

## 8.2 ANILCA §810 Evaluations and Findings for All Alternatives

**E.A. No.:** DOI-BLM-AK-050-EA-2008-0001

**Applicant:** Bureau of Land Management, Glennallen Field Office

**Evaluation by:** Merben R. Cebrian

### 1. Evaluation and Finding of Alternative 1 (No Action Alternative)

#### 1.A. Effect of Alternative 1 on subsistence uses and needs:

Fisheries: The Delta River is currently closed to all regulated subsistence fishing. Therefore, Alternative 1 has no significant effect on subsistence fishery uses and needs.

Wildlife: This alternative proposes to continue current management practices on the DWSR. Current practices are considered adequate to meet subsistence needs. Therefore, this alternative will have no significant effect on subsistence uses and needs.

Other resources: The No Action Alternative will not significantly affect other harvestable resources including, but not limited to, berries, willows, firewood, and spruce roots. Current practices are considered adequate to meet subsistence needs. Therefore, this alternative will have no significant effect on subsistence uses and needs.

#### 1.B. Availability of other lands, if any, for the purposes sought to be achieved:

None. Lands available for the purposes of the applicant are limited to BLM lands that are within the DWSR. Therefore, no other lands are available for the intended purposes.

#### 1.C. Other alternatives, if any, which would reduce or eliminate the use, occupancy, or disposition of public lands needed for subsistence purposes:

The only alternative that would reduce or eliminate the use, occupancy, or disposition of public lands needed for subsistence purposes is to not allow or permit any activities that conflict with subsistence uses. However, such an alternative is not viable because the BLM manages public lands for multiple uses.

#### 1.D. Finding:

Under Alternative 1, management of the DWSR corridor would continue under the 1983 DWSR Management Plan and the 2007 EARMP. Management actions will not result in a significant reduction in subsistence uses. Access to subsistence resources will not be hampered by this alternative. There is no reasonably foreseeable significant decrease in the abundance of harvestable resources and in the distribution of harvestable resources due to this alternative.

### 2. Evaluation and Finding of Alternative 2 (Proposed Action)

#### 2.A. Effect of Alternative 2 on subsistence uses and needs:

Fisheries: The Delta River is currently closed to all regulated subsistence fishing. Therefore, the proposed action has no significant effect on subsistence fishery uses and needs.

Wildlife: The proposed action intends to limit OHV use to designated OHV trails in RMZ 5 and regulate campsite occupancy within the DWSR corridor.

ANILCA §811 stipulates that “rural residents engaged in subsistence uses shall have reasonable access to subsistence resources on the public lands”, subject to reasonable regulation. The 2007 EARMP §T-4(3)(a) stipulates that “OHVs would be restricted to designated trails (Top of the World Trail, Rainy Creek Trail)” within the DWSR corridor. Concurrent restrictions on OHV travel to designated trails exist within the Tangle Lakes Archaeological District (TLAD) under the 1980 Memorandum of Agreement between the BLM Alaska, the Alaska State Historic Preservation Officer, and the Advisory Council on Historic Preservation in compliance with the 1966 National Historic Preservation Act (NHPA). The Delta River is in Game Management Unit (GMU) 13B.

Under Alternative 2, an authorization is required for miners and subsistence users using OHVs greater than 2000 lbs. Gross Vehicle Weight (GVW) on the Top of the World Trail and on Rainy Creek Trail. Although this requirement imposes an additional burden to miners and subsistence users, this requirement allows the BLM to monitor impacts of OHVs on designated trails, while not denying access to either user group. Between 2005 and 2009, on average, 150 OHVs were estimated to have used the Rainy Creek Trail primarily associated with access to mining claims; an additional 823 OHVs, on average, were estimated to have used the Top of the World Trail (Recreation Management Information System, 2009). These estimates combine mining, recreational and subsistence users of the designated trails. Although there are no trail counters in place on these trails, the BLM estimates that most of this reported OHV use occurs on the eastern portion of the Top of the World Trail that is located outside the river corridor. The BLM also estimates that approximately 10% of the users on the Top of the World Trail travel into and/or across the designated river corridor. Furthermore, aside from large mining equipment, the BLM has not documented observations of OHVs larger than 2,000 lbs GVW within the river corridor. Subsistence users harvested 31 moose, on average, in GMU 13B from 1990 to 2009 (OSM 2009). Subsistence users also harvested 309 caribou, on average, in GMU 13B from 1994 to 2009 (OSM 2010). The proposed action allows miners and subsistence users to exceed OHV weight restrictions on designated trails and does not impose additional restrictions to access beyond those stipulated in the EARMP and the NHPA that are currently in place. Therefore, the proposed action will not have a significant effect on subsistence uses and needs.

The proposed action also intends to limit campsite occupancy on the DWSR. Camping will be limited to designated campsites when camping within 200 feet of the shoreline, but dispersed camping (more than 200 feet from the shoreline) will be allowed when using Leave No Trace low impact camping. Subsistence users typically camp near a kill site for convenience in access to and processing of big game such as moose and caribou. The kill site may be outside of designated campsites. A registration system or permit system may be developed through a public process if designated campsite use levels exceed adaptive management standards, based on competition and encounters outlined in Chapter 2.4.2 of the Environmental Assessment. Subsistence users, whether hunting big game, small game, or upland birds, will be allowed to use dispersed camping. Therefore, the proposed action will not have a significant effect on subsistence uses and needs.

Trapping of furbearers will not be significantly affected by the proposed action since this activity is usually conducted via snowmachine that requires adequate snow cover.

Other resources:

The proposed action will not significantly affect other harvestable resources including, but not limited to, berries, willows, firewood, and spruce roots. Access to these resources is not significantly restricted. Proposed actions that mitigate litter and human waste disposal, fire rings, and campsite impacts will likely be beneficial to the habitat by allowing natural revegetation.

**2.B. Availability of other lands, if any, for the purposes sought to be achieved:**

None. Lands available for the purposes of the applicant are limited to BLM lands that are within the DWSR. Therefore, no other lands are available for the intended purposes.

**2.C. Other alternatives, if any, which would reduce or eliminate the use, occupancy, or disposition of public lands needed for subsistence purposes:**

The only other alternative that would reduce or eliminate the use, occupancy, or disposition of public lands needed for subsistence purposes is to not allow or permit any activities that conflict with subsistence uses. However, such an alternative is not viable because the BLM manages public lands for multiple uses.

**2.D. Finding:**

Under Alternative 2 (Proposed Action), recreation management on the DWSR will not significantly restrict subsistence uses. Access to subsistence resources will not be hampered by **the proposed action**. There is no reasonably foreseeable significant decrease in the abundance of harvestable resources and in the distribution of harvestable resources due to the proposed action.

**3. Evaluation and Finding of Alternative 3****3.A. Effect of Alternative 3 on subsistence uses and needs:**

**Fisheries:** The Delta River is currently closed to all regulated subsistence fishing. Therefore, Alternative 3 has no significant effect on subsistence fishery uses and needs.

**Wildlife:** Under Alternative 3, additional OHV trails will be designated in the DWSR, OHVs will be allowed to travel off designated trails for game retrieval, and there will be no weight limits for OHV use. **This alternative will also regulate campsite occupancy within the DWSR corridor.**

Alternative 3 will designate additional OHV trails without weight restrictions on the DWSR and allows OHVs to travel off designated trails for game retrieval. This will improve access to subsistence resources. However, increasing the number of designated OHV trails may create ruts and mud holes that may affect trail usability especially since travel off designated trails for game retrieval is allowed for both subsistence users and non-subsistence users. There may also be more users that compete for subsistence resources. However, with the moose population in GMU 13 slowly increasing and federal hunt success remaining at **approximately 10% for moose and approximately 28% for caribou**, Alternative 3 has no significant effect on subsistence uses and needs.

Like Alternative 2, Alternative 3 also intends to limit campsite occupancy on the DWSR. Camping will be limited to designated campsites when camping within 200 feet of the shoreline, but dispersed camping (**more than 200 feet from the shoreline**) will be allowed when using Leave No Trace low impact camping. Subsistence users typically camp near a kill site for convenience in access to and processing of big game such as moose and caribou. The kill site may be outside of designated campsites. Therefore, allowing dispersed camping for subsistence users will not significantly restrict access to subsistence resources. Also under Alternative 3, additional campsites will be developed in high use areas. Although this option provides more opportunities for the recreationist, it may also lead to increased interactions between recreationists and subsistence users. By-products of processing big game in the field include blood, entrails, internal organs, and other anatomical parts that may influence the experience of recreationists who happen to be camping nearby. However, recreationists are largely gone during hunting season, so encounters with subsistence users are likely to be minimal. **Subsistence users, whether hunting big**

game, small game, or upland birds, are allowed to use dispersed camping. Therefore, Alternative 3 will not significantly affect subsistence uses and needs.

Trapping of furbearers will not be significantly restricted by this alternative since this activity is usually conducted via snowmachine that requires adequate snow cover.

Other resources:

Alternative 3 will not significantly affect other harvestable resources including, but not limited to, berries, willows, firewood, and spruce roots. Access to these resources is not significantly restricted. Under this alternative, actions that mitigate litter and human waste disposal, fire rings, and campsite impacts will likely be beneficial to the habitat by allowing natural revegetation.

**3.B. Availability of other lands, if any, for the purposes sought to be achieved:**

None. Lands available for the purposes of the applicant are limited to BLM lands that are within the DWSR. Therefore, no other lands are available for the intended purposes.

**3.C. Other alternatives, if any, which would reduce or eliminate the use, occupancy, or disposition of public lands needed for subsistence purposes:**

The only alternative that would reduce or eliminate the use, occupancy, or disposition of public lands needed for subsistence purposes is to not allow or permit any activities that conflict with subsistence uses. However, such an alternative is not viable because the BLM manages public lands for multiple uses.

**3.D. Finding:**

Under Alternative 3, recreation management on the DWSR will not significantly restrict subsistence uses. Access to subsistence resources will not be hampered by this alternative. There is no reasonably foreseeable significant decrease in the abundance of harvestable resources and in the distribution of harvestable resources due to Alternative 3.

**4. Evaluation and Findings of Alternative 4**

**4.A. Effect of Alternative 4 on subsistence uses and needs:**

Fisheries: The Delta River is currently closed to all regulated subsistence fishing. Therefore, Alternative 4 has no significant effect on subsistence fishery uses and needs.

Wildlife: The proposed action intends to regulate OHV use, motorized boating, and campsite occupancy within the DWSR corridor.

Under Alternative 4, an authorization is required for miners and subsistence users using OHVs greater than 2000 lbs GVW on the Top of the World Trail and on Rainy Creek Trail. Although this requirement imposes an additional burden to miners and subsistence users, this requirement allows the BLM to monitor impacts of OHVs on designated trails. Between 2005 and 2009, on average, 150 OHVs were estimated to have used the Rainy Creek Trail, while an additional 823 OHVs were estimated to have used the Top of the World Trail (Recreation Management Information System, 2009). These estimates combine recreational and subsistence users of the designated trails. Although there are no trail counters in place on these trails, the BLM estimates that most of this reported OHV use occurs on the eastern portion of the Top of the World Trail that is located outside the river corridor. The BLM also estimates that approximately 10% of the users on the Top of the World Trail travel into and/or across the designated river corridor. Furthermore, aside from large mining equipment, the BLM has not documented

observations of OHVs larger than 2,000 lbs GVW within the river corridor. Subsistence users harvested 31 moose, on average, in GMU 13B from 1990 to 2009 (OSM, 2009). Subsistence users also harvested 309 caribou, on average, in GMU 13B from 1994 to 2009 (OSM 2010). Alternative 4 allows miners and subsistence users to exceed OHV weight restrictions on designated trails and does not impose additional restrictions to access beyond those stipulated in the EARMP and the NHPA that are currently in place. Therefore, this alternative will not have a significant effect on subsistence uses and needs.

Under Alternative 4, motorized boats will have horsepower restrictions in all RMZs, and would be prohibited entirely in RMZ 3. All airboats and hovercraft will also be prohibited in all RMZs. The Tangle Lakes in RMZ 1 is a potential area for spring hunting of waterfowl and migratory birds in Game Management Unit (GMU) 13. In the Upper Copper River region, residents of Gulkana, Chitina, Tazlina, Copper Center, Gakona, Mentasta Lake, Chistochina, and Cantwell have customary and traditional use in GMU 13 for subsistence hunting of migratory birds based on criteria found in 50 CFR §92.5. 50 CFR §92 regulates the subsistence harvest of migratory bird species in Alaska. No permits are required to harvest migratory birds. In GMU 13, the 2009 season for migratory bird harvest is April 15 – May 26 and June 27 – August 31. Naves (2010, revised) shows that an estimated 1,120 migratory birds were harvested in 2004 and 247 were harvested in 2007 in the Upper Copper River region. Moose and caribou hunters may also choose to hunt with a motorized boat on the DWSR. Although Alternative 4 may limit the engine size of motorized boats and prohibits the use of airboats and hovercraft in the DWSR, these limitations do not constitute a significant restriction to access of subsistence resources and do not pose an added burden to subsistence users. Airboats and hovercrafts are not an established use within the river corridor. Airboats have rarely been observed and hovercrafts have never been observed on the river or lakes. Motorized boating has never been observed, nor is it practical in the Tangle River in RMZ 3; being naturally restricted by very shallow river conditions and river width. Therefore, Alternative 4 will not have a significant effect on subsistence uses and needs.

Alternative 4 also intends to limit campsite occupancy on the DWSR. Camping will be limited to designated campsites when camping within 200 feet of the shoreline, but dispersed camping (more than 200 feet from the shoreline) will be allowed when using Leave No Trace low impact camping. Subsistence users typically camp near a kill site for convenience in access to and processing of big game such as moose and caribou. The kill site may be outside of designated campsites. A registration system or permit system may be developed through a public process if designated campsite use levels exceed adaptive management standards, based on competition and encounters outlined in Chapter 2.6.6 of the Environmental Assessment. Subsistence users, whether hunting big game, small game, or upland birds, will be allowed to use dispersed camping. Therefore, Alternative 4 will not have a significant effect on subsistence uses and needs.

Trapping of furbearers will not be significantly restricted by this alternative since this activity is usually conducted via snowmachine that requires adequate snow cover.

#### Other resources:

Alternative 4 will not significantly affect other harvestable resources including, but not limited to, berries, willows, firewood, and spruce roots. Access to these resources is not significantly restricted. Actions that mitigate litter and human waste disposal, fire rings, and campsite impacts will likely be beneficial to the habitat by allowing natural revegetation.

#### **4.B. Availability of other lands, if any, for the purposes sought to be achieved:**

None. Lands available for the purposes of the applicant are limited to BLM lands that are within the DWSR. Therefore, no other lands are available for the intended purposes.

**4.C. Other alternatives, if any, which would reduce or eliminate the use, occupancy, or disposition of public lands needed for subsistence purposes:**

The only other alternative that would reduce or eliminate the use, occupancy, or disposition of public lands needed for subsistence purposes is to not allow or permit any activities that conflict with subsistence uses. However, such an alternative is not viable because the BLM manages public lands for multiple uses.

**4.D. Finding:**

Under Alternative 4, recreation management on the DWSR will not significantly restrict subsistence uses. Access to subsistence resources will not be hampered by this alternative. There is no reasonably foreseeable significant decrease in the abundance of harvestable resources and in the distribution of harvestable resources due to Alternative 4.

\_\_\_\_\_/s/ Merben R. Cebrian\_\_\_\_\_

\_\_\_\_14 October 2010\_\_\_\_\_

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Date