyed out of Federal ownership. RMP decisions are made on a broad scale and guide subsequent site-specific, day-to-day decisions.

Preparing an RMP is a prerequisite to taking specific resource management actions. The plan provides future direction for site-specific activity. BLM will follow the RMP when initiating subsequent implementation actions and will monitor the consistency of those actions with the direction laid out in the RMP.

In BLM, what is the relationship between a Resource Management Plan and an Environmental Impact Statement?

Section 202 of FLPMA requires carrying out comprehensive planning, while requirements in NEPA call for analyzing the impacts of Federal actions, including planning. A BLM Resource Management Plan is therefore developed in the context of an Environmental Impact Statement. Each of the Alternatives presented in Chapter II represents a different plan for the future management of BLM lands under its responsibility in the Bay planning area. These Alternatives also satisfy the requirements in NEPA that BLM consider alternative approaches to meeting its need to manage land and resources under its jurisdiction in the Bay planning area. The Record of Decision (ROD) that will be issued at the end of the planning process will provide the approved RMP that will guide BLM's management in the Bay planning Area.

1. Policy

The following policies and legislation are outside the scope of the plan but may influence decisions or constrain Alternatives.

a) State of Alaska and Native Selections

Under the Statehood Act, the State of Alaska has an entitlement to select Federal lands for conveyance to the State. Approximately 348,388 acres, or 1.51%, of all BLM-managed lands in the planning area are State-selected. ANCSA requires the conveyance of lands to Alaska Native corporations. Approximately 411,268 acres, or 1.78% of the BLM-managed lands in the planning area are Native-selected. Conveyance of State-selected and Native-selected lands within the planning area is ongoing. Selected lands will remain under interim management, as described in the RMP, until lands are conveyed. Rental receipts collected for the use of interim managed lands are placed into escrow and are dispersed upon conveyance.

b) Coastal Zone Management

The Coastal Zone Management Act of 1972 as amended (PL 92-583), directs Federal agencies conducting activities within the coastal zone or that may affect any land or water use or natural resources of the coastal zone to conduct these activities in a manner that is consistent “to the maximum extent practicable” (to the fullest degree permitted by existing law [15 CFR Sec. 930.32]) with approved State management programs.

The Alaska Coastal Zone Management Act of 1977, as amended, and the subsequent Alaska Coastal Management Program and Final Environmental Impact Statement (1979) establish policy guidance and standards for review of projects within or potentially affecting Alaska’s coastal zone. In addition, specific policies have been developed for activities and uses of coastal lands and water resources within regional coastal resource districts. Most incorporated cities, municipalities, and boroughs as well as unincorporated areas (coastal resource service areas) within coastal zones now have State-approved coastal management programs.

Although State and coastal district program policies guide consistency determinations, more restrictive Federal agency standards may be applied. The Federal Coastal Management regulations state that when “Federal agency standards are more restrictive than standards or requirements contained in the State’s management program, the Federal agency may continue to apply its stricter standards...” (15 CFR § 930.39[d]).

Certain Federal actions may require a Federal Consistency Determination. BLM will contact the Alaska Department of Natural Resources, Alaska Coastal Management Program for a consistency determination before approving a project that may affect a coastal zone.

c) RS 2477 Routes

Under Revised Statute (RS) 2477, Congress granted a Right-of-Way for the construction of highways over unreserved public land. Under Alaska law, the grant could be accepted by either a positive act by the appropriate public authorities or by public use. “Highways” under State law include roads, trails, paths, and other common routes open to the public. Although RS 2477 was repealed in 1976, a savings clause preserved any existing RS 2477 Rights-of-Way. The State of Alaska claims numerous Rights-of-Way across Federal land under RS 2477, including those identified in AS 19.30.400. The validity of RS 2477 Rights-of-Way is outside the scope of this document.

Table 1.2. Steps in the BLM Planning Process

Step		Description
1	Identify Issues	Identify major problems, concerns, and opportunities associated with the management of public lands in the planning area. The public, BLM, and other agencies and entities identify issues. The planning process focuses on resolving the planning issues.
2	Develop Planning Criteria	Identify planning criteria which will guide development of the RMP and prevent the collection of unnecessary data.
3	Collect and Compile Inventory Data	Collate and collect environmental, social, economic, resource, and institutional data. In most cases, this process is limited to information needed to address the issues.
4	Analyze the Management Situation	Assess the current management situation. Identify the way lands and activities are currently managed in the planning area, describe conditions and trends across the planning area, identify problems and concerns resulting from the current management, and identify opportunities to manage these lands differently.
5	Formulate Alternatives	Formulate a reasonable range of Alternatives for managing resources in the planning area. Alternatives include a combination of current management and other alternatives that seek to resolve the major planning issues while emphasizing different management scenarios. Alternatives vary by the amount of resource production or protection allowed, or in the emphasis of one program area over another.
6	Describe the Affected Environment; Evaluate Potential Effects	Describe the affected environment. Assess the physical, biological, economic, and social effects of implementing each Alternative in order to provide a comparative evaluation of impacts in compliance with CEQ regulations for implementing NEPA (40 CFR 1500).
7	Select Preferred Alternative	Based on the information resulting from the evaluation of effects, identify a Preferred Alternative. The Draft RMP/EIS is then prepared for printing and is distributed for public review and comment.
8	Select Proposed RMP	Following review and analysis of public comments on the Draft RMP/EIS, make adjustments as warranted and select a proposed RMP, which along with the Final EIS is published. A final decision is made after a 60-day Governor's Consistency Review and a 30-day public protest period are complete. BLM then publishes the ROD and prepares the approved RMP.
9	Implement, Monitor and Evaluate	Implement the approved RMP. Collect and analyze resource condition and trend data to determine the effectiveness of the plan. Implementation of decisions requiring subsequent action is also monitored. Monitoring continues from the time the RMP is adopted until changing conditions require revision of the whole plan or any portion of it.

2. Relationship to BLM Policies, Plans, and Programs

The following BLM plans and standards relate to or govern management in the planning area:

- Southwest Management Framework Plan (BLM 1981)
- Alaska Interagency Wildland Fire Management Plan (Alaska Department of Natural Resources et al. 1998)

- Land Use Plan Amendment for Wildland Fire and Fuels Management – Environmental Assessment (BLM 2004d) Decision Record (BLM 2005d)
- BLM’s Alaska Statewide Land Health Standards (2004a)
- BLM-Alaska Fire Management Plan (BLM 2005g)

3. *Forms of Public and Intergovernmental Involvement*

Planning is a deliberate public process. BLM uses a number of methods to involve and work with members of the public, interest groups, and government entities.

Public involvement entails “The opportunity for participation by affected citizens in rule making, decision making, and planning with respect to the public lands, including public meetings or hearings...or advisory mechanisms, or other such procedures as may be necessary to provide public comment in a particular instance” (FLPMA, Section 103(d)).

Coordination, as required by FLPMA (Section 202(c)(9)), involves ongoing communication between BLM managers and State, local, and Tribal governments to ensure that BLM considers pertinent provisions of non-BLM plans in managing public lands; seeks to resolve inconsistencies between such plans; and provides ample opportunities for State, local, and Tribal government representatives to comment in the development of BLM’s RMPs (43 CFR 1610.3-1). The CEQ regulations implementing NEPA further require timely coordination by Federal agencies in dealing with interagency issues and in avoiding duplication with Tribal, State, county, and local procedures (40 CFR 1510).

Consultation involves attaining the advice or opinion of another agency regarding an aspect of land use management for which that agency has particular expertise or responsibility.

Collaboration is a process in which interested parties, often with widely varied interests, work together to seek solutions for managing public and other lands. Collaboration mandates methods, not outcomes, and does not imply that parties will achieve consensus.

a) **Collaboration with Alaska Native Governments**

EO 13175, Consultation and Coordination with Indian Tribal Government, signed by the President on November 6, 2000, and published November 9, 2000 (65 FR 67249), is intended to establish regular and meaningful consultation and collaboration between Federal agencies and Native tribal governments in the development of Federal regulatory practices that significantly or uniquely affect their communities. In preparing this RMP/EIS, BLM has participated in Government-to-Government consultation process with affected Native communities.

b) **Other Stakeholder Relationships**

It is important to the success of the Bay RMP/EIS that key stakeholders and other parties potentially affected by the outcome of the RMP planning process are identified and involved in the planning process. Interested parties have been identified as having a concern in the project because of:

- Jurisdictional responsibilities and review
- Proximity to the planning area
- Use of the planning area
- Expressed interest

These stakeholders have been contacted and are included in the Bay mailing list. Those identified as having potential interest in the project include Federal, State, and local agencies; elected and appointed

officials; Alaska Coastal Management Districts; ANCSA regional and village corporations, Village and Tribal councils, the Alaska Federation of Natives, and Alaska Inter-Tribal Council; and interested organizations, including individuals with an interest in recreation/tourism, mineral development, conservation, and individual citizens, media, and the BLM Resource Advisory Council (RAC), which is a citizen body representing a wide spectrum of public interests.

The BLM and ADF&G Master Memorandum of Understanding (MOU)

In 1983, ADF&G and BLM agreed to recognize their respective roles in managing fish and wildlife resources and their habitat. Through an MOU, ADF&G agreed to:

- Recognize BLM as the Federal agency responsible for multiple use management of BLM lands including wildlife habitat in accordance with FLPMA, ANILCA, and other applicable Federal laws.
- Regulate and manage use of fish and wildlife populations on BLM lands in such a way as to improve the quality of fish and wildlife habitat and its productivity.
- Act as the primary agency responsible for the management of all uses of fish and wildlife on state and BLM lands, pursuant to applicable State and Federal laws.

BLM agreed to:

- Recognize ADF&G as the primary agency responsible for management of use and conservation of fish and wildlife resources on BLM lands, pursuant to applicable State and Federal laws.
- Incorporate ADF&G's fish and wildlife management objectives and guidelines in BLM land use plans unless such provisions are not consistent with multiple use management principles established by FLPMA, ANILCA, and applicable Federal laws.

H. Related Plans

Plans previously written by Federal, State, local and Tribal governments that relate to management of lands and resources within and adjacent to the Bay planning area were reviewed and considered as the RMP/EIS was developed. BLM planning regulations require that BLM plans be consistent with officially approved or adopted resource-related plans of other agencies to the extent those plans are consistent with Federal laws and regulations applicable to public lands. Table 1.3 provides a list of major regional plans that have been reviewed in preparation of this RMP/EIS.

Table 1.3. List of Plans for Lands Within and Adjacent to the Bay Planning Area

Management Plan	Agency
Draft Ring of Fire Resource Management Plan/Environmental Impact Statement	BLM 2006
Alaska Peninsula/Becharof National Wildlife Refuge Complex Final Public Use Management Plan	USFWS 2004
Alaska Maritime National Wildlife Refuge Comprehensive Conservation Plan EIS/Wilderness Review Draft	USFWS 2006
Alaska Department of Fish and Game Habitat Protection Section State Game Refugees Critical Habitat Areas & Game Sanctuaries	ADNR 1981
Alaska Interagency Fire Management Plan, Kuskokwim-Illiamna Planning Area	Multiple, 1983
Alaska Interagency Fire Management Plan, Yukon-Togiak Planning Area	Multiple, 1984
Alaska Interagency Fire Management Plan, Kodiak-Alaska Peninsula Planning Area	Multiple, 1986
Alaska Statewide Land Health Standards	BLM 2004
Becharof National Wildlife Refuge Comprehensive Conservation Plan EIS/Wilderness Review Final	USFWS 1985
Bureau of Land Management Finding of No Significant Impact and Environmental Assessment for the Proposed Land Use Plan Amendment for Wildland Fire and Fuels Management for Alaska	BLM 2004
Bristol Bay Area Plan For State Lands	ADNR 1984
Bristol Bay Area Plan	ADNR 2004
Bristol Bay Borough Comprehensive Plan	ADNR and ADF&G 1985
Fire Management Plan for Western Arctic National Parklands, Alaska	NPS 2004
Integrated Natural Resources Management Plan King Salmon Airport	U.S. Air Force 1999-2003
Integrated Natural Resources Management Plan South coastal Long Range Radar Sites, Alaska	U.S. Air Force 2000-2003
Integrated Natural Resources Management Plan Southwestern Inactive Sites, Alaska	U.S. Air Force 2001-2005
Katmai General Management Plan Wilderness Suitability Review Land Protection Plan	NPS 1986
Lake Clark General Management Plan National Park and Preserve/Alaska Environmental Assessment	NPS 1984
Lake Clark National Park and Preserve Resource Management Plan	NPS 1999
Bureau of Land Management Decision Record for the Land Use Plan Amendment for Wildland Fire and Fuels Management for Alaska	BLM 2005
McNeil River State Game Refuge and State Game Sanctuary Management Plan	ADNR 1996
Nushagak & Mulchatna Rivers Recreation Management Plan Resource Assessment	ADNR Draft 2004
Southwest Planning Area Management Framework Plan Anchorage District Office	BLM 1981
Togiak National Wildlife Refuge Comprehensive Conservation Plan EIS/Wilderness Review	USFWS 1985
Wood-Tikchik State Park Management Plan	ADNR 2002

I. Organization of the Bay Resource Management Plan/Environmental Impact Statement

The plan is organized into chapters and sections.

Chapter I establishes the purpose and need for the Bay Resource Management Plan, describes the planning area, addresses scoping, including scoping issues addressed and those considered but not further analyzed, provides planning criteria and legislative constraints. Describes the planning process and identifies other related plans.

Chapter II provides a general description of each Alternative, and identifies management common to all Alternatives. It identifies the preferred Alternative.

Chapter III addresses the affected environment, presenting information needed to understand issues and environmental consequences, and provides a context for the Goals and Objectives.

Chapter IV provides analytical assumptions, including reasonably foreseeable development scenarios for mineral development. It addresses direct, indirect, and cumulative impacts of the proposed Alternatives, summarizes critical elements that are addressed, not affected, or not present, and identifies incomplete or unavailable information.

Chapter V includes a discussion of specific actions taken to consult and coordinate with agencies, entities, and the general public.