

Appendix D

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Appendix D

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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 associated Environmental Impact Statement (EIS) for public lands administered by the Anchorage Field Office. As defined by the Federal Land Policy and Management Act of 1976 (FLPMA), as amended, “public lands” are those federally-owned lands and interests in lands (such as federally-owned mineral estate) that are administered by the Secretary of the Interior through the BLM. In this case, public lands also include lands selected but not yet conveyed to the State of Alaska and Native corporations and villages. The Draft Bay RMP/EIS was made available through publication of the Notice of Availability in the Federal Register on September 29, 2006.

Current management of these lands in part (Goodnews Block) is guided by the Southwest Planning Area Management Framework Plan (MFP) (BLM 1981). Since approval of the MFP in 1981, new regulations and policies have created additional considerations that affect the management of public lands. In addition, new issues and concerns have arisen over the past 25 years. Consequently, some of the decisions in the MFP are no longer valid or have been superseded by requirements that did not exist when the MFP was prepared. Further, the remaining lands in the Bristol Bay portion of the Bay Planning Area are not covered by an existing plan. Through the completion of an RMP/EIS, BLM proposes to provide a comprehensive land use plan that will guide management of the public lands and interests administered by the Anchorage Field Office.

Chapter III: Affected Environment and Chapter IV: Environmental Consequences of the Bay Resource Management Plan provide a detailed description of both the affected environment of the planning area and the potential adverse effects of the various alternatives to subsistence. This appendix uses the detailed information presented in the Bay Proposed RMP/Final EIS to evaluate the potential impacts to subsistence pursuant to Section 810(a) of the Alaska National Interest Land Conservation Act (ANILCA).

A. Subsistence Evaluation Factors

Section 810(a) of ANILCA requires that an evaluation of subsistence uses and needs be completed for any Federal determination to “withdraw, reserve, lease, or otherwise permit the use, occupancy or disposition of public lands.” As such, an evaluation of potential impacts to subsistence under ANILCA Sec. 810(a) must be completed for the Bay Proposed RMP/Final EIS. ANILCA requires that this evaluation include findings on three specific issues:

- The effect of use, occupancy, or disposition on subsistence uses and needs;
- The availability of other lands for the purpose sought to be achieved; and
- Other alternatives that would reduce or eliminate the use, occupancy, or disposition of public lands needed for subsistence purposes (16 USC Sec. 3120).

The evaluation and findings required by ANILCA Sec. 810 are set out for each of the four alternatives considered in the Proposed RMP/Final EIS.

A finding that the proposed action may significantly restrict subsistence uses imposes additional requirements, including provisions for notices to the State of Alaska and appropriate regional and local subsistence committees, a hearing in the vicinity of the area involved, and the making of the following determinations, as required by Section 810(a)(3):

- Such a significant restriction of subsistence uses is necessary and consistent with sound management principles for the utilization of the public lands;
- The proposed activity will involve the minimal amount of public lands necessary to accomplish the purposes of use, occupancy, or other disposition; and
- Reasonable steps will be taken to minimize adverse effects upon subsistence uses and resources resulting from such actions.

To determine whether a significant restriction of subsistence uses and needs may result from any one of the alternatives discussed in the Bay Proposed RMP/Final EIS, including their cumulative effects, the following three factors in particular are considered:

- The reduction in the availability of subsistence resources caused by a decline in the population or amount of harvestable resources;
- Reductions in the availability of resources used for subsistence purposes caused by alteration of their normal locations and distribution patterns; and
- Limitations on access to subsistence resources, including but not limited to increased competition for the resources.

A significant restriction to subsistence may occur in at least two instances: 1) when an action substantially reduces populations or their availability to subsistence users, and 2) when an action substantially limits access by subsistence users to resources. Chapter III: Affected Environment provides information on areas and resources important for subsistence use, and the degree of dependence of affected communities on different subsistence resource populations. Chapter IV: Environmental Consequences provides much of the data on levels of reductions and limitations under each alternative, which was used to determine whether the action would cause a significant restriction to subsistence. The information contained in the Bay Proposed RMP/Final EIS is the primary data used in this analysis.

A subsistence evaluation and findings under ANILCA Sec. 810 must also include a Cumulative Impacts analysis. The following section begins with evaluations and findings for each of the four alternatives discussed in Proposed RMP/Final EIS. Finally, the cumulative case, as discussed in Chapter IV: Environmental Consequences, is evaluated. This approach helps the reader to separate the subsistence restrictions that would potentially be caused by activities proposed under the four alternatives from those that would potentially be caused by past, present, and future activities that could occur, or have already occurred, in the surrounding area.

When analyzing the effects of the four alternatives, particular attention is paid to those communities who have the potential to be most directly impacted by the proposed actions. These communities are located adjacent to or within the Bay planning area. The cumulative case expands the analysis to include lands within and near the Bay planning area sharing subsistence resource populations' seasonal distributions, migratory patterns and key habitats. This would include indirect effects to communities located in other areas of the state to assess any impacts to subsistence that may result because of negative effects to migratory subsistence species and seasonal distributions thereof.

In addition to ANILCA, Environmental Justice, as defined in Executive Order 12898 calls for an analysis of the effects of Federal actions on minority populations with regard to subsistence. Specifically, Environmental Justice is:

The fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no group of people, including racial, ethnic, or socioeconomic group should bear a disproportionate share of the

negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies.

Section 4-4 of Executive Order 12898, regarding the Subsistence Consumption of Fish and Wildlife, requires Federal agencies to collect, maintain, and analyze information on the consumption patterns of populations who principally rely on fish and/or wildlife for subsistence, and to communicate to the public any risks associated with the consumption patterns from activities that they are proposing. To this end, the description of subsistence use as presented in Chapter III: Affected Environment, as well as the subsistence analyses of the alternatives located in Chapter IV: Environmental Consequences of the Bay Plan, have been reviewed and found to comply with Environmental Justice requirements.

B. ANILCA Sec. 810(a) Evaluations and Findings for All Alternatives and the Cumulative Case

The following evaluations are based on information relating to the environmental and subsistence consequences of alternatives A through D, and the cumulative impacts analysis as presented in Chapter IV: Environmental Consequences of the Bay Proposed RMP/Final EIS. The required operating procedures and stipulations discussed in Chapter II of the Bay Proposed RMP/Final EIS are also considered for the alternatives to which they apply. The evaluations and findings focus on potential impacts to the subsistence resources themselves, as well as access to resources, and economic and cultural issues that relate to subsistence use.

1. Evaluation and Findings for Alternative A

Selection of Alternative A would result in management of the planning area as specified in the Southwest Planning Area MFP. Valid decisions contained in the Southwest Planning Area MFP would be implemented if not already completed. Direction contained in existing laws, regulation and policy would also continue to be implemented, sometimes superseding provisions in the Southwest Planning Area MFP. The current levels, methods and mix of multiple use management of public land in the planning area would continue, and resource values would receive attention at present levels. In general, most activities would be analyzed on a case-by-case basis and few uses would be limited or excluded as long as they were consistent with State and Federal laws. Fire would be managed consistent with the Alaska Land Use Plan Amendment for Wildland Fire and Fuels Management (BLM 2004b, 2005c).

a) Evaluation of the Effect of Use, Occupancy, or Disposition on Subsistence Uses and Needs

Under Alternative A, ANSCA 17(d)(1) withdrawals would be maintained, prohibiting new leasable and

locatable mineral actions.

The Recreation Opportunity Spectrum classification would remain classified as Semi-Primitive Motorized and both commercial and non-commercial recreation would continue to be managed on a case-by-case basis with no areas identified for use limits. There may be impacts to subsistence resources from both commercial and non-commercial recreation activities, including aircraft overflights, landing in remote areas, camping, and boating. There would be no travel management restrictions and no OHV weight limits. Cross country travel would be allowed everywhere on BLM-managed lands within the planning area. One of the primary impacts to subsistence from recreation activities may be temporary stress and displacement of wildlife. In addition, habitat degradation may result from trampling or removal of plant species. There are a few heavily used areas where these activities may compete directly with subsistence use.

Over the past 20 years, the Mulchatna Caribou Herd (MCH) has displayed significant shifts in seasonal ranges and migration routes. However, these shifts have not been attributed to any one cause. Many areas such as Iliamna, Naknek, Levelock, King Salmon and other communities in the eastern portion of the planning area that enjoyed abundant caribou 10-15 years ago now do not have MCH animals readily available. The Goodnews, Platinum, Aniak and Bethel areas, which had very few or no caribou present 20 years ago, now have caribou seasonally available from the MCH. During scoping, residents expressed concern over the large number of sport hunters and guiding operations that compete with subsistence users for resources, primarily moose and caribou. Subsistence hunters in the Bristol Bay land blocks believe that air traffic by transporters and guide/outfitters coupled with the presence of sport hunters has caused migrating caribou to move away from traditional use areas.

The current amount necessary for subsistence (ANS) determination made by the Alaska Board of Game for moose in Game Management Units (GMUs) in the planning area ranges between 280-390 moose annually (5 AAC 99.025). These ANS numbers for moose are considered relatively low, considering the declining annual caribou harvest in recent years resulting from a significant decline in the MCH. The declining caribou herd coupled with an increase in moose numbers has caused subsistence users reliance on moose to increase throughout the Bristol Bay Blocks. Over a number of years the moose population in GMU 17A has increased in the distribution and population. This increase is a result of a hunting moratorium, which allowed the moose population time to rebound from a previously low population level. However, the majority of harvest occurs on non-BLM lands along major rivers with adequate boat access. A portion of the Goodnews Bay Block (a portion of GMU 18) is currently under a moose harvest moratorium to restore viable numbers of moose in that block. Restoration may allow for limited moose hunting at some time during the life of the Bay Plan.

The current ANS for caribou in the GMUs in the Bay planning area ranges between 3,600 and 4,800 per year (5 AAC 99.025). Reported harvests indicate a relatively low number of caribou harvested. Although reported harvest may be low, actual subsistence harvest is probably higher due to low reporting rates. Unreported harvest has been estimated to be approximately 5,000 caribou annually (Woolington 2005). The decline of the MCH also adds to the low harvest numbers.

According to ADF&G, the current ANS numbers for brown bear in the GMUs in the Bay planning area range between 45 and 85 annually (5 AAC 99.025),. Actual harvest is probably higher than this number as there may be a lack of adequate reporting of harvest by local residents.

b) Evaluation of the Availability of Other Lands for the Purpose Sought to be Achieved

Alternative A would continue management of the Bay planning area as specified in the Southwest Planning Area MFP. Valid decisions contained in the Southwest Planning Area MFP would be implemented if not already completed. Direction contained in existing laws, regulation and policy would also continue to be implemented, sometimes superseding provisions in the Southwest Planning Area MFP. Lands managed by other Federal agencies in the planning area are managed under National Park Service or U.S. Fish and Wildlife Service planning documents. Other BLM lands in the state already have

land use planning documents in place, or are being addressed by separate planning processes. State and Native corporation lands cannot be considered in a BLM plan, and under BLM policy other BLM lands outside of Alaska are not considered under ANILCA.

c) Evaluation of Other Alternatives that Would Reduce or Eliminate the Use, Occupancy, or Disposition of Public Lands Needed for Subsistence Purposes

Alternatives that would reduce or eliminate the use of public lands needed for subsistence include the three action alternatives that are presented and analyzed in Chapters II and IV of the Bay Proposed RMP/Final EIS. These alternatives were created to represent a wide range of potential activities that could occur on BLM-managed lands, along with management actions that would serve to protect specific resource values following current national guidelines. Additional alternatives that were considered, but not analyzed in detail are also discussed in Chapter II.

d) Findings

Alternative A would not significantly restrict subsistence use by communities in the planning area, as impacts to subsistence resources would be negligible. Under this alternative the ANSCA 17(d)(1) withdrawals would be retained, prohibiting new leasable and locatable mineral activities on BLM-managed lands. The current levels, methods and mix of multiple uses would continue. Impacts to subsistence species are expected to be localized and temporary and are not expected to impact resources at the population level. No impacts to access by subsistence users are anticipated.

2. Evaluation and Findings for Alternative B

Alternative B would facilitate resource development on BLM lands in the planning area. ANSCA 17(d)(1) withdrawals would be revoked on lands retained in long-term Federal ownership, increasing the potential for mineral exploration and development. Travel and trail restrictions would be minimized. Recreation management would focus on dispersed recreation and management of permits. Management of State- and Native-selected lands would be mostly custodial.

a) Evaluation of the Effect of Use, Occupancy, or Disposition on Subsistence Uses and Needs

Under Alternative B, ANSCA 17(d)(1) withdrawals would be lifted and leasable mineral activities would be activities.

communities and subsistence resources.

Potential impacts from leasable mineral development and associated infrastructure are greater than for exploration, given the permanent and year-round nature of operations. If a development were to occur in the calving area of the MCH, or if infrastructure was constructed in such a way as to impede movements of the herd to important seasonal aggregation sites (i.e. calving and post calving aggregations, insect-

relief habitat, and breeding or winter ranges) then there could be large impacts to this important subsistence resource. Stipulations and Required Operating Procedures (Appendix A, Stipulation 6 & 7) will be used to mitigate disturbance. However, for the purposes of this planning effort, the reasonable foreseeable development scenario under this alternative indicates six exploratory wells and one developmental gas field could be constructed in the Koggiling Creek planning block, six exploratory wells (each disturbing approximately six acres) and one seismic survey would occur every five years covering 63 linear miles with a total of 250 miles collected, over the next 20 years. Additionally, roads, docks, and even remote airstrips constructed to aid production may serve as potential inroads for additional local subsistence user accessibility to resources as well as non-local hunters and fishermen, which could lead to increased competition for resources in the area.

Locatable mineral activities would be permitted on 1,102,489 acres of unencumbered lands. Surface disturbance under this alternative is presumed to be a total of 125 acres (BLM 2006) occurring on State-selected and Native (Federal mining claim) lands due to ANILCA 906(e) Top Filings. Impacts to subsistence would be similar to that discussed in Alternative A, but on a slightly larger scale.

The ROS would be designated as Roded Natural, which provides access by conventional motorized vehicles, roads are maintained on a regular basis, and rustic facilities may be provided for user convenience and safety. Impacts to subsistence would be similar to that discussed in Alternative A, but may be more wide spread with greater intensity in localized areas due to development of facilities providing for improved access or convenience.

Impacts to subsistence resources and practices from travel management would be similar to that discussed in Alternative A.

b) Evaluation of the Availability of Other Lands for the Purpose Sought to be Achieved

Alternative B would manage BLM lands in the planning area in order to optimize resource development, with fewer restraints on commercial activity. Lands managed by other Federal agencies in the planning area are managed under National Park Service or US Fish and Wildlife Service planning documents, and wide-scale development of these lands is limited or disallowed by the mission and goals of these Federal lands as conservation system units. Other BLM lands in the State, such as the National Petroleum Reserve Alaska, are managed primarily to allow for oil and gas development under specific planning documents. Additional BLM lands are managed by current planning documents that allow a mixture of development and conservation following the BLM multiple use mission, or are currently being evaluated through the planning process. State and Native Corporation lands cannot be considered in a BLM plan, and under BLM policy other BLM lands outside of Alaska are not considered under ANILCA.

c) Evaluation of Other Alternatives that would Reduce or Eliminate the Use, Occupancy, or Disposition of Public Lands Needed for Subsistence Purposes

Alternatives that would reduce or eliminate the use of public lands needed for subsistence uses include the three action alternatives that are presented and analyzed in Chapters II and IV of the Proposed RMP/Final EIS. These alternatives were created to represent a wide range of potential activities that could occur on BLM-managed lands, along with management actions that would serve to protect specific resource values following current national guidelines. Additional alternatives that were considered, but not analyzed in detail are also discussed in Chapter II.

d) Findings

Alternative B would not significantly restrict subsistence use in or near the planning area given the management parameters, and the Stipulations and ROPs found in (Appendix A, Stipulations 6 & 7). Should the amount of gas exploration or anticipated area of potential development expand, this finding may need to be revised to resolve and mitigate additional impacts to: salmon and freshwater fisheries; the Mulchatna Caribou Herd; habitat and other localized resources; and therefore to subsistence use.

3. Evaluation and Findings for Alternative C

Alternative C emphasizes active measures to protect and enhance resource values. Production of minerals and services would be more constrained than in Alternatives B or D. In some areas, uses would be excluded to protect sensitive resources. Two Areas of Critical Environmental Concern (ACEC) are identified, and specific measures proposed to protect or enhance values within these areas. Several rivers are recommended suitable for designation under the Wild and Scenic Rivers Act. Limited areas are proposed for Off-Highway Vehicle use, to protect habitat, soil and vegetation resources. Most ANCSA 17(d)(1) withdrawals would be revoked, however some would be maintained as an interim measure at locations where proposed Wild and Scenic Rivers are located until Congress has the opportunity to take action on the proposals, in order to protect on maintain resource values.

a) Evaluation of the Effect of Use, Occupancy, or Disposition on Subsistence Uses and Needs

Under Alternative C, ANCSA 17(d)(1) withdrawals would be revoked, opening 1,003,130 acres of unencumbered BLM lands to mineral entry. ANCSA 17(d)(1) withdrawals would be retained on eligible/suitable Wild Rivers (12,210 acres) including the Alagnak, Goodnews and Goodnews Middle Fork Rivers and within the proposed Carter Spit ACEC (61,251 acres). The retention of these withdrawals would prohibit mineral leasing within these areas. A No Surface Occupancy designation would be established within 300 feet of the East and South Fork Arolik River, Faro Creek, South Fork Goodnews River and Klutuk Creek. Consequently, under this alternative there is less land available for mineral leasing compared to Alternatives B or D. However, this analysis predicts the development of one gas field in the Koggiling Creek planning block, six exploratory wells (each disturbing approximately 6 acres) and one seismic survey would occur every five years covering 63 linear miles with a total of 250 miles collected, over the next 20 years. Alternative C proposes Stipulations, which would be applied that contain seasonal constraints for protection of caribou (Appendix A, Stipulation 6 and 7).

Alternative C predicts 43 acres of disturbance on State-selected or Native (Federal mining claim) lands from locatable mineral activities. Potential impacts to subsistence resources and practices from such a development would be the same as those discussed under Alternative B but fewer acres would be available for these activities.

Designation of Wild Rivers, ACECs, and No Surface Occupancy designations would prevent encroachment of development activities within these areas, ultimately minimizing disturbance to Subsistence fish and wildlife.

An increase in recreational visitors may result from designation of Wild River segments, which could lead to increased impacts to Subsistence fish and wildlife from disturbance and which may create increased competition for subsistence resources.

b) Evaluation of the Availability of Other Lands for the Purpose Sought to be Achieved

Alternative C would manage BLM lands in the Bay planning area in order to optimize conservation. Lands managed by other Federal agencies in the planning area are managed under National Park Service or U.S. Fish and Wildlife Service planning documents, and are considered conservation system units. Other BLM lands in the State either already have land use planning documents in place that specify the amounts and types of activities that can or can not occur, or are currently being evaluated by separate planning processes. State and Native Corporation lands cannot be considered in a BLM plan, and under BLM policy other BLM lands outside of Alaska are not considered under ANILCA.

c) Evaluation of Other Alternatives that would Reduce or Eliminate the Use, Occupancy, or Disposition of Public Lands Needed for Subsistence Purposes

Alternatives that would reduce or eliminate the use of public lands needed for subsistence include the three action alternatives that are presented and analyzed in Chapters II and IV of the Proposed RMP/Final EIS. These alternatives were created to represent a wide range of potential activities that could occur on BLM lands, along with management actions that would serve to protect specific resource values following current national guidelines. Additional alternatives that were considered, but not analyzed in detail are also discussed in Chapter II.

d) Findings

Alternative C would not significantly restrict subsistence use of or access to fish and wildlife resources by communities in the Bay planning area. Some impacts to subsistence resources would be beneficial, and any impacts from the limited development allowed under this alternative would be minimized by ROPs and Stipulations found in Appendix A.

4. Evaluation and Findings for the Proposed Resource Management Plan (Alternative D)

The Proposed RMP (Alternative D) emphasizes a moderate level of protection, use, and enhancement of resources and services. Constraints to protect resources would be implemented, but would be less restrictive than under Alternative C. This alternative would designate one Area of Critical Environmental (Carter Spit ACEC). No rivers would be recommended as suitable for designation under the Wild and Scenic Rivers Act. This alternative would revoke ANCSA 17(d)(1) withdrawals.

a) Evaluation of the Effect of Use, Occupancy, or Disposition on Subsistence Uses and Needs

Under Alternative D, ANCSA 17(d)(1) withdrawals would be revoked and 1,104,468 acres of unencumbered BLM lands would be open to leasable mineral activities. A 300 foot "No Surface Occupancy" area on either side of the East and South Fork Arolik, Faro Creek, South Fork Goodnews River, and Klutuk Creek would be proposed. There would be slightly less land available for mineral leasing compared to Alternative B, but more than Alternatives A and C. However, this analysis predicts the development of one gas field in the Koggiling Creek planning block. Potential impacts to subsistence use and resources from leasable mineral activities would be similar as those discussed under Alternative B, with the exception that under Alternative D, Stipulations that contain seasonal constraints for protection of caribou would be applied (Appendix A, Stipulation 6 and 7).

This analysis predicts potential mining development and disturbance on 115 acres from both placer and lode mining (BLM, 2006). This disturbance is expected to occur entirely on State-selected lands, due to ANILCA 906(e) Top Filings, and Native (Federal mining claim) lands.

Impacts to subsistence and subsistence resources from this level of development would be the same as for Alternative B. At this level of anticipated development and with the application of ROPs in mining Plans of Operations, impacts to subsistence uses and subsistence resources may be considerable in the immediate area associated with locatable mineral activities. Within the Carter Spit ACEC, Plans of Operation would be required for any operation (even those less than five acres). This would have the effect of minimizing small-scale exploratory or development activities and would enable BLM to work with the operator in the Plan of Operation to apply ROPs for protection of resources.

Under Alternative D, the entire recreation area setting would be managed as ROS classes semi-primitive motorized. Impacts to subsistence resources would be the same as those described under Alternative A. All lands would receive a "limited" designation for OHV use, which would require vehicles to stay on existing trails whenever possible. A vehicle weight limit of 2000 pounds would be proposed. Impacts would be similar to that discussed in Alternative C.

The primary impact to subsistence fish species as a result of the Alternative D is the potential for permitted activities to increase sedimentation and siltation in fish-bearing streams. Direct threats to fish from sediment include changes to physical habitat, subsequent decreased reproductive success, and loss of rearing habitat. The primary activities that can lead to increased erosion and subsequent sedimentation are: recreation, OHV use, gravel and mineral mining, and fire management. Most of the potential impacts from these activities would be mitigated by the Stipulations and Required Operating Procedures (Appendix A, Stipulation 9 & ROP FW 6a), and the 300-foot no surface occupancy area along certain rivers and creeks.

The primary impact to wildlife, especially large mammals (e.g., caribou, moose), as a result of Proposed RMP is the temporary displacement and disturbance of animals, and the degradation of habitat in areas of permitted activity, including leasable and locatable mineral activities. These may be reduced by the application of Stipulations, Required Operating Procedures, (Appendix A) and additional constraints determined through project specific NEPA process. In addition, the designation of the Carter Spit ACEC (36,220 acres) provides additional protection of key habitat for wildlife resources.

The Proposed RMP provides for increased activities within the planning area while providing constraints to protect subsistence fish and wildlife. The Proposed RMP is not anticipated to result in population-level declines to subsistence fish and wildlife in the planning area.

b) Evaluation of the Availability of Other Lands for the Purpose Sought to be Achieved

The Proposed RMP would manage BLM lands in the planning area following the BLM mission of multiple use, while at the same time protecting habitat and enhancing natural resource values. Lands managed by other Federal agencies in the planning area are managed under National Park Service or U.S. Fish and Wildlife Service planning documents, and are considered conservation system units. Other BLM lands in the State either already have land use planning documents in place that specify the amounts and types of activities that can or can not occur, or are currently being evaluated by separate planning processes. State and Native Corporation lands cannot be considered in a BLM plan, and under BLM policy other BLM lands outside of Alaska are not considered under ANILCA.

c) Evaluation of Other Alternatives that would Reduce or Eliminate the Use, Occupancy, or Disposition of Public Lands Needed for Subsistence Purposes

Alternatives that would reduce or eliminate the use of public lands needed for subsistence include the three action alternatives that are presented and analyzed in Chapters II and IV of the main body of the Proposed RMP/Final EIS. These alternatives were created to represent a wide-range of potential activities that could occur on BLM Lands, along with management actions that would serve to protect specific resource values following current national guidelines. Additional alternatives that were considered but not analyzed in detail are also discussed in Chapter II of the main document.

d) Findings

The Proposed RMP (Alternative D) would not significantly restrict subsistence use in the planning area. Most of the impacts to subsistence resources would be negligible. Any impacts from the limited amount of development allowed to occur under this alternative would be minimized by the stipulations and ROPs discussed in Chapter II. Impacts to subsistence resources are expected to be localized and temporary, and are not envisioned to have impacts at the population level. No impacts to access by subsistence users are expected to occur.

Competition for subsistence resources, primarily fish, caribou and moose, occurs due to non-local users entering the planning area, especially those using the services of transporters and outfitters. Under the Proposed RMP, there would be no set limits on the number of: guides, outfitters, transporters, local hunters, non-local hunters not using guides, or non-consumptive user groups. However currently there are only four special recreational permits (SRP) for the entire area and it is predicted that over the life of the plan a maximum of only 10 SRPs would be issued. This low number of SRPs would keep competition for resources below a level where there would be significant impacts to subsistence use. Due to a decline of the MCH, increased hunting restrictions for caribou have occurred since 2002 and are likely to continue for a number of years. Currently, moose harvest levels are adequate, given the abundance and accessibility of moose. However, if the MCH is impacted by management actions to the extent that subsistence users require more moose to offset the shortage in caribou, then significant impacts to subsistence use may result and revision to this finding may be required.

5. Evaluation and Findings for the Cumulative Case

The goal of the cumulative analysis is to evaluate the incremental impact of the current action in conjunction with all past, present, and reasonably foreseeable future actions in or near the planning area. The cumulative analysis considers in greatest detail activities that are more certain to happen, and activities that were identified as being of great concern during scoping. Actions included in the cumulative analysis include, but are not limited to, the following:

History of Oil and Gas Exploration

To date, oil and gas exploration has been limited to 26 onshore wells and 2 offshore wells in the Bristol Bay region, an area comprising about 40,000 square miles (Magoon et al. 1996). None of the wells produced oil or gas.

First Lease Sales – The State of Alaska first made land available for oil and gas leasing in the Bristol Bay area in the 1960s. Sales #2 and #5 resulted in the leasing of five isolated tracts in Nushagak Bay and on the Alaska Peninsula (State of Alaska 2005). A total of 476,824 acres were leased. In 1961 Pure Oil Company received a contract from the State of Alaska to drill three wells

in the Nushagak Bay area. The project was abandoned when Pure Oil Company failed in an attempt to land a drilling rig in the area due to icing conditions (State of Alaska 1961).

Historic Wells – The North Aleutian COST #1 well (1983) and the Amoco Becharof #1 well (1985) were drilled in the Aleutian Islands region. The North Aleutian COST #1 well was drilled offshore by ARCO into the Bear Lake Formation, which exhibited good reservoir properties. Approximately 33 feet of coal was also found (Reifenstuhl and Finzel 2005).

Becharof #1, the nearest well on the Alaska Peninsula to the planning area boundary is located approximately 30 miles south of the boundary. It was drilled in 1985 by the Amoco Petroleum Company. Significant gas shows were encountered in Tertiary rocks (Reifenstuhl and Brizzolara 2004). The strata lying between 6,700 and 8,000 feet are considered mature (hydrocarbon generating) (Haga and others 2005). The exploratory well was abandoned.

Cook Inlet Basin Oil and Gas – Alaska's first commercial oil production came from discoveries in Cook Inlet. In 1959, the State of Alaska established a competitive leasing program. Since then over 5.6 million acres of State land have been leased in 40 State oil and gas lease sales in the Cook Inlet region. Prior to Statehood in 1959 the Federal government conducted non-competitive lease sales. About 67,000 acres of the non-competitive Federal leases remain active in the Cook Inlet basin. One competitive Federal lease has been issued to date: a 400-acre parcel. In 1960, annual production rose to 600,000 bbls, and peaked at 83 million bbls in 1970. Industry-related developments include a Unocal ammonia-urea plant in Nikiski, the first oil refinery developed by Tesoro in 1969 near Kenai, and a liquid natural gas (LNG) plant in Nikiski in 1969.

History of Locatable Mineral Production

Known mineral deposits within the Bay planning area that have seen historical production include one deposit of placer platinum, placer gold, and one small mercury lode deposit. Placer platinum mining has historically occurred on the Salmon River near the Goodnews Mining Camp and associated side drainages including Dowery Creek, Squirrel Creek, and Clara Creek. Between 1928 through 1982 an estimated 646,312 troy ounces of platinum were mined from these drainages. Early open cut mining was conducted by draglines/sluc-boxes in the side drainages. In 1937 a large bucket-line dredge was brought in to mine the Salmon River which operated through 1982.

Placer gold mineralization has been identified and mined in the past but these operations were small and have been inactive for many years. Placer gold mining has occurred in the headwaters of the Arolik River and the Wattamuse/Slate Creek area, north of Goodnews Bay; at Trail Creek, a tributary of the Togiak River; at American Creek, north of Naknek Lake; and at Portage Creek and Bonanza Creek, north of Port Alsworth. The largest gold placer operation occurred around Wattamuse Creek and associated drainages, where between 1917 through 1947 an estimated 30,041 troy ounces of gold were mined (BLM 2005, AMS).

Mercury was discovered at the Redtop Mercury Mine, located on Marsh Mountain north of Dillingham. Production occurred from 1952 to 1959 with a total of approximately 100 flasks (Hudson, 2001a OFR 01-192). Several abandoned mine projects have been conducted at the Redtop Mercury Mine during the last decade, including hazardous waste removal of the retort and contaminated soil at the Redtop Millsite along the Wood River. Additionally, dynamite demolition and a closure of the main underground adit have occurred at the associated mine site on top of Marsh Mountain (BLM 2005).

Omnibus Roads – Three Omnibus roads were constructed in the Bay planning area.

Commercial Fishing – Commercial fishing in Bristol Bay continues as the key economic driver in the region. Residents in every village in the region participate in the fishery, with members of every community holding set net and drift net limited entry permits.

The Oil Industry – Oil provides approximately 85% of the State of Alaska income, Permanent Fund Dividends to residents, and has resulted in infrastructure development in the Bristol Bay Region.

Oil and Gas in Bristol Bay Basin – Offshore drilling is currently off limits following a 1996 presidential moratorium; however, directional drilling from onshore is authorized (State of Alaska 2004). The moratorium on offshore drilling is in effect until June 30, 2012, but can be revoked by the President prior to that date (Sherwood et al. 2006).

Alaska Peninsula and Nushagak Peninsula Oil and Gas Leasing Program – On March 17, 2004, ADNR, Lake and Peninsula Borough, Bristol Bay Borough, and Aleutians East Borough signed a Memorandum of Understanding (MOU) in support of oil and gas lease sales and licensing of State land in the Bristol Bay and Alaska Peninsula regions. Similar MOUs were already in place between the ADNR and the Aleut Corporation and the Bristol Bay Native Corporation (State of Alaska 2004).

Oil and Gas Exploration Licensing Near Dillingham

The multi-agency coordination resulted in the State of Alaska initiating an Exploration Licensing area near Dillingham, which originally totaled 329,113 acres, only applicable for lands owned by the State (State of Alaska 2004). Bristol Shores, LLC, the primary interested licensee, was granted a license but let it lapse. In June 2005, Bristol Shores applied for a new license application for a reduced area consisting of 20,154 acres on the east side of Nushagak Bay, south of Dillingham (Petroleum News 2005) with the intent of conducting initial exploration. Currently there is no proposed or pending license in the Bristol Bay license area. Commercial oil finds are unlikely, but the area may contain up to 1 trillion cubic feet (tcf) of natural gas (Loy 2004).

Oil and Gas Lease Sales - ADNR held an oil and gas lease sale October 26, 2005, offering 1,047 tracts of 5.8 million acres within the Alaska and Nushagak peninsulas (Decker 2005). Lands offered within the planning area include the lower Nushagak Peninsula and the southern portion of land extending from south of Ekuk eastward to the Kvichak River delta (State of Alaska 2005). About 510,000 acres lie within the Bay planning area boundary, none of which are BLM administered lands. At that time, 213,120 acres were leased, none of which were within the planning area. Interested was limited to Port Moller and vicinity, on the lower Alaska Peninsula approximately 200 miles south of the planning area. According to ADNR the next sale for the Alaska Peninsula is scheduled for February 2007 (State of Alaska 2006).

Cook Inlet Basin Leasables – The Cook Inlet basin is currently the only commercially producing oil and gas region in southern Alaska. Between 1997 and 2001 Cook Inlet natural gas production remained relatively stable at an average of 213 billion cubic feet (bcf) per year.

Locatable Mineral Exploration in the Bay Planning Area

During 2005, the last complete year of information, 7 Annual Placer Mining Applications (APMA) and Annual Hardrock Exploration Application (AHEA) were submitted for Locatable Mineral projects located within the Bay planning area. Four lode exploration applications and 3 placer mining applications were filed (AK DNR 2005). APMA's are currently being submitted for 2006.

Lode and Placer Exploration – Lode exploration projects include the Big Chunk, Kamishak Project, Pebble Copper, and Shotgun/Mose projects located on State land. One placer mining project on the Arolik River is located on Native-selected land and one location at Salmon River Bench is located on Native land. One placer mining operation on State land includes the Syneeva Creek (Northern Bonanza). There are no lode or placer mining activities on BLM unencumbered land at this time.

Pebble Mine Project – State lode mining claims are located on the Big Chunk (BC), FUR , GDH, KAK, Pebble Copper, Pebble South, 25 Gold: Sill, 37 Skarn, and 38 Porphyry properties. The Pebble copper-gold-molybdenum-silver deposit is located in the Lake and Peninsula Borough, just north of Frying Pan Lake and 18 miles northwest of Iliamna. The exploration and planning phase of this project is likely to continue for several years, and provides income for lodge and hotel owners in Iliamna as well as jobs for locals.

In 2004, Northern Dynasty Minerals, Ltd. began a program to collect engineering, environmental, and socioeconomic data required for completion of a Bankable Feasibility Study and submission of permit applications for the Pebble Mine. New finds in 2005 have delayed the permit application submission timeline. Production is not expected to begin before 2010 (Northern Dynasty Minerals Ltd. 2005).

In conjunction with the mining project, the Alaska Dept. of Transportation and Public Facilities (ADOT&PF) is examining the feasibility of constructing a 75 mile road from the Pebble mine site to a port site at Inskin Bay or Williamsport. Draft reconnaissance engineering started in July 2004, and final reconnaissance engineering was to be completed in 2005 (ADOT&PF 2004).

Big Chunk Project – Liberty Star conducted a comprehensive exploration project to evaluate copper-gold deposits on state mining claims adjacent to the Pebble deposit (Alaska Minerals Commission 2005).

Locatable Mineral Claim Staking – Mining claims have been staked throughout the Bay planning area for both lode and placer deposits. Extensive claim staking has historically occurred in the Bonanza Hills, Kemuk, Kvichak, Pebble Copper, Shotgun Hills, Sleitat Mountains, Snow Gulch, and Red Top areas. As of January 2005 there were a total of 257 Federal claims covering approximately 10,280 acres and as of December 2005 there were a total of 5,824 State claims and no State prospecting sites covering a total of approximately 232,960 acres (BLM 2005).

Bonanza Creek Area – State placer mining claims are located on Bonanza Creek and Syneeva Creek. State lode mining claims are located on the Bonanza Hill and Bonanza property.

Goodnews Bay/Snow Gulch Area – State placer mining claims are located on the Arolik River.

Iliamna/Kvichak Area – Federal and State lode mining claims are located on the Iliamna Project, H Block property. State lode mining claims are located on the Iliamna Project, D Block and LSS properties.

Kemuk Mountain Area – State lode mining claims are located on the Kemuk and NAP properties.

Platinum Area – Federal placer mining claims are located on the Salmon River Bench property.

Shotgun Hills Area – State lode mining claims are located on the Shot, Shotgun/Mose, and Win properties.

Exploration and Development Activities Bonanza Creek Area – There are no identified exploration projects reported in the Bonanza Creek area as of 2004 (Szumigala and Hughes, 2005). One APMA placer mining project was submitted for Syneeva Creek for 2005 (AK DNR, 2005).

Exploration and Development Activities Goodnews Bay/Snow Gulch area – There are no identified exploration projects reported in the Goodnews Bay/Snow Gulch area as of 2004 (Szumigala and Hughes, 2005). One APMA placer mining project was submitted for the Arolik River for 2005 (AK DNR, 2005).

Exploration and Development Activities Iliamna/Fog Area – There are no identified exploration projects reported in the Iliamna/Fog area as of 2004 (Szumigala and Hughes, 2005). No APMA or AHEA exploration projects were submitted for 2005 (AK DNR, 2005).

Exploration and Development Activities Iliamna/Kvichak Area – Detailed geophysical survey and core drilling was completed in 2004 on the Iliamna Project H Block by Geocom Resources Inc. Over 3,303 feet of core drilling was completed at four locations outlining a 2,296 by 4,921 foot gold, copper, and molybdenite mineralized zone. At their Iliamna Project, D Block additional geophysical studies were conducted to delineate drill targets (Szumigala and Hughes, 2005). No APMA or AHEA exploration projects were submitted for 2005 (AK DNR, 2005).

Exploration and Development Activities Kasma Creek Area – There are no identified exploration projects reported in the Kasma Creek area as of 2004 (Szumigala and Hughes, 2005). No APMA or AHEA exploration projects were submitted for 2005 (AK DNR, 2005).

Exploration and Development Activities Kemuk Mountain Area – There are no identified exploration projects reported in the Kemuk Mountain area as of 2004 (Szumigala and Hughes, 2005). No APMA or AHEA exploration projects were submitted for 2005 (AK DNR, 2005).

Exploration and Development Activities Kijik Lake Area – There are no identified exploration projects reported in the Kijik Lake area as of 2004 (Szumigala and Hughes, 2005). No APMA or AHEA exploration projects were submitted for 2005 (AK DNR, 2005).

Recent Exploration and Development Activities Pebble Area – Three properties had extensive exploration activities conducted during 2004; Pebble Copper, Big Chunk (BC), and Pebble South. Northern Dynasty Minerals, LTD. conducted comprehensive drilling, base-line environmental and socioeconomic studies to support Federal and State project permit applications. Also, Northern Dynasty conducted site testing and engineering studies for a bankable feasibility study which will be started in 2005. In-fill drilling to upgrade resources to measured and indicated status and to finalize pit design as conducted. During 2004, more than 157,614 feet of core drilling in 227 holes was completed, in-fill drilling totaled 101,539 feet in 122 holes, metallurgical and process drilling totaled 21,335 feet in 26 holes, geotechnical drilling totaled 32,502 feet in 70 holes, and exploration drilling totaled 13,815 feet in 9 holes. A new higher-grade, laterally extensive gold, copper, and molybdenite “East Zone” was discovered on the east side of the “Central Zone” of Pebble Copper. Mineralization has been discovered to a depth of 2,379 feet, and extends beyond to an unknown depth. More extensive drilling will be conducted during 2005. This deposit would be mined by underground methods and is richer than the Central Zone (Szumigala and Hughes, 2005).

Liberty Star Gold Corp. conducted exploration activities on the Big Chunk (BC) property, abutting the northwest corner of the Pebble Copper claims. Airborne magnetic survey, geologic, geochemical, space imagery, and aeromagnetic studies identified 21 anomalous areas. Geological sampling, mapping, and diamond drilling activities were conducted during 2004 (Szumigala and Hughes, 2005).

Full Metal Minerals, Ltd. conducted exploration activities on the Pebble South property, abutting the south side of the Pebble Copper claims. A geological sampling program, geophysics and ground magnetic studies were completed in 2004. Eleven anomalous areas were identified with two high priority targets identified; the Boo and TYP properties (Szumigala and Hughes, 2005).

Two AHEA exploration projects were submitted for the Big Chunk (BC) and Pebble Copper projects for 2005 (AK DNR, 2005).

In 2006 Northern Dynasty Minerals, LTD. conducted comprehensive drilling, base-line environmental and socioeconomic studies to support Federal and State project permit applications. A total of 74,000 feet of core drilling was done with emphasis on determining the

overall size and grade of the Pebble East deposit discovery made in 2004. This drilling extended the north-south strike length to over 7,000 feet in which the grades consistently exceed 1% copper *equivalent. The deposit is still open ended to the north and south across a width exceeding 4,000 feet. The discovery of the Pebble East has boosted the inferred mineral resource at the deposit by nearly 90%. This deposit is richer than the Central Zone, but lies at depth would be mined by underground methods.

As of February 2007, the Pebble Project has inferred resources, at a 1.0% copper equivalent cutoff, of:

1.4 billion **tonnes grading 1.29% copper equivalent containing 24.6 billion pounds of copper, 20.9 million ounces gold, and 1.2 billion pounds of molybdenum.

Northern Dynasty has stated that the combined resources at the Pebble Deposit constitute one of the most significant metal accumulations in the world. In 2007 the company plans to focus efforts on Pebble East with an estimated 250,000 feet of drilling to further expand the resource and upgrade the classification of known mineralization (Northern Dynasty news releases, January 23 and February 20, 2007).

*Copper equivalent ($CuEQ = Cu\% + (Au\text{ g/t} \times 12.86/22.05) + (Mo\% \times 132.28/22.05)$)

**tonnes = metric tons.

Exploration and Development Activities Platinum Area – There are no identified exploration projects reported in the Platinum area as of 2004 (Szumigala and Hughes, 2005). One APMA placer mining project was submitted for the Salmon River for 2005 (AK DNR, 2005).

Exploration and Development Activities Shotgun Hills Area – TNR Gold Corp. conducted geological and geochemical exploration programs during 2004. This resulted in acquiring 14,080 acres of new State mining claims. The claims follow a north-south trend from the Main Shotgun Zone and are called the Shot, King, and Winchester areas. New drill targets for 2005 were identified along this zone as well as more extensive drilling of the Main Zone. One AHEA exploration projects were submitted for the Shotgun/Mose project for 2005 (AK DNR, 2005).

Sleitat Mountain Area – There are no identified exploration projects reported in the Sleitat Mountain area as of 2004 (Szumigala and Hughes, 2005). No APMA or AHEA exploration projects were submitted for 2005 (AK DNR, 2005).

Construction of the Wood River Bridge – The ADOT&PF, with the Federal Highway Administration, have made an Environmental Assessment and Finding of No Significant Impact for the proposed construction of the Wood River Bridge in Alaknagik. The bridge is currently in the design phase, with construction to begin in late 2007 or in 2008 (ADOT&PF 2005).

Iliamna Airport Improvements – The ADOT&PF began study of ways to improve the Iliamna airport in 2005, including identifying improvement options, preparing engineering and environmental reports, and completing a master plan that outlines short-term (5 years), intermediate (10 years), and long-term (20 year) airport improvements (ADOT&PF 2005).

Manokotak Airport Improvements – The ADOT&PF with the Federal Aviation Administration is proposing improvements to Manokotak Airport in Manokotak. Improvements include expanding the runway, surfacing the entire facility, providing adequate area for snow storage, constructing an apron and taxiway system, installing an airport lighting system and precision approach path indicators and runway end identification lighting, adding two snow removal equipment storage building bays, and extending overhead electrical lines to the new facility. A draft Environmental Assessment was published in July 2005 (ADOT&PF 2005; FAA 2005).

Proposed Naknek River Bridge and Aviation Operations Improvements – The proposed ADOT&PF project would entail a bridge spanning the Naknek River and connecting the three communities of the Bristol Bay Borough, South Naknek, Naknek, and King Salmon. The bridge would tie into the existing Omnibus road that connects Naknek and King Salmon. A bridge would influence aviation use patterns and the priority of aviation operations and improvements at the individual airport facilities, some of which had been identified by 2005 and were awaiting funding (ADOT&PF 2005).

Near-Term Recommendations for Community Linkages – In its Transportation Plan, the ADOT&PF recommends five community linkage projects, three of which are in or immediately adjacent to the Bay planning area: Williamsport-Pile Bay roadway improvements; Iliamna-Nondalton road improvements and bridge construction connection; and Dillingham-Aleknagik road improvements and bridge construction connection (ADOT&PF 2005).

ADOT&PF Recommendations for Port and Harbor Improvements – One recommended set of port improvements is Williamsport navigation improvements and dock facility and Pile Bay dock and boat launch facility. While this is outside the Bay planning area, it is seen as providing an intermodal complement to key transportation infrastructure, some of which would probably be within the planning area (ADOT&PF 2005).

ADOT&PF Marked Winter Trail System – Provides a system of trail markers that permits safe travel by snowmachine between Bristol Bay communities during the winter months (ADOT&PF 2005).

a) Evaluation of the Effect of Such Use, Occupancy, or Disposition on Subsistence Uses and Needs

According to the fish and wildlife analyses in Chapter IV of the Proposed RMP/Final EIS, the combination of ongoing oil and gas development occurring in or adjacent to the planning area, and possible solid mineral exploration and development in the same region, would have cumulative impacts to the MCH. In addition, the privatization or mineral exploration and development of State or Native Corporation lands could lead to additional development. Depending on the location, extent, intensity, and duration of development, these impacts could include: short or long-term disturbance to: caribou calving habitat; post calving aggregations; winter ranges; insect relief habitat; migratory routes; disruption of caribou movements; stress and disturbance impacts to caribou during all seasons of the year; and possible reductions in herd productivity. If significant activity occurred within the calving grounds or other seasonal aggregation habitats or insect relief habitat, impacts could be significant to subsistence.

Development of regional roads and trails infrastructure within the planning area would have the potential to negatively affect fish and wildlife and thus affect subsistence. These impacts could include; habitat fragmentation and degradation; increased access into wildlife habitats; proliferation of unauthorized or uncontrolled OHV use; increased disturbance impacts; increased potential for mortality (road kills); and possible alteration of behavior or movement patterns of wildlife. Small roads that connect communities within the planning area may aid subsistence users in accessing their traditional harvest areas. However, they may also concentrate hunting efforts along the road/trail corridors, thus depleting resources from the area, and potentially altering harvest from currently used traditional harvest areas. Increased competition for subsistence resources would likely result if smaller communities were linked to the existing road system within the State, as non-resident and non-local hunters would be able to access the area with little effort. This may also result in an increase in tourist traffic and recreational use of the area, resulting in additional impacts to wildlife. However, the construction of major road projects within the life of the plan would be dependant upon social and economical conditions and it is not clear which, if any, of these projects would be completed during the life of the plan. Because regional road construction in the planning area is so uncertain and the level of development projected through this plan so minimal, no cumulative impacts to subsistence species are anticipated.

b) Evaluation of the Availability of Other Lands for the Purpose Sought to be Achieved

The Cumulative Case, as presented in the Proposed RMP/Final EIS, contains information on reasonably foreseeable activities that could have an effect on the management decisions being analyzed as part of the RMP. The purpose of the Cumulative Case is to present known ongoing activity by all entities on all lands near or within the planning area, as well as those activities that have been proposed for the future and are likely to occur. The Cumulative Case is not an implementable alternative that specifies land uses and management, and is instead a discussion of impacts that could affect the management decisions contained within Alternatives A through D of the Proposed RMP/Final EIS. As such, no other lands are evaluated under the Cumulative Case.

c) Evaluation of Other Alternatives that would Reduce or Eliminate the Use, Occupancy, or Disposition of Public Lands Needed for Subsistence Purposes

Alternatives that would reduce or eliminate the use of public lands needed for subsistence use include the three action alternatives that are presented and analyzed in Chapters II and IV of the Proposed RMP/Final EIS, as well as Alternative A. These alternatives were created to represent a wide range of potential activities that could occur on BLM-managed lands, along with management actions that would serve to protect specific resource values following current national guidelines. Additional alternatives that were considered but not analyzed in detail are also discussed in Chapter II.

d) Findings

The cumulative case, as presented in this analysis, may result in a reasonably foreseeable and significant restriction of subsistence use for most communities within the planning area, if significant activity occurred within the calving grounds or crucial insect relief habitat of the MCH. Currently, the MCH is a primary subsistence resource for communities in the Bristol Bay and Goodnews Bay regions of Alaska, as well as a significant number of communities adjacent to and well beyond the Bay planning area boundaries, with between 4,700 to 11,700 animals harvested annually. Moose provide a similar source of food and include a harvest of approximately 425-745 annually. Fish resources, primarily salmon, are the major subsistence resource used in the Bay Planning area. As discussed above; increasing exploration and development activities and the potential for improved access (i.e. airport improvements and major road projects), could lead to increased impacts on subsistence resources, including the MCH, moose, fish and their habitat in the planning area. These potential impacts, contribute to the finding of “may significantly restrict subsistence use.”

C. Notice and Hearings

ANILCA Sec. 810(a) provides that no “withdrawal, reservation, lease, permit, or other use, occupancy or disposition of the public lands which would significantly restrict subsistence uses shall be effected” until the Federal agency gives the required notice and holds a hearing in accordance with ANILCA Sec. 810(a)(1) and (2). BLM provided notice in the Federal Register that it had made positive findings pursuant to ANILCA Sec. 810 that Alternative A and the cumulative case presented in the Draft RMP/ EIS met the “may significantly restrict” threshold. As a result, public hearings were held in the potentially affected communities of Goodnews Bay, Dillingham, Aleknagik, New Stoyahok, Naknek, and Newhalen. One additional public meeting was held in Anchorage and comments were taken via conference call from residents of Quinhagak. The determinations presented below are based on the results of the Hearings held after the release of the draft RMP/EIS. Should new testimony result in changes to the Proposed RMP, this testimony will be included in the determinations accompanying the ANILCA 810 evaluation summary contained within the Record of Decision.

D. Subsistence Determinations Under the ANILCA Sec. 810(a)(3)(A),(B), and (C)

ANILCA Sec. 810(a) provides that no “withdrawal, reservation, lease, permit, or other use, occupancy or disposition of the public lands which would significantly restrict subsistence uses shall be effected” until the federal agency gives the required notice and holds a hearing in accordance with ANILCA Sec. 810(a)(1) and (2), and makes the three determinations required by the ANILCA Sec. 810(a)(3)(A), (B), and (C). The three determinations that must be made are: 1) that such a significant restriction of subsistence use is necessary, consistent with sound management principles for the utilization of the public lands; 2) that the proposed activity will involve the minimal amount of public lands necessary to accomplish the purposes of such use, occupancy, or other such disposition; and 3) that reasonable steps will be taken to minimize adverse impacts to subsistence uses and resources resulting from such actions [16 U.S.C. Sec. 3120(a)(3)(A),(B), and (C)].

BLM has found in this subsistence evaluation the cumulative case considered in the Proposed RMP/Final EIS may significantly restrict subsistence uses. Therefore, BLM undertook the notice and hearing procedures required by ANILCA Sec. 810 (a)(1) and (2) in conjunction with release of the Proposed RMP/EIS in order to solicit public comment from the potentially affected communities and subsistence users.

Determinations under the requirements of ANILCA Sec. 810(a)(3)(A), (B), and (C):

A. Significant Restriction of Subsistence Use is Necessary, Consistent with Sound Management Principles for the Utilization of Public Lands.

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 associated Environmental Impact Statement (EIS) for lands administered by the Anchorage Field Office. As defined by the Federal Land Policy and Management Act (FLPMA) of 1976, as amended, public lands are those federally-owned lands and interests in lands (e.g., federally-owned mineral estate) that are administered by the Secretary of the Interior, specifically through BLM. This includes lands selected, but not yet conveyed, to the State of Alaska and Native Corporations and villages.

The approved RMP will meet BLM statutory requirements for a land use plan as mandated by Section 202 of FLPMA, which specifies the need for comprehensive land use plans consistent with multiple use

and sustained yield objectives. The EIS will fulfill requirements of the National Environmental Policy Act (NEPA) of 1969, as amended, to disclose and address environmental impacts of proposed major Federal actions through a process that includes public participation and cooperation with other agencies.

After considering a broad range of alternatives, a proposed action was developed that serves to fulfill the multiple use mission of BLM. Through the completion of this RMP/EIS, the BLM proposes to provide a comprehensive land use plan that will guide management of the public lands and interests administered by the Anchorage Field Office. Most site-specific decisions and management actions, such as designation of specific trails, will occur through subsequent implementation plans.

Current management of these lands in part (Goodnews planning block only) is guided by the Southwest Planning Area Management Framework Plan (MFP) (BLM 1981). Since approval of the MFP in 1981, new regulations and policies have created additional considerations that affect the management of public lands. In addition, new issues and concerns have arisen over the past 25 years. Consequently, some of the decisions in the MFP are no longer valid or have been superseded by requirements that did not exist when the MFP was prepared. Further, the remaining lands in the Bristol Bay portion of the Bay Planning Area are not covered by an existing plan.

BLM has determined that the significant restriction that may occur under the Proposed Action, when considered together with all the possible impacts of the cumulative case, is necessary, consistent with sound management principles for the use of these public lands, and for BLM to fulfill the management goals for the Planning Area as guided by the statutory directives in FLPMA and other applicable laws.

B. The Proposed Activity will Involve the Minimal Amount of Public Lands Necessary to Accomplish the Purposes of such Use, Occupancy or other Disposition.

BLM has determined that the Proposed RMP involves the minimal amount of public lands necessary to accomplish the purposes of the proposed action—which is the creation of an inclusive, comprehensive plan that provides clear direction to both BLM and the public on how BLM lands and resources in the Bay Planning Area should be managed. The Proposed RMP is only applicable to BLM lands within the planning area.

C. Reasonable Steps will be taken to Minimize Adverse Impacts upon Subsistence Uses and Resources Resulting from such Actions.

When BLM began its NEPA scoping process for the Bay RMP, it internally identified subsistence uses as one of the major issues to be addressed. The results of public scoping meetings in communities throughout the planning area, consultation with tribal governments, and numerous meetings and correspondence with local governments, were all used to craft the Proposed RMP. In addition, BLM took into consideration comments from villages and individuals during the ANILCA Section 810 Subsistence Hearings. This information resulted in protections and management parameters that are beneficial to subsistence use, and are included as part of the Proposed RMP. These include:

- The establishment of an Area of Critical Environmental Concern, which will serve to protect important habitat and subsistence resources.
 - The establishment of Required Operating Procedures (Appendix A) for all permitted activities within the Planning Area.
 - [REDACTED]
- on BLM lands.

Given these steps, BLM has determined that the final Proposed RMP includes all reasonable steps to minimize adverse impacts on subsistence uses and resources that may result from the proposed action.

