

Kobuk-Seward Peninsula Record of Decision

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I. INTRODUCTION

This Record of Decision (ROD) approves the Bureau of Land Management's (BLM's) proposal to manage public lands under the jurisdiction of the Central Yukon Field Office and the Anchorage Field Office as presented in the Approved Resource Management Plan (RMP). This RMP was described as Alternative D in the September 2007 Kobuk-Seward Peninsula Proposed RMP and Final Environmental Impact Statement (PRMP/FEIS)(USDI-BLM 2007). This ROD provides the background on development of the plan and rationale for approving the proposed decisions contained in Alternative D, and describes clarifications and/or modifications made to address protests received on the plan. The attached RMP describes the decisions themselves.

The Kobuk-Seward Peninsula Planning Area generally encompasses the area included in the Northwest Arctic Borough, most of the Bering Straits Region, and the western edge of the North Slope Borough. The planning area is bounded on the west and south by the Chukchi and Bering seas and on the east by the National Petroleum Reserve-Alaska (NPR-A), Noatak National Preserve, Kobuk-Valley National Park and Preserve, and the Yukon River watershed (Map 1). The area is remote with no road access to interior Alaska.

Of the approximately 30 million acres within the planning area, decisions in the Approved RMP will initially apply to 11.9 million acres of BLM-managed public lands. Acreages presented in the Approved RMP will change because BLM continues to transfer title to lands within the planning area. Lands covered by the Approved RMP are classified as follows:

- **BLM:** Lands that will most likely be retained in Federal ownership. They are not selected by the State or by Native corporations.
- **State-selected:** Public lands that were selected by the State of Alaska as part of the Alaska Statehood Act of 1958 and Alaska National Interest Lands Conservation Act (ANILCA) of 1980. Until conveyance, State-selected lands outside of National Park system lands or National Wildlife Refuges will be managed by the BLM. ANILCA allowed for overselection by the State by up to 25% of the entitlement (sec. 906 (f)). Therefore, some State-selected lands will eventually be retained in Federal ownership.
- **Native-selected:** The Alaska Native Claims Settlement Act (ANCSA) of 1971 gave Alaska Natives an entitlement of 44 million acres. Some ANCSA corporations filed selections in excess of their entitlements, thus some Native-selected lands will be retained in Federal ownership.
- **Dual-selected:** Lands that have been selected by both the State and Alaska Natives.
- **Mineral estate:** All subsurface mineral estate lying beneath BLM lands is BLM-managed. On selected lands, the mineral estate goes to the State or the Native corporation upon conveyance. In addition, BLM manages an estimated 80,000 acres of subsurface mineral estate beneath private surface within the planning area.
- **Military lands:** Land under withdrawal to the military. If released and returned to BLM management during the life of the plan, direction contained in the Approved RMP would apply.

Decisions in the Approved RMP will not apply to State lands, village and regional Native corporation lands, National Park Service lands, U.S. Fish and Wildlife Service lands, and private

lands. However, decisions in the Approved RMP will apply to BLM-managed subsurface mineral estate, including the subsurface beneath private surface within the planning area.

Development of this RMP was formally initiated with publication of a Notice of Intent (NOI) in the Federal Register in January of 2004. Over the next three years, BLM conducted public outreach, and involved diverse interests as part of plan development. BLM also provided standard public comment periods and an opportunity to protest the proposed decisions to the Director prior to approval of this ROD as required by the BLM planning regulations.

On May 5, 2006, the Notice of Availability (NOA) for the Draft RMP/Final EIS was published in the Federal Register, starting the 90-day public review and comment period. In response to requests from the public and local government, the BLM extended the comment period until September 15, 2006. Substantive comments were compiled, with the responses, in the Response to Comments section (Appendix J of the PRMP/FEIS).

The PRMP/FEIS was published on September 28, 2007. The BLM completed the standard protest period of 30 days prior to approval of this ROD, as required by BLM planning regulations found in 43 CFR 1610.5-2. The protest period ended October 29, 2007.

Table 1. Land Status within the Kobuk-Seward Peninsula Planning Area

Land Category	Acres	Percent of Planning Area
BLM-managed lands		
BLM public lands	5,271,000	17
State-selected	2,569,000	9
Native-selected	4,073,000	13
Dual-selected	80,000*	<1
BLM-managed lands subtotal	11,913,000	39
National Park Service		
	4,090,000	13
U.S. Fish and Wildlife Service		
	2,327,000	8
Military		
	5,000	<1
State of Alaska		
	6,370,000	21
Private**		
	5,713,000	19
Total lands within the planning area	30,418,000	100

Note: All acreage figures are rounded to the nearest 1,000 acres. No warranty is made by the BLM as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data. For official land status and boundary information, refer to cadastral survey plats, master title plats, and land status case-files.

*Dual-selected acres are included in the State- and Native-selected totals, and are not included in the BLM-managed lands subtotal.

**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. Approximately 80,000 acres of these lands include BLM's subsurface mineral estate.

II. RESULTS OF PROTEST REVIEW AND GOVERNOR'S CONSISTENCY REVIEW

A. Protests

A 30-day protest period was provided on the land use plan decisions in accordance with 43 CFR Part 1610.5-2. Six protest letters were received. Two of the protests were dismissed due to lack of standing.

The protesting parties with standing were:

- The Alaska Wilderness League
- The Western Arctic Caribou Herd Working Group
- The Northwest Arctic Borough
- Ms. Sue Steinacher

The main points of each protest were as follows:

Alaska Wilderness League

- Failure to provide adequate protection of public land by recommending revocation of all ANCSA 17(d)(1) withdrawals
- Insufficient analysis of future demands for mineral resources extraction and industrial activities
- Inadequate response to substantive public comment
- Insufficient range of alternatives
- Failure to maintain draft RMP/EIS preferred alternative Research Natural Area (RNA) designation and mineral withdrawal for Mount Osborn
- Failure to adequately justify re-designation and address public comment/support for RNA designation of Mount Osborn
- Inadequate protection for Mount Osborn Area
- Ambiguity regarding future development of an Off-Highway Vehicle Management plan for the Kigluaik Mountains and Mount Osborn
- Inadequate protection for special resources and habitat within the areas of critical environmental concern designated in the proposed RMP/FEIS
- Failure to comply with the Endangered Species Act
- Failure to adequately consider cumulative impacts

The Western Arctic Caribou Working Group

- Insufficient analysis of the effects of climate change on the Arctic ecosystem and caribou
- Insufficient cumulative impact analysis of resource development activities, particularly on caribou and subsistence
- Failure to incorporate Department of Interior policy on Adaptive Management into the Proposed RMP
- Revocation of ANCSA 17(d)(1) withdrawals
- Insufficient protection of important caribou habitats including winter range, calving grounds, insect relief habitat, and migration routes
- Insufficient public process during development of the Proposed RMP

The Northwest Arctic Borough

- Insufficient ANILCA Section 810 process including: insufficient notice for the Section 810 hearings, inadequate Section 810 analysis, BLM did not meet the “least impact possible” requirement of ANILCA, and the Proposed RMP does not minimize adverse impacts to subsistence use
- The interim management for the Squirrel River is not sufficient
- The three-year time frame for development of the Squirrel River Recreation Management Area Plan is too long
- Inconsistency in the group size reported in the Market Analysis table and the Classification Table for the Squirrel River Special Management Area
- Failure to provide adequate protections for subsistence and cultural interests by recommending revocation of ANCSA 17(d)(1) withdrawals within the Northwest Arctic Borough specifically relating to the Western Arctic Caribou Herd calving and insect relief grounds, the Squirrel River Management Area and the Borough-designated Pah River Cultural Resource Protection Area

Ms. Steinacher

- Insufficient analysis of the impacts of climate change on the Arctic ecosystem and failure to mitigate impacts of climate change
- Recommendation for revocation of all ANCSA 17(d)(1) withdrawals violates BLM’s multiple-use mandate
- Inadequate protection for special resources and habitat within the areas of critical environmental concern designated in the proposed RMP/FEIS
- Failure to designate Mount Osborn as a Research Natural Area
- Insufficient public process during development of the RMP

The BLM Director addressed all protests without making significant changes to the Proposed Resource Management Plan, though minor adjustments and clarifications were made and have been explained in this ROD.

B. Governor’s Consistency Review

BLM planning regulations in 43 CFR 1610.3-2 afford state Governors an opportunity to review an RMP/EIS to identify any known inconsistencies between the RMP and approved state or local plans, policies or programs. The Kobuk-Seward Peninsula PRMP/FEIS was published on September 28, 2007, and made available for State review at that time. The Governor’s Consistency Review, dated November 21, 2007, found the PRMP/FEIS to be consistent with state interests, plans, policies, and programs.

III. DECISION

A decision is hereby made to approve the attached Resource Management Plan for the Kobuk-Seward Peninsula planning area for lands administered by the Central Yukon Field Office and the Anchorage Field Office of the BLM. Management decisions and guidance for public lands under the jurisdiction of the Central Yukon and Anchorage Field Offices are presented in the Approved RMP attached to this ROD in Section II, *Management Decisions*.

This plan was prepared under the regulations (43 CFR Part 1600) implementing the Federal Land Policy and Management Act (FLPMA) of 1976. An Environmental Impact Statement (EIS) was prepared for this RMP in compliance with the National Environmental Policy Act (NEPA) of 1969.

The Approved RMP replaces the Northwest Management Framework Plan (MFP) approved in 1982 (USDI-BLM 1982).

All decisions covered by this ROD are land use planning decisions which were protestable under the land use planning regulations (43 CFR Part 1610) **with the exception of the requirement for transporters and air taxi operators to obtain a permit to operate on BLM-managed lands in the Squirrel River watershed**. The transporter/air taxi permitting decision is an implementation decision which may be appealed under the Department of Interior's appeal regulations (43 CFR Part 4). Information on how to appeal this decision can be found in the *Implementation Decisions* section below.

A. Notice of Modifications

As a result of protests on the Proposed RMP the BLM incorporates the following modifications and clarifications in the Approved RMP.

The BLM clarified that the appropriate group size in the Squirrel River Special Recreation Management Area and Kigluaik Recreation Management Zone of the Salmon Lake-Kigluaik Mountains Special Recreation Management Area is 7-10 people. The Market Analysis Table (Table 9 in the Approved RMP) was corrected to change the group size in the prescribed setting character from 3-5 to 7-10 persons to be consistent with the Recreation Opportunity Spectrum Table for Special Recreation Management Areas (Appendix B of the Approved RMP).

The BLM will develop an off-highway vehicle (OHV) activity plan for the Mount Osborn Area of Critical Environmental Concern (ACEC) once stable land status is realized. The OHV activity plan for the Mount Osborn ACEC will be included within the travel management plan for the Salmon Lake-Kigluaik Special Recreation Management Area (SRMA). The projected completion of these travel management/activity plans is five years from approval of the ROD for the Kobuk-Seward Peninsula Final EIS, as recommended in BLM Handbook H-1601-1, Appendix C, Section II (D). In developing a travel management plan for these areas, the BLM will inventory current impacts to resources from OHV use and develop mitigation measures to prevent damage from OHV use. Table 10 in the Approved RMP, *Travel Management Areas and OHV Designations*, was modified to include the five-year time frame for the travel management plan.

As a result of consultation with the U.S. Fish and Wildlife Service as required by Section 7 of the Endangered Species Act, the following requirement is incorporated into section II.J-1-c-9 of the Approved RMP:

BLM will not permit seismic surveys south of Point Hope until such activities are authorized under the Marine Mammal Protection Act (MMPA), which will require a concurrent Section 7 analysis to ensure survey actions do not violate Section 7(a)(2) of the ESA.

B. What the Decision/RMP Provides

This ROD and Approved RMP provide overall direction for management of all resources found on BLM-managed lands within the boundary of the Kobuk-Seward Peninsula planning area, as well as federally-managed subsurface estate.

Decisions in the ROD and Approved RMP apply to all BLM-managed lands (11,913,000 acres), including selected lands (6,642,000 acres), until such time as title is transferred to the State or a Native corporation. Decisions also apply to BLM-managed subsurface mineral estate beneath private lands (approximately 80,000 acres). Acreages presented in the ROD and Approved RMP are approximate because BLM continues to transfer title to lands within the planning area.

This ROD serves as the final decision establishing the land use plan decisions outlined in the Approved RMP and is effective on the date it is signed. No further administrative remedies are available for these land use plan decisions.

C. What the Decision/RMP Does Not Provide

The ROD and Approved RMP do not contain decisions for management of lands administered by the State of Alaska, the National Park Service, the Fish and Wildlife Service, or the military.

The ROD and Approved RMP do not authorize any project, approve any application, or provide approval for any specific future action within the planning area. All future applications will be subject to a NEPA process, including additional public review, the identification of potential impacts resulting from the proposed action, the development and application of mitigating measures, and the assignment of Required Operating Procedures (ROPS) and Standard Stipulations as appropriate.

In addition, many decisions are not appropriate at this level of planning and are not included in the ROD and Approved RMP. Examples of these types of decisions include:

Statutory requirements: The decision will not change the BLM's responsibility to comply with applicable laws and regulations including, but not limited to the Clean Air Act, the Clean Water Act, the National Environmental Policy Act, the Federal Land Policy and Management Act, the Endangered Species Act, or any other Federal law.

National policy: The decision will not change the BLM's obligation to conform to current or future National policy.

Funding levels and budget allocations: These are determined annually at the National level and are beyond the control of the RMP.

D. Implementation Decisions

While designation of the Squirrel River as a special recreation management area is a land use planning decision, the requirement that transporters and air taxi operators obtain a Special Recreation Permit to operate on BLM lands in the Squirrel River (described in Section M-2-1-c of the Approved RMP) is an implementation decision. In accordance with 43 CFR Part 2932.11 , BLM is publishing notification of this requirement to obtain a Special Recreation Permit in the *Federal Register* associated with publishing the Notice of Availability of this ROD.

D-a: Appeal Procedures for Implementation Decisions

Any party adversely affected by the proposed decision to require that transporters and air taxi operators obtain a Special Recreation Permit to operate on BLM land in the Squirrel River may appeal within 30 days of receipt of this decision in accordance with the provisions of 43 CFR Part 4.4. The publication of the Notice of Availability of the ROD/Approved RMP in the *Federal Register* will be considered the date the decision is received. The appeal should state the specific decision that is being appealed. The appeal must be filed with the Field Manager, at the following address:

Bureau of Land Management
Central Yukon Field Office
1150 University Avenue
Fairbanks, Alaska 99709

You may include a statement of reasons when the notice of appeal is filed, or you may file the statement of reasons within 30 days after filing the appeal. A copy of the appeal, statement of reasons, and all other supporting documents must also be sent to the Regional Solicitor, Alaska Region, 4230 University Drive, Suite 300, Anchorage, Alaska 99508 – 4626.

If the statement of reasons is filed separately, it must be sent to the Interior Board of Land Appeals, Office of Hearings and Appeals, 801 N. Quincy Street, Suite 300, Arlington, Virginia, 22203. It is suggested that any appeal be sent certified mail, return receipt requested.

D-b: Request for Stay

If you wish to request a stay of the decision pending the outcome of the appeal, the motion for stay must be filed in the office of the Authorized Officer at the time the appeal is filed and must show sufficient justification based on the following standards under 43 CFR Part 4.21:

- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted.
- (4) Whether the public interest favors granting the stay.

E. Clarifications

The following clarifications and minor corrections made to the information included in the Proposed RMP/Final EIS are reflected in the attached Approved RMP:

- The Market Analysis tables for the Squirrel River SRMA and the Salmon-Lake Kigluaik Mountains SRMA were moved from an Appendix to Section II of the Approved RMP.
- The requirement in Section E-1-a-9 to develop an activity-level plan outlining specific prescriptions for wildland fire use was removed to reflect pending changes to National wildland fire policy. Once policy changes are adopted by BLM, required follow-up actions including the development of an activity-level plan(s), will be implemented.
- Management Action J-4-c-6 has been reworded to change “successor agency” to “contract service providers” to clarify the role of the Bureau of Indian Affairs in the management of mineral material sites on certificated Native allotments. While the BIA retains overall trust responsibility, under the authority of Indian Self-Determination and Education Assistance Act (Public Law 93-638), the agency can contract with Tribal Governments and organizations to operate federal service programs.
- An additional goal of “Eliminate or remediate physical hazards from AML sites on public lands” was added to Section II, A-1-6 *Abandoned Mine Lands and Hazardous Materials Management*.
- Any reference to rivers determined suitable for inclusion as wild and scenic were removed from management actions as the ROD for the Kobuk-Seward Peninsula RMP determines that no rivers are suitable for designation (Section VI *Land Use Management Decisions*). For example, the recreation monitoring section of the Proposed RMP identified suitable rivers as a priority for monitoring, since no rivers were determined to be suitable, this monitoring action was reworded.
- Management Action C-5-b-4 was reworded to clarify that the ACEC management plan for the Nulato Hills ACEC will include discussion of appropriate fire management actions to maintain an adequate acreage of lichen habitats.
- Management Action E-1-a-4 was reworded to clarify and to provide examples of avoidance areas for fire suppression activities.
- Management Action E-1-a-5 was reworded to clarify the meaning.
- A Management decision to implement the most current fire management plan was deleted because this is standard operating procedure.
- Fish Management Goal F-1-2 and Recreation Management Decision M-5-2 were reworded to clarify that they include subsistence use.
- Monitoring and Inventory decision F-4-a-4 was modified to include coordination with the U.S. Fish and Wildlife Service and collection of genetic samples of Dolly Varden and Arctic char, in addition to the salmon species that were originally identified.
- Monitoring and Inventory decision F-4-a-5 was modified to include Gold Run Lake as one of the primary indices for BLM sensitive species trend studies.
- Management Action G-3-1 was modified to include Title VIII of ANILCA as an authority for the harvest of personal use firewood and house logs by qualified subsistence users.
- Management Action H-2-a-5 was reworded to change “cabins” to “structures” in recognition of the fact that not all trespass structures are cabins.
- Management Action H-5-a-2 was reworded to clarify that PLO 6477 will be modified rather than revoked. Another sentence was added to reference mineral leasing setback requirements established in the Approved RMP.

- Table 5 of the Approved RMP was modified to include recommendations to maintain Hot Springs and PSC withdrawals. No recommendation on these withdrawals was included in the Proposed RMP.
- Management Action J-3-c-3 was reworded to clarify that either a mining plan of operations or a notice of operations will be required, depending upon the location and size of the exploration activity. According to 43 CFR 3809.11 a Plan of Operation is required when the area exceeds five acres or involves bulk sampling of over 1,000 tons of ore. If exploration occurs in a designated ACEC, a plan of operations is required regardless of size.
- Monitoring of mined areas for water quality and proper function condition was added under J-3-d, Locatable Minerals, and J-4-c, Mineral Materials.
- Management Action J-4-c-2 was reworded to clarify that mining plans for mineral materials sales will consider the location of special status species, essential fish habitat and other sensitive resources in relation to the proposed operation, consistent with the Required Operating Procedures in Appendix A.
- Table 8, *Salmon Lake Campground Recreation Management Zone (Prescribed Setting Character)* was reworded to clarify that on a seasonal basis, the number of visitors may range from 11-20 persons in a group.
- Management Decision M-3-3 was reworded to clarify that public use shelters will be considered in both the special recreation management areas and the extensive recreation management area.
- Two additional Recreation monitoring actions, M-5-4 and M-5-5, were identified, consistent with BLM's Benefits Based Management Program.

IV. OVERVIEW OF THE ALTERNATIVES

Four alternatives, including a No Action Alternative were analyzed in detail in both the Draft RMP/EIS (May 2006) and the Proposed RMP/FEIS (September 2007). The alternatives were developed to address major planning issues and to provide direction for resource programs influencing land management. All management under any of the alternatives would comply with state and Federal regulations, laws, standards, and policies. Each alternative represents a complete and reasonable set of objectives, actions and allocations that would guide future management of lands and resources in the planning area.

A. Alternative Description

Alternative A is the No Action Alternative. It would continue present management practices and present levels of resource use based on the existing Northwest Management Framework Plan (MFP) (BLM 1982) and other management decision documents. Valid decisions contained in the 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 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).

Alternative B lays the groundwork for active management to facilitate resource development. In this alternative, constraints to protect resource values or habitat would be implemented in very specific geographic areas rather than across the planning area or in special designations. All Alaska Native Claims Settlement Act (ANCSA) withdrawals [pursuant to Section 17(d)(1)] would be revoked on lands retained in long-term Federal ownership, increasing the potential for mineral exploration and development. Seasonal stipulations for oil and gas leasing in caribou habitat and several area based Required Operating Procedures would not apply under this alternative (Appendix A). Travel and trail restrictions would be minimized. One Special Recreation Management Area (SRMA) would be identified in the Squirrel River to focus management on recreational use. In other areas, recreation management would focus on dispersed recreation and management of permits.

Alternative C emphasizes active measures to protect and enhance resource values. Production of minerals and services would be more constrained than in Alternative B or D, and in some areas, uses would be excluded to protect sensitive resources. Areas of Critical Environmental Concern (ACECs) and SRMAs 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 River Act. Limited areas are proposed for off-highway vehicles (OHVs) to protect habitat, soil and vegetation resources. Most ANCSA withdrawals [pursuant to Section 17(d)(1)] are revoked but some would be replaced with new withdrawals to protect resource values. Most Required Operating Procedures outlined in Appendix A would apply. Most anadromous streams and all ACECs would be closed to mineral entry and location. Areas suitable for mineral material disposal would be limited. This alternative treats lands selected by the State and by Native or village corporations as if these lands were to be retained in long-term Federal ownership.

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 six ACECs and identify two SRMAs. No rivers would be recommended as suitable for designation under the Wild and Scenic River Act. This alternative would revoke all remaining ANCSA withdrawals [pursuant to Section 17(d)(1)], leaving the majority of the planning area available for mineral leasing, entry and location. All oil and gas leasing stipulations and Required Operating Procedures would be implemented to protect resource values. This alternative describes interim and long-term management strategies for lands selected by the State, or Native regional or village corporations.

Alternative D was identified as the agency preferred alternative in the Draft RMP/EIS. This same alternative became the proposed alternative in the Proposed RMP/Final EIS, but was modified based on the consideration of public and internal agency comment received on the Draft.

During the early stages of the planning process a number of alternatives were considered, but dropped from detailed analysis for a variety of reasons. The following alternatives were eliminated from detailed study because they did not meet the purpose and need of the proposal, did not involve BLM-managed land, or were outside of the technical or legal constraints of developing a land use plan for public lands and resources:

- Transfer of BLM-managed lands near the Bering Land Bridge National Preserve to the National Park Service
- Proposed Clear Creek Hot Springs RNA
- Proposed Camp Haven Gap RNA
- Proposed Windy Cove RNA

Additional information can be found in Chapter 2, *Alternatives*, of both the Draft RMP/EIS and the Proposed RMP/Final EIS.

B. The Environmentally Preferred Alternative

Alternative D is considered the environmentally preferred alternative when taking into consideration the human (social and economic) environment as well as the natural environment, and considering the BLM's mission and changing land ownership patterns. The Council on Environmental Quality (CEQ) has defined the environmentally preferable alternative as the alternative that will promote the national environmental policy as expressed in Section 101 of the NEPA. This section lists six broad policy goals for all Federal plans, programs, and policies:

1. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
2. Assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
3. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences.
4. Preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;
5. Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
6. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

Based on these criteria, identification of the environmentally preferable alternative involves balancing current and potential resource uses with the need to protect resources, as well as consideration of the human environment. Alternative B could be viewed the least environmentally preferable alternative, as it offers the most intensive, active management for use of the area, which may negatively impact other resource values the most. However, this alternative will provide the most economic benefit to the economy in the short term. Alternative D will provide a better balance between sustainable economic benefits and resource protection than Alternatives A or B. Alternative C would be more protective of natural and biological values than Alternatives A, B, or D, but would allow for fewer or restricted uses.

V. MANAGEMENT CONSIDERATIONS IN SELECTING THE APPROVED RESOURCE MANAGEMENT PLAN

The BLM is tasked with the job of multiple use management, as mandated under FLPMA and numerous other laws and regulations that govern the management of public lands for various purposes and values. Alternative D was developed to address the diverse resource uses in a fair manner and provide a practical and "workable" framework for management of the lands within the planning area.

The BLM is responsible for preparing a plan consistent with its legal mandates that reflects its collective professional judgment, while incorporating varying viewpoints and ideas. Due to the diversity of community needs and stakeholders affected by management of BLM lands, there has been both support and opposition to certain components of Alternative D. BLM's objective in choosing Alternative D as the preferred alternative and proposed plan was to address these diverse needs and concerns in a fair manner and provide a practical and workable framework for management of BLM public lands.

The Approved RMP provides a balance between those reasonable measures necessary to protect the existing resource values and the continued public need for use of the BLM public lands within the planning area. Approval of a plan which provided a balance of resource uses and the flexibility of management options to meet the concerns for the resources and the socio-economic need was a major factor. Alternative D was selected because it provides management direction that will maintain and improve the quality of the resources, while considering needs and demands for potential resource development and use. In the end, resource use is managed by integrating ecological, economic, and social principles in a manner that safeguards the long-term sustainability, diversity, and productivity of the land.

A primary consideration throughout the planning process has been the management of State and Native-selected lands which make up 22% of the lands within the planning area. Efforts were made during the planning process to coordinate and consult with the State of Alaska and with Native and village corporations within the planning area. As a result, decisions made in the Approved RMP affecting selected lands represent an interim management strategy that is generally consistent with State or Native Corporation land use planning documents. In general, decisions for selected lands avoid a major commitment of resources and are custodial in nature. Site-specific measures are identified through Required Operating Procedures or stipulations that will protect resource values on selected lands.

VI. LAND USE MANAGEMENT DECISIONS

Specific management decisions are presented in the attached Resource Management Plan. The primary management decisions in the Approved RMP are:

Resource Management

The Approved RMP includes measures to manage and monitor resources to protect and enhance vegetative communities, fish and wildlife, natural and cultural resources, and recreational opportunities. Uses will be managed to protect and prevent damage to public land resources through adoption of Oil and Gas Lease Stipulations and Required Operating

Procedures (ROPS) described in Appendix A and development of additional resource protection measures as appropriate for site-specific activities.

Withdrawal Management

The Approved RMP recommends revocation of all ANCSA Section 17(d)(1) withdrawals. Withdrawal revocation requires additional work and approval by the Secretary before withdrawals are actually removed. The revocation of these withdrawals would open unencumbered lands for mineral leasing or mineral entry. However, State and Native-selected lands would remain segregated from mineral entry until they are either conveyed out of BLM ownership or the selections are relinquished. Revocation of withdrawals would replace large-scale prohibitions on these activities with site-specific Required Operating Procedures and lease stipulations.

Special Recreation Management Areas (SRMAs)

The Approved RMP identifies two Special Recreation Management areas (SRMAs): the Squirrel River SRMA and the Salmon Lake-Kigluaik Mountains SRMA (Approved RMP Maps 14 and 15). The BLM will develop Special Recreation Management Plans (implementation plans) to address conflicts and manage the BLM lands in these areas. The Approved RMP responds to the user conflict issue in the Squirrel River by designating it as a SRMA, requiring development of a Recreation Area Management Plan within three years, and implementing interim management for the area until these conflicts can be resolved through additional planning and coordination with the National Park Service, the U.S. Fish and Wildlife Service, the State of Alaska, the Northwest Arctic Borough, NANA Regional Corporation, Native Tribal Governments, local residents and private interests.

Off-highway Vehicle Management

The Approved RMP designates 11.9 million acres as "limited" to Off-highway Vehicles (OHVs) with a limitation of 2,000 pounds gross vehicle weight rating. On State and Native-selected lands, the Approved RMP implements management direction that encourages OHV users to utilize existing trails. Use of OHVs off of existing trails must not create resource impacts. This management direction is consistent with existing State statutes (11 AAC 96.020 and 96.025).

Designation of Areas of Critical Environmental Concern (ACEC)

The Approved RMP designates six ACECs (Map 17 of the Approved RMP) including: Nulato Hills ACEC (1,080,000 acres), Shaktoolik River ACEC (234,000 acres), Ungalik River ACEC (264,000 acres), Inglutalik ACEC (466,000 acres), Western Arctic Caribou Insect Relief ACEC (1,529,000 acres) and the Mount Osborn ACEC (82,000 acres). All ACECs are open to locatable and leasable mineral entry with restrictions as described in the Approved RMP. Acreage of ACECs is approximate (based on land conveyance prior to October 2006). The final size of the ACECs is dependant upon results of final land conveyances.

Minerals Management

The Approved RMP will make up to 11.9 million acres of BLM-managed surficial lands, as well as the mineral estate, available to mineral leasing and locatable mineral entry. Currently, approximately six million acres are not withdrawn from locatable mineral entry and four million acres are not withdrawn from mineral leasing. However, some of these lands are unavailable to entry or leasing due to their status as selected land. State-and Native-selected lands will not be open to mineral leasing or entry until relinquishment of selection. Of those lands available for mineral leasing, approximately 52,000 acres are available subject to no surface occupancy (NSO) stipulations.

Rights-of-way

The Approved RMP establishes a right-of-way avoidance area in the Nulato Hills ACEC.

Wild and Scenic River Suitability Determination

The Proposed RMP/Final EIS reviewed the suitability of eleven eligible river segments for designation as components of the national wild and scenic rivers system. Based on the analysis of impacts, comments from the public and other agencies, and the criteria in the Wild and Scenic Rivers Act, it was determined that none were suitable for designation.

Fire and Vegetation Management

The Approved RMP recognizes the importance of caribou to the region, the importance of lichen habitat for caribou, and the effect of fire on lichen habitats.

VII. MITIGATION MEASURES

Measures to avoid or minimize environmental harm were built into the Approved RMP where practicable. Many of the standard management provisions will minimize impacts when applied to activities proposed in the planning area. Required Operating Procedures (Appendix A, Approved RMP) will be applied for all permitted uses including placer mining, realty permits, and special recreation permits. In addition, Standard oil and gas lease terms and oil and gas leasing stipulations will be applied to fluid mineral leases (Appendix A, Approved RMP). Additional measures to mitigate environmental impacts will also be developed during subsequent NEPA analysis at the activity level planning and project stages.

VIII. PLAN MONITORING

Monitoring is the repeated measurement of activities and conditions over time. BLM planning regulations (43 CFR Part 1610.4-9) call for monitoring resource management plans on a continual basis and establishing intervals and standards based on the sensitivity of the resource to the decisions involved. CEQ regulations implementing NEPA state that agencies may provide for monitoring to assure that their decisions are carried out and should do so in important cases (40 CFR Part 1505.2(c)).

The BLM will monitor the Approved RMP to determine whether the objectives set forth in this document are being met and if applying the land use plan direction is effective. If monitoring shows land use plan actions or ROPS are not effective, the BLM may modify or adjust management without amending or revising the plan as long as assumptions and impacts disclosed in the analysis remain valid and broad goals and objectives are not changed.

IX. PUBLIC INVOLVEMENT AND CONSULTATION

Public Involvement

One of the BLM's objectives during development of the Kobuk-Seward Peninsula RMP was to understand the views of various publics by providing opportunities for participation in the resource management planning process. The BLM also used newsletters, media news releases, and website postings to offer up-to-date information to groups, individuals, and agencies. In-depth information on these efforts is included in both the Draft Kobuk-Seward Peninsula RMP/EIS and Kobuk-Seward Peninsula Proposed RMP/Final EIS in Chapter 5, *Consultation and Coordination*.

BLM will continue to actively seek the views of the public, using techniques such as news releases and mailings to request participation and inform the public of new and ongoing project proposals, site-specific planning, and opportunities and timeframes for comment. The BLM will continue to coordinate with the numerous state, Federal, tribal, and local agencies and officials interested and involved in the management of BLM lands in northwestern Alaska.

Section 7 Consultation

Three species listed as threatened under the Endangered Species Act (ESA) occur in the planning area: spectacled eider (*Somateria fischeri*), Steller's eider (*Polysticta stelleri*), and the South Beaufort /Chukchi Sea stock of polar bear (*Ursus maritimus*).

The planning area is adjacent to two offshore areas designated as critical habitat for spectacled eiders (Ledyard Bay and Eastern Norton Sound). These offshore areas are not, however, under the jurisdiction of BLM. The shoreline in proximity to both offshore critical habitat units is Native or State selected or owned.

During development of the Proposed RMP/FEIS, the BLM initiated informal consultation with the U.S. Fish and Wildlife Service (FWS) under Section 7 of the ESA to determine effects to spectacled and Steller's eiders; the FWS issued a memo (October 3, 2007) affirming that the RMP is unlikely to adversely affect either listed eider species. FWS's memo also clarified that future Federal actions in the planning area would be subject to Section 7 consultation. Project-specific impacts to listed species would be considered at the time future actions are planned.

In addition to informal consultation, BLM also conferred with FWS to determine effects to polar bear (in accordance with 50 CFR 402.10). The FWS issued a conference opinion on polar bears on October 3, 2007 that concluded the Proposed RMP will not result in jeopardy for the species.

On May 15, 2008 the polar bear was listed as a threatened species under the ESA (Federal Register 2008). Following listing of the polar bear, the BLM informally consulted with FWS requesting a review of their October 2007 conference opinion to determine if the opinion remained valid in light of the new listing. In a memo from BLM to FWS, dated June 30, 2008, the BLM modified the RMP's Proposed Action to address seismic surveys south of Point Hope.

The FWS reviewed their October 2007 conference opinion and issued a new memo on July 7, 2008. The July 2008 memo confirmed the initial conclusions from their October 2007 conference opinion remain valid since the BLM will not permit seismic surveys south of Point

Hope until the activities are authorized under the MMPA, which will require a concurrent Section 7 analysis to ensure the activities do not violate Section 7(a)(2) of the ESA. Additionally, FWS found seismic surveys north of Point Hope in compliance with the ESA and the MMPA.

X. IMPLEMENTATION

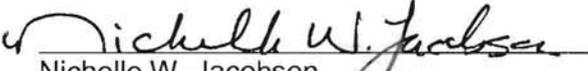
Implementation of the Kobuk-Seward Peninsula RMP will begin upon the signing of this Record of Decision and public notification via the Notice of Availability published in the *Federal Register*. RMP implementation will occur according to implementation plans to be developed by the Central Yukon and Anchorage field offices after this ROD is signed. The implementation plans will serve as a link between the BLM's planning and budgeting processes and will assist the BLM in establishing priorities, timeframes, budget proposals and tracking the progress of RMP implementation.

XI. AVAILABILITY OF THE PLAN

Copies of the Record of Decision and the Kobuk-Seward Peninsula Resource Management Plan are available by request from the following locations: BLM Fairbanks District Office, 1150 University Avenue, Fairbanks, Alaska 99709 (907) 474-2200, and on the Fairbanks District Office website at www.blm.gov/ak (online availability subject to change).

XII. FIELD MANAGER RECOMMENDATION

Having considered a full range of reasonable alternatives, associated effects, and public input, I recommend adoption and implementation of the attached Kobuk-Seward Peninsula Resource Management Plan.


Nichelle W. Jacobson
Central Yukon Field Manager

7/17/08
Date


Gary Reimer
Anchorage District Manager

7/25/08
Date

APPROVAL

In consideration of the foregoing, I approve the Kobuk-Seward Peninsula Resource Management Plan.


Thomas P. Lonnie
State Director

09/04/08
Date

