

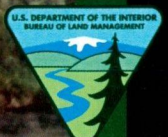
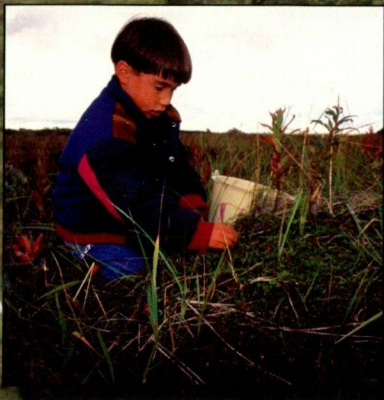
DES 06-38

September 2006

# Bay

Draft Resource Management Plan  
and Environmental Impact Statement  
Volume 1: Chapters 1-3

Anchorage Field Office, Alaska



# The Bureau of Land Management Today

## *Our Vision*

To enhance the quality of life for all citizens through the balanced stewardship of America's public lands and resources.

## *Our Mission*

To sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations.

**BLM/AK/PL-06/022+1610+040**

## **BLM Cover Photos:**

1. Goodnews River Middle Fork, Alaska.

2. Berry picking, Port Heiden, Alaska.

Photo by Chris Arend © Bristol Bay Native Corporation

3. Clamming in Port Heiden, Alaska.

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4. Fish camp at Graveyard Point, Alaska.

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U.S. Department of the Interior  
Bureau of Land Management

**DRAFT**  
**Bay Resource Management Plan  
and Environmental Impact Statement**

**Volume I**  
Chapter I: Introduction  
Chapter II: Alternatives  
Chapter III: Affected Environment

Prepared by the  
Anchorage Field Office

Alaska

September 2006



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Alaska State Office  
222 West Seventh Avenue, #13  
Anchorage, Alaska 99513-7504  
<http://www.ak.blm.gov>



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JUL 21 2006

Dear Reader:

Enclosed for your review is the Bay Draft Resource Management Plan/Environmental Impact Statement (Draft RMP/EIS). The Draft RMP/EIS considers and analyzes four alternatives that address future management of approximately 2.5 million acres of public lands administered by the Bureau of Land Management's (BLM) Anchorage Field Office. The planning area includes lands in the Bristol Bay and Goodnews Bay areas of southwest Alaska.

Your comments are needed at this time. The public review period for the Draft RMP/EIS will last 90 calendar days beginning with the publication of the Environmental Protection Agency's Notice of Availability in the Federal Register. Public hearings will be held before the close of the comment period in communities within the planning area. Hearing dates, times, and specific locations will be announced through news releases and on Bay RMP Web site (<http://www.blm.gov/ak/ado/BayRMP01.html>). Written comments may be sent via U.S. Mail to the BLM Anchorage Field Office, Attn: Bay Draft RMP/EIS, 6881 Abbott Loop Road, Anchorage, Alaska, 99507, or via e-mail to [akbayrmp@blm.gov](mailto:akbayrmp@blm.gov). All comments will be considered and evaluated in the preparation of the Final RMP/EIS, and all substantive comments will be addressed.

Comments will be most useful if they are specific, mention particular pages (where appropriate), and address one or more of the following items:

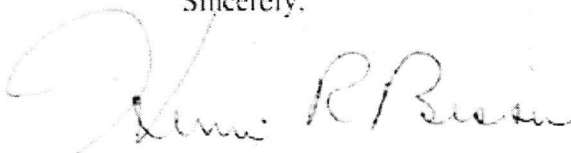
- Inaccuracies or discrepancies in information,
- Identification of new information that would have a bearing on the analysis,
- Identification of new impacts, alternatives, or mitigation measures, and
- Suggestions for improving management direction.

Public comments submitted for this planning review, including names and street addresses of respondents, will be available for public review at the Anchorage Field Office during regular business hours, 7:30 a.m. to 4:30 p.m., Monday through Friday, except holidays, and may be published as part of the Final EIS. If you wish to withhold your name or address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your comments. Such requests will be honored to the extent allowed by law. Anonymous comments will not be considered. All submissions from

organizations and businesses, and from individuals identifying themselves as representatives or officials of an organization or business, will be available for public inspection in their entirety.

We appreciate your help in this planning effort and look forward to your continued interest and participation. For additional information or clarification regarding the Draft RMP/EIS or the planning process, please contact Pat McClenahan, Bay RMP Lead Planner, at 907-267-1484.

Sincerely,

A handwritten signature in dark ink, appearing to read "Henri R. Bisson". The signature is fluid and cursive, with a large initial "H" and "B".

Henri R. Bisson  
State Director

# Bay Draft Resource Management Plan and Environmental Impact Statement

**Lead Agency:** U.S. Department of the Interior, Bureau of Land Management

**Proposed Action:** Bay Draft Resource Management Plan/Environmental Impact Statement (Draft RMP/EIS)

**Type of Action:**            Draft ( X )                      Final (   )  
                                 Administrative ( X )            Legislative (   )

**Abstract:** The Bay Draft RMP/EIS was developed based on information provided by BLM personnel, other agencies and organizations, and the public. Four Alternatives are described and analyzed in this Draft RMP/EIS: Alternative A is the "no action" Alternative; Alternatives B and C propose varying levels of resource use and conservation; and Alternative D, the agency preferred Alternative, provides a balance between resource conservation and development.

Major issues and management concerns analyzed include: minerals management, sustaining renewable resources, subsistence, land tenure adjustments, recreation, special designations, and management of cultural and natural resources.

**Comments:** Comments on the Bay Draft RMP/EIS are due within 90 days from publication of the Environmental Protection Agency's Notice of Availability in the Federal Register. The close of the comment period will also be announced in news releases, newsletters, and on the Bay RMP Web site (<http://www.blm.gov/ak/ado/BayRMP01.html>). Comments can be submitted electronically or mailed to the address below.

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Anchorage Field Office  
Attn: Bay Draft RMP/EIS  
6881 Abbott Loop Road  
Anchorage, Alaska 99507

<http://www.blm.gov/ak/ado/BayRMP01.html>



# Executive Summary

## A. Introduction

The Bureau of Land Management (BLM) has prepared this Draft Resource Management Plan (RMP) and Environmental Impact Statement (EIS) to provide direction for managing public lands within the Bay planning area boundaries and to analyze the environmental effects that would result from implementing the Alternatives presented in the Draft RMP/EIS.

The Bay planning area encompasses lands within the Bristol Bay and Goodnews Bay areas of southwest Alaska. Of the approximately 22,601,183 acres within the planning area, decisions in the RMP/EIS will apply to 2,551,608 acres. After conveyances are complete in 2010, it is expected that approximately 1,197,688 acres, or approximately 5% of the total acreage in the Bay planning area, will remain under BLM management.

The Draft RMP/EIS was prepared using BLM's planning regulations and guidance issued under the authority of the Federal Land Policy and Management Act of 1976, and under requirements of the National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality regulations for implementing NEPA (40 CFR 1500-1508), the BLM's NEPA Handbook 1790-1, and the BLM's Land Use Planning Handbook 1601-1 (March 2005).

## B. Purpose and Need

The RMP will provide the Anchorage Field Office with a comprehensive framework for managing lands within the planning area under the jurisdiction of the BLM. The purpose of an RMP is to provide a public document that specifies overarching management policies and actions for BLM-managed lands. Implementation-level planning and site-specific projects are then completed in conformance with the broad provisions of the RMP. The RMP is needed to update the Southwest Management Framework Plan (MFP) approved in 1981, and to provide a land use plan consistent with evolving law, regulation, and policy. This RMP meets the requirements of FLPMA, which states, "The Secretary shall, with public involvement . . . develop, maintain, and, when appropriate, revise land use plans which provide by tracts or areas for the use of the public lands" (43 U.S.C. 1712).

## C. Decisions to be Made

Land use plan decisions are made on a broad scale and guide subsequent site-specific implementation decisions. The RMP will make the following types of decisions to establish direction in the planning area:

- Establish resource goals, objectives, and desired future conditions.
- Describe actions to achieve goals, objectives, and desired future conditions.
- Make land use allocations and designations.
- Make land use adjustments.

Management under any of the Alternatives would comply with State and Federal regulations, laws, standards, and policies. Each Alternative considered in the Draft RMP/EIS allows for some level of

support of all resources present in the planning area. The Alternatives are designed to provide general management guidance in most cases. Specific projects for any given area or resource would be detailed in future implementation plans or site-specific proposals, and additional NEPA analysis and documentation would be conducted as needed.

After the comments on the Draft RMP/EIS are reviewed and analyzed, the responsible officials can decide to:

- Select one of the Alternatives analyzed for implementation, or
- Modify an Alternative (e.g., combine parts of different Alternatives) as long as the environmental consequences are analyzed in the Final RMP/EIS.

The Alternative selected for implementation will be presented in a Proposed RMP and Final EIS. Following a 60-day Governor's Consistency Review, a 30-day protest period, and the resolution of any protests, a Record of Decision will be signed and an approved RMP will be released.

## D. Issues

A planning issue is an area of controversy or concern regarding management of resources or uses on the BLM-managed lands within the planning area. Issues for the Bay RMP were identified through scoping, interactions with public land users, and resource management concerns of BLM, the State, and other Federal agencies. These issues drive the formulation of the plan Alternatives, and addressing them has resulted in the range of management options across the Draft RMP Alternatives. Additional discussion on each issue can be found in the Scoping and Issues section in Chapter I. Issues of primary concern in the development of this Draft RMP/EIS include:

- Determine which lands should be made available for oil and gas and hardrock mineral development, and how these lands will be managed to sustain natural resources and subsistence use.
- Explore land tenure adjustments that would allow BLM to consolidate discontinuous blocks of land to benefit land management.
- Determine how access will be provided to BLM managed lands for various purposes including recreation, subsistence activities, and general enjoyment of public lands, while protecting natural and cultural resources.
- Determine whether any Special Management Areas will be identified.
- Determine whether eligible rivers should be recommended for inclusion in the National Wild Rivers System.

## E. Alternatives

The basic goal in developing Alternatives was to prepare different combinations of management actions to address issues and resolve conflicts among uses. Alternatives must meet the purpose and need; must be reasonable; must provide a mix of resource protection, use, and development; must be responsive to the issues; and must meet the established planning criteria. Each Alternative constitutes a complete RMP that provides a framework for multiple use management of the full spectrum of resources, resource uses, and programs present in the planning area. Under all Alternatives the BLM would manage their lands in accordance with all applicable laws, regulations, and BLM policies and guidance.

Four Alternatives were developed and carried forward for detailed analysis in the Draft RMP/EIS. Alternative A (the No Action Alternative) represents the continuation of current management practices. Alternatives B, C, and D describe proposed changes to current management, as well as what aspects of current management would be carried forward. These three Alternatives were developed with input from

the public, collected during scoping, from the BLM Planning Team, and through collaborative efforts conducted with the State of Alaska and the BLM-Alaska Resource Advisory Council (RAC). The Alternatives provide a range of choices for meeting BLM planning and program management requirements, and resolving the planning issues identified through scoping.

## ***1. Alternative A***

Alternative A represents the continuation of current management practices, also called the No Action Alternative. This Alternative would include continued management under guidance of the existing Southwest Management Framework Plan (1982) for the Goodnews Block only, and other management decision documents affecting all BLM-managed lands in the entire planning area. Direction contained in existing laws, regulations and policy would also continue to be implemented, sometimes overriding provisions in the Southwest MFP. The current levels, methods and mix of multiple use management of BLM land in the planning area would continue, and resource values would receive attention at present levels. No lands would be open to oil and gas leasing, including leasing for coalbed natural gas (CBNG), and large tracts would remain closed to Locatable Minerals exploration or development due to retention of the Alaska Native Claims Settlement Act (ANCSA) 17(d)(1) withdrawals. No special management areas, such as Areas of Critical Environmental Concern (ACECs), Special Recreation Management Areas (SRMAs), or Wild and Scenic Rivers (WSRs), would be designated or recommended in this RMP for BLM-managed lands within the planning area, and lands would remain unclassified for off-highway vehicles (OHVs) and visual resources. In general, most activities would be analyzed on a case-by-case basis and few uses would be limited or excluded as long as their actions were consistent with State and Federal laws. Oil, gas, locatable mineral activities, and other permitted activities would be guided by requirements in specific Plans of Operations on a project-specific basis. The BLM publication, *Placer Mining in Alaska - A Guide to Mitigation and Reclamation (BLM 1989)*, is incorporated by reference for Required Operating Procedures for Locatable Minerals.

## ***2. Alternative B***

Alternative B highlights actions and management that would facilitate resource development. All BLM unencumbered lands would be open to Leasable and Locatable Mineral exploration and development unless they were withdrawn under some authority other than ANCSA 17(d)(1) (e.g. Military withdrawal, FERC withdrawal). The latter comprise withdrawals of approximately 3,999 acres. Selected lands whose selection is relinquished or rejected would also be open to mineral exploration and development. All ANCSA 17(d)(1) withdrawals would be revoked, allowing increased potential for mineral exploration and development. The BLM-managed lands within the planning area would be designated as "open" to OHV use. No SRMAs would be identified. In all areas, the focus would be on management of permits. As with Alternative A, no Special Management Areas (SMAs) would be designated and visual resources would be managed as Visual Resource Management (VRM) Class IV. Oil, gas, locatable mineral activities and other permitted activities would be guided by requirements in specific Plans of Operations on a project-specific basis.

## ***3. Alternative C***

Alternative C emphasizes actions and management that protect and enhance renewable resources, archaeological, and paleontological values. Oil and gas leasing and mineral exploration and development would be more constrained than in Alternatives B or D, and where Areas of Critical Environmental Concern (ACEC) are proposed, mineral materials exploration and extraction would be excluded to protect important resources. Two ACECs, the Bristol Bay ACEC and the Carter Spit ACEC, would be established, plans developed for the areas, and specific measures adopted to protect or enhance values within these areas. All BLM-managed lands within the planning area would have a "limited" OHV

designation, allowing for limitations on OHV activities to protect habitat, soil and vegetation, cultural resources, and recreation experiences. No SRMAs would be identified. In all areas, the focus would be on management of permits. ANCSA 17(d)(1) withdrawals would be maintained as an interim measure at locations where proposed Wild and Scenic river segments are located until Congress has had an opportunity to act on the proposals, in order to protect or maintain resource values. Three river segments, a portion of the Alagnak River, and portions of the Goodnews River mainstem and Goodnews River Middle Fork would be recommended for WSR designation. Portions of these rivers recommended for a Wild River designation would be managed for VRM Class III, the proposed ACECs would be managed as VRM Class III, and most of the remainder of the BLM-managed lands within the planning area would be managed as VRM Class IV. Resources would be protected through Stipulations, Required Operating Procedures, and project-specific requirements.

## ***4. Alternative D***

Alternative D provides a balance of protection, use, and enhancement of resources. ANCSA 17(d)(1) withdrawals would be revoked, and the majority of unencumbered lands and any selected lands whose selection is relinquished or rejected, would be open to oil and gas leasing and development subject to seasonal or other constraints, and to mineral location. Approximately 3,999 acres would continue to be withdrawn under withdrawals other than ANCSA 17(d)(1). One ACEC would be established, the Carter Spit ACEC. Plans would be developed, and specific measures adopted through Stipulations, Required Operating Procedures, and project-specific requirements, to protect values within these areas. The ACEC would be closed to Salable Mineral entry. No WSRs would be recommended. Specified lands in the Goodnews Bay and Bristol Bay areas would be managed up to one-half mile from established winter trail or road systems at VRM Class III (Table 2.4). BLM lands in the full visible foreground up to one mile from the boundaries of CSUs would be managed at VRM Level III. The proposed ACEC would be managed at VRM Class III, and all other BLM lands would be managed at VRM Class IV. All BLM-managed lands within the planning area would have a "limited" OHV designation, allowing for limitations to be placed on OHV use to protect habitat, soil and vegetation resources, and/or recreation experiences. As with Alternative C, resources would be protected through Stipulations, Required Operating Procedures, and project-specific requirements.

## ***5. BLM Preferred Alternative***

Alternative D was selected as the preferred Alternative based on examination of the following factors:

- Balance of use and protection of resources.
- Extent of the environmental impacts.

This Alternative was chosen because it best resolves the major issues while providing for common ground among conflicting opinions. It also provides for multiple use of BLM-managed lands in a sustainable fashion. Alternative D provides the best balance of resource protection and use within legal constraints.

## **F. Environmental Consequences**

Selection of Alternative A, the No Action Alternative, would maintain the current rate of progress in protecting resource values and in resource development. It would allow for use levels to mostly continue at current levels in the same places in the planning area, with adjustments required in order to mitigate resource concerns in compliance with existing laws and regulations. ANCSA 17(d)(1) would be retained, precluding all Leasable Mineral exploration and development and most Locatable Mineral exploration and development, and the effects of those activities. With no Off-highway vehicle designations or weight limits, OHV activity could be the source of some impacts to vegetation, soil, and water.

Alternative B would allow for maximum resource development with the fewest constraints. This Alternative would result in greater impacts on the physical and biological environment than would implementation of Alternative C or D. Effects of Leasable Mineral exploration and development would be the greatest under this Alternative, but according to the Reasonable Foreseeable Development Scenario, would be limited to the Koggiling Creek block of BLM-administered land. Effects of Locatable Mineral exploration and development would most likely occur in the Goodnews block due to renewal of historic placer mining and exploration for lode mining; however, the Klutuk Creek block could also be affected by placer or lode mining exploration. Cumulative effects from mining and infrastructure developments in the planning area but outside of BLM-administered lands could occur during the life of this plan. Impacts could occur from an "Open" OHV designation.

Alternative C would have the least potential to impact physical and biological resources from BLM actions. Uses would be the most restrictive. While ANCSA 17(d)(1) withdrawals would be revoked, the two proposed ACECs and three Wild and Scenic River designations would preclude Leasable and Locatable Mineral exploration and development on BLM lands in much of the planning area. A "Limited" OHV designation would restrict OHVs to designated trails, avoiding impacts to vegetation, soils, and water.

Alternative D would allow for increased levels of resource development while providing for site-specific protection of resources through designation of one Area of Critical Environmental Concern and through Required Operating Procedures, Stipulations, and project-specific requirements. This Alternative would provide as much opportunity for mineral development as Alternative B. Closures to mineral entry and location would be limited to small, site-specific areas or to specific seasons of the year. Alternative D provides a balance of protection and use of resources.

## G. Public Involvement

Public involvement has been an integral part of the BLM's planning effort. During scoping, nine public meetings were held during March and April 2004. Public scoping meetings were held in Anchorage, Kenai, Homer, Dillingham, Iliamna, New Stuyahok, Aleknagik, King Salmon, and Naknek. Newsletters have been mailed to update interested parties on the progress of the Planning Team and stages of the planning process. In addition, numerous briefings were held with various groups and organizations during the preparation of the Draft RMP/EIS. The BLM also invited all Native villages in the area for government-to-government consultation during the course of the process. Public involvement is described in more detail in Chapter V.

The comment period on the Bay Draft RMP/EIS will extend for 90 days following publication of the Environmental Protection Agency's Notice of Availability in the Federal Register. After 90 days, comments will be evaluated. Substantive comments could lead to changes in one or more of the Alternatives, or changes in the analysis of environmental effects. A proposed RMP and Final EIS will then be completed and released. If protests are received on the Proposed RMP/Final EIS, they will be reviewed and addressed by the Director of the BLM before a Record of Decision and Approved Plan are released.

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# **Chapter I: Introduction**

## **A. Background**

On December 6, 2004, the Bureau of Land Management (BLM) issued a Notice of Intent in the Federal Register to prepare a Resource Management Plan (RMP) and 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 that are administered by the Secretary of the Interior, specifically through the BLM. This includes lands selected, but not yet conveyed, to the State of Alaska and Native corporations and villages. This chapter establishes the purpose and need for the Bay Resource Management Plan (RMP) and Environmental Impact Statement (EIS). It also contains information about the Bureau of Land Management's (BLM) RMP planning process.

The Anchorage Field Office of the Bureau of Land Management (BLM) is preparing the Bay Resource Management Plan/Environmental Impact Statement to provide a comprehensive framework for managing and allocating uses of the public lands and resources within the Bristol Bay and Goodnews Bay areas of southwest Alaska. A new Resource Management Plan (RMP) is necessary to comply with the Federal Land Policy and Management Act and 43 CFR 1600, to address lands within the Bay planning area not previously covered by a plan, to implement new programs and regulations, and to address any new issues that evolved since the Southwest Management Framework Plan (MFP) was approved in 1981. The RMP will address resource management concerns for which new standards exist, for example Off-Highway Vehicle (OHV) designations. It would also provide direction for site-specific activity planning and implementation of specific tasks that would occur in the future should specific Alternatives be selected, for example, an Area of Critical Environmental Concern and related Habitat Management Plan.

The Federal Land Policy and Management Act of 1976 (FLPMA), as amended, provides the authority for the BLM to conduct land use planning on public lands. In particular, Section 202 (a) requires the Secretary of the Interior, with public involvement, to develop, maintain, and when appropriate, revise land use plans that provide for the use of the public lands by tracts or areas. Implementing regulations are contained in the Code of Federal Regulations, at 43 CFR 1600. BLM Manual 1601 Land Use Planning, and the BLM Land Use Planning Handbook (H-1601-1) provide procedures and guidance for the planning process.

Preparation of an RMP/EIS is required before taking specific resource management actions or pursuing additional work planning. BLM guidelines integrate the planning process with the requirements of the National Environmental Policy Act (NEPA) (1969). This document provides an analysis of management Alternatives developed in Chapter 2 for the Bay planning area, and helps to set the stage for informed decision making for future management actions. The overall organization of this document is outlined in Section H.

## **B. Purpose and Need for the Plan**

The Bay RMP will provide site-specific management guidance on approximately 1,176,269 acres of unencumbered BLM-administered land, and any of the 1,327,671 acres of State-selected or Native-selected lands that remain under BLM jurisdiction until they are conveyed. After all conveyances take place, some selected lands may remain under BLM jurisdiction as BLM unencumbered lands due to over-selection, rejection or relinquishment by the State and/or Native corporations. After the RMP is adopted, Implementation Plans will be written and the approved management decisions will be implemented. Currently, the Southwest MFP, completed in 1981, guides the use of the portion of these lands that lie within the Goodnews Block. Of the seven planning blocks of BLM land that were the basis of the 1981

Southwest MFP, only the Goodnews Block of BLM-administered lands has become part of the current Bay planning area. Ultimately, the new Bay RMP will supersede that portion of the existing MFP that addresses the Goodnews Block. 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 20 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. These new issues and changes in management policy drive the need for an inclusive, comprehensive plan that provides clear direction to both the BLM and the public.

## C. Description of the Planning Area

### *1. Land Ownership and Administration*

Figure 1.1 shows the location of the planning area within the State of Alaska and provides the varying ownership and conveyance status within the planning area, for purposes of this draft, as it existed on March 15, 2006. Of the approximately 22,601,183 acres within the planning area, decisions in the RMP/EIS will apply to 2,551,608 acres, as described below and as shown in Table 1.1. When conveyances are complete in 2010, approximately 1,197,688 acres, or approximately 5% of the total acreage in the Bay planning area, are expected to remain under BLM management.

**BLM** - These are lands that will most likely be retained in long-term Federal ownership. These lands, which are referred to as “unencumbered,” constitute approximately 1,197,688 acres or 5% of the planning area. They are not selected by the State or by Native corporations or villages.

**State-selected** - These are previously unappropriated and unreserved public lands that were selected by the State of Alaska as part of the Alaska Statehood Act of 1958 and the 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 continue to be managed by the BLM. ANILCA allowed for overselection by the State of up to 25% of the entitlement (sec. 906[f]). Therefore, some State-selected lands will eventually be retained in long-term Federal ownership. State-selected lands constitute approximately 875,620 acres or 4% of the planning area.

**Native-selected** - The Alaska Native Claims Settlement Act (ANCSA) of 1971 gave Alaska Natives an entitlement of 44 million acres to be selected from a pool of public lands specifically defined and withdrawn by the Act for that purpose. Some ANCSA corporations filed selections in excess of their entitlements. Similar to that of overselections by the State, some of the Native-selected lands will not be conveyed and will be retained in Federal ownership. Native-selected lands constitute approximately 437,729 acres or 2% of the planning area.

**Dual-selected** - These are lands that have been selected by both the State and Native corporations. Because of overselection, some of these lands could be retained in long-term Federal ownership. Dual-selected lands constitute approximately 297,573 acres or 1% of the planning area.

**Mineral estate** - Alaska is a “split estate” property rights state in which there can be two distinct owners of a given parcel of land, the surface owner and the sub-surface owner. Federal split-estate lands are those on which the surface of the land has been patented, that is, transferred to private ownership, while the mineral interests are retained by the United States. Surface property owners, for example, include home owners and businesses. The rights of a surface owner generally do not include ownership of mineral resources such as oil, natural gas or coal. Under the appropriate provisions and authorities of the Mineral Leasing Act of 1920, individuals and companies can prospect for and develop coal, petroleum, natural gas and other minerals reserved by the Federal government. All subsurface mineral estate lying beneath BLM lands is managed by the BLM. State and Native selections segregate the land and keep it closed to mineral entry, except on pre-existing, valid Federal mining claims (locatable minerals) and issue of

mineral material permits with the concurrence of the selecting entity (salable mineral materials). Conveyances made under ANCSA and the Statehood Act include the mineral estate. In some cases, subsurface mineral estate is reserved to the Federal government through conveyance of Native allotments. This reservation only occurs where information dictates that a particular mineral was prospectively valuable at the time of conveyance. Conveyances made under other land disposal laws, such as the Recreation and Public Purpose Act, do not include the mineral estate and it remains under BLM management when the surface is conveyed. Within the planning area, the BLM manages an estimated 40,000 acres of subsurface mineral estate where it does not manage the surface.

**Military lands** - These lands are under withdrawal to the military. If released and returned to BLM management during the life of the plan, direction contained in the RMP/EIS would apply. Military lands constitute one-tenth of one percent of the planning area.

**Table 1.1. Land Status within the Bay Planning Area**

Land Category	Acres	Percent of the Planning Area
<b>BLM managed lands</b>		
BLM public lands (unencumbered)*	1,197,688	5.3%
State-selected**	875,620	3.9%
Native-selected	437,729	1.9%
Dual-selected***	297,573	***
Subsurface	40,571	0.2%
<b>BLM-managed lands subtotal</b>	<b>2,551,608</b>	<b>11.3%</b>
<b>National Park Service managed lands</b>	<b>4,041,661</b>	<b>17.9%</b>
<b>U.S. Fish and Wildlife Service managed lands</b>	<b>4,080,681</b>	<b>18.0%</b>
<b>Military</b>	<b>14,238</b>	<b>0.1%</b>
<b>State of Alaska</b>	<b>9,132,834</b>	<b>40.4%</b>
<b>Private****</b>	<b>2,780,161</b>	<b>12.3%</b>
<b>Total lands within the planning area</b>	<b>22,601,183</b>	<b>100.0%</b>

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

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

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

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

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

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

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

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

**U.S. Fish and Wildlife Service lands** - These are lands managed by the U.S. Fish and Wildlife Service within the Yukon-Kuskokwim Delta National Wildlife Refuge, the Alaska Maritime National Wildlife Refuge, the Togiak National Wildlife Refuge, and the Alaska Peninsula/Becharof National Wildlife Refuge. These lands constitute approximately 18% of the planning area.

**Private lands** - these lands are privately owned, aside from Native corporations or villages and include Native allotments and other private land. They are included with Native lands to comprise approximately 12% of the planning area.

## ***2. Geographic and Social Setting***

The Bay planning area includes lands adjacent to Bristol, Goodnews, and Jacksmith bays, and extends northerly to the Kanektok River. It includes the headwaters of the Togiak, Tikchik, King Salmon, Nushagak, Mulchatna, Kvichak-Alagnak, and Naknek river drainages. It also includes the east side of Iliamna Lake and Kakhonak Lake, the western portion of the Alaska Range and the Aleutian Range, and the upper portions of the Alaska Peninsula north of Becharof Lake and Egegik Bay (Figure 1.1). This region consists primarily of broad, level to rolling upland tundra-covered river basins (Figure 1.1). Residents of the Bay planning area are located in 25 villages. The planning area lies within the boundaries of three organized boroughs, Bethel, Bristol Bay, and Lake and Peninsula, and includes land within three ANCSA regional corporation boundaries.

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

The following actions removed large tracts of lands from BLM management and created the major outlines of today's land ownership in the planning area.

#### **Early Withdrawals**

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

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

Land in the Bay planning area that is today parks and refuges was being managed by the Bureau of Land Management as part of the public domain.

#### **Statehood Act**

Sometime after Alaska achieved statehood in 1959, the State selected large tracts of land administered by the Federal government.

**ANCSA - 1971.** Native corporations selected large tracts of land administered by the Federal government.

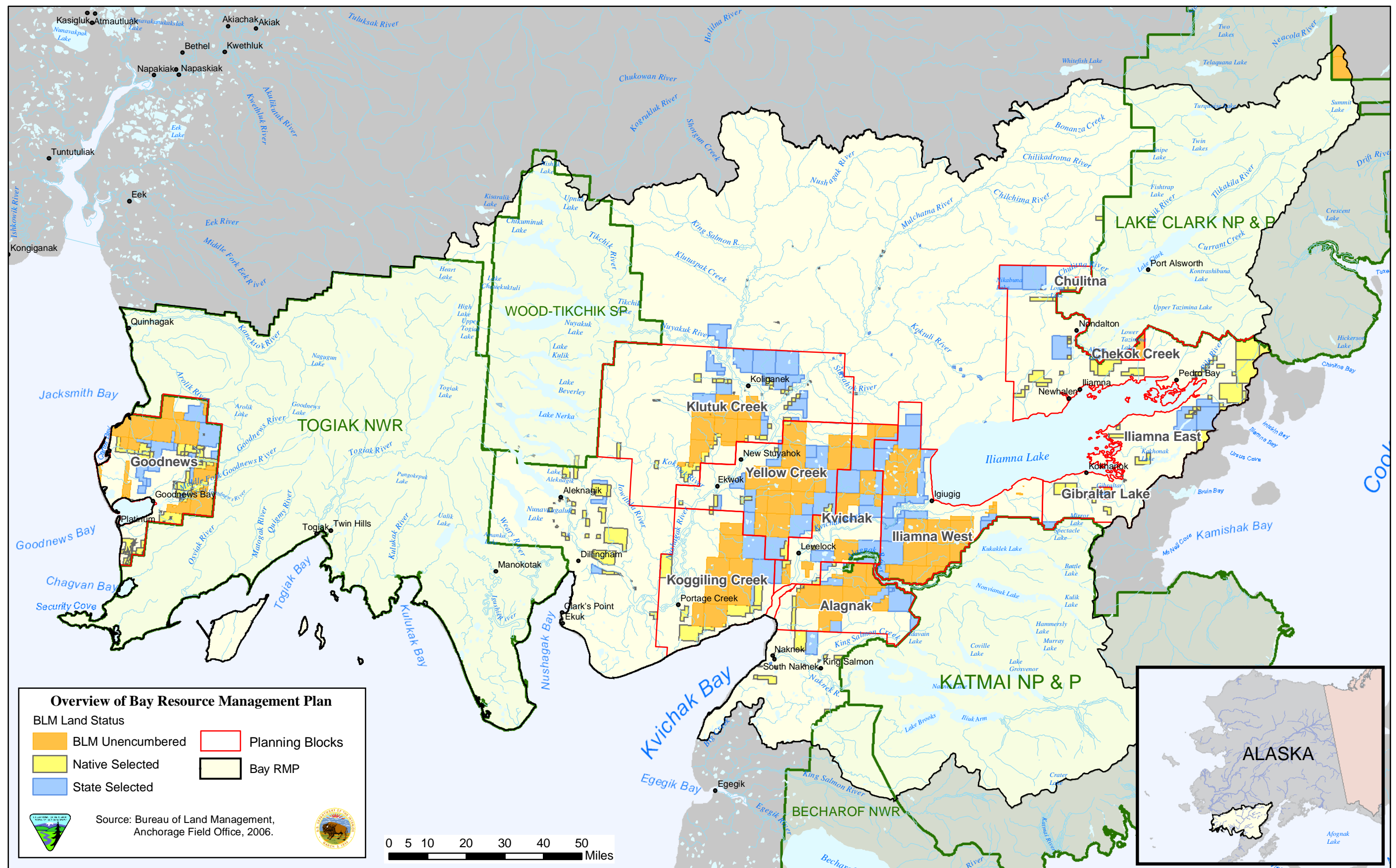
**Alaska National Interest Land Conservation Act (ANILCA)** - Signed December 2, 1980, expanded Katmai National Monument to include Wilderness, National Park, and Preserve. Lake Clark National Park and Preserve was established December 2, 1980.

**Alaska National Interest Lands Conservation Act (ANILCA)** established Alaska Peninsula National Wildlife Refuge and Becharof National Wildlife Refuge in 1980.

Wood-Tikchik State Park was also created in 1978 to protect fish and wildlife breeding areas and support systems and to preserve continued subsistence and recreational activities in a wilderness setting.

The region is served by three Regional ANCSA corporations, Calista, Incorporated, Ltd., Bristol Bay Native Corporation, and Cook Inlet Region, Incorporated. The Bay planning area encompasses one of the most traditional subsistence regions in Alaska. Besides the subsistence economy commercial fishing, commercial guiding, and sports hunting and fishing are the primary pursuits in the planning area.

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



### Figure 1.1 - Overview of Bay Plan

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Z:\projects\bay\_plan\mxd\template\_maps\bay\_plan\_overview.mxd



Figure 1.2. Alagnak River, View South.

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



Figure 1.3. Jacksmith Creek, Goodnews Block.



Figure 1.4. Bear Creek, Kvichak Block.

## D. Planning Blocks

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

Due to the Alaska Land Transfer Acceleration Act, Public Law 108-45, the land conveyance process is currently a dynamic one, creating changes in land ownership daily. The existing land ownership situation on a particular date needed to be used as the basis for the proposals in this resource management plan. For the purposes of this Draft RMP/EIS, the land status as it existed on March 15, 2006 is the baseline for the plan. Updated maps and figures will be included in the Final RMP/EIS. Existing questions or issues surrounding selected lands have been taken into consideration and addressed in the plan.

## E. Issues and Management Concerns Identified During Scoping

The Bay Scoping Report was issued on May 30, 2005, and is available at the BLM website for the Bay RMP/EIS at <http://www.blm.gov/ak/ado/BayRMP01.html>, or a hard copy is available from BLM AFO upon request (BLM 2005). Scoping is an open public process for determining the range of issues to be analyzed in the RMP/EIS, and for identifying important issues related to the Bay planning area. Internal scoping meetings were held, meetings were arranged with other public agencies, and a series of five public meetings were conducted in order to provide the public and all interested entities with information about the project and to identify issues and concerns that should be addressed in the RMP/EIS and information that should be used to select the best overall Alternative to meet project objectives. In

addition to public scoping meetings, Government-to-Government consultations were carried out in six villages, and presentations were given to a wide variety of interested public upon request. In addition, comments were received by letter and through the Bay planning website.

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

## ***1. Issues Addressed***

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

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

The plan makes recommendations for the location and number of acres available for Fluid Mineral leasing, Locatable Mineral entry, and the sale of Salable Minerals, and provides Required Operating Procedures, Oil and Gas Stipulations, and guidelines for these activities (Chapter II).

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

BLM would propose revoking the ANCSA 17(d)(1) withdrawals on BLM lands in the Bay planning area. Where necessary for conservation purposes, they would be replaced by other appropriate management strategies.

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

The Goodnews block is remarkable for its unique coastal beaches, wetlands and marshes, habitat for migrating waterfowl and shorebirds, and wide variety of unique vegetation types. Ahklun Mountains habitat is non-forested alpine tundra with willow-lined drainages and tall willow and alder shrub thickets skirting the bases of the hills and occurring in scattered patches throughout (Figure 1.3). Salmon and freshwater fish are available in its rivers and streams. It is a focus of subsistence activities for this region's villages. A number of known historic sites are present on BLM lands in this block. BLM lands in this block have moderate to high potential for metalliferous minerals, and mining has taken place in the area historically. There is a concern that there is potential for user conflict.

These issues are addressed in the program Goals and Objectives in Chapter II, in the Alternatives, and in the Required Operating Procedures and Stipulations found in Chapter II.

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

The pattern of State and Native corporation selections and conveyances leaves a number of small, scattered tracts of BLM unencumbered lands to administer, creating management difficulties for BLM, for subsistence, sport, and commercial users, and for adjacent landowners. The situation also complicates permitting processes for those who want to conduct an activity across administrative lines. Additionally, it has left a number of large, discontinuous blocks of land that BLM wishes to consolidate.

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

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

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

Members of the public expressed a desire to be informed about access to public lands via 17(b) easements. Existing 17(b) easements are identified and described in this plan. The summary table in Appendix E provides identification of each 17(b) easement by the Easement Identification Number (EIN), which is tied to an easement quad file in our official record. The digital representations on the map (Figure 3.50) will also identify the easements by EIN number.

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

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

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

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

To help carry out the responsibility for subsistence management locally, the BLM Anchorage Field Office performs reviews of permit use, occupancy, and land use to evaluate the effect of such use on subsistence uses and needs. A Section 810 (ANILCA) Compliance/Clearance Determination of Need is

performed on all environmental assessments before any use authorization on BLM-managed and interim-managed lands is determined.

Prior to the Anchorage Field Office issuing any permits or use authorizations proposed on State-selected or Native-selected lands, the written views of the State, regions, or villages are obtained and considered. On State-selected lands, no processing of a permit or use authorization will occur without State concurrence. An analysis and detailed information about the Anchorage Field Office Special Recreation Permit program is addressed in Chapter III, in Resource Uses, and in the Stipulations and Required Operating Procedures for each permit are found in Chapter II.

Enforcement of Bureau regulations and policies on unencumbered BLM-administered lands, and on any State-selected or Native-selected lands that remain under BLM jurisdiction until they are conveyed, will be performed by AFO Recreation Program staff, BLM Law Enforcement rangers, field staff located in Nome and Dillingham, and by other AFO specialists conducting field examinations and permit compliance. In addition, monitoring and enforcement will also continue to be performed by coordinating and collaborating with neighboring land managers and contacts located in rural communities.

Because the land conveyance process is a dynamic one that is creating changes in land ownership daily, the implementation of placing signs that identify BLM lands and boundaries, while a very good idea, is not practical at this time. Signing BLM lands at popular roads and trails entering BLM unencumbered lands should occur when the majority of State-selected and Native-selected lands are conveyed. However, signing, especially to prevent damage, for example to trails or to wetland/riparian areas, could be initiated in areas where BLM unencumbered lands occur.

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

Twenty eight rivers, river segments, streams, and lakes were nominated by the public during scoping to be evaluated for their eligibility to be nominated as Wild and Scenic Rivers. The details regarding these water bodies can be found in Appendix A, Bodies of Water Evaluated for Wild and Scenic River Eligibility.

The National Wild and Scenic River Act of 1968 was enacted to preserve the free flowing condition, water quality, and outstandingly remarkable values of select rivers. A four-step process is required before a river can be included in the National Wild and Scenic River System. The criteria used for ranking a river are based on eligibility, classification, suitability, and a further study analysis by Congress for authorized rivers.

The first step is an evaluation of a river's eligibility. In order for a river to be eligible, it must be both free-flowing and possess one or more outstandingly remarkable values (ORVs). An ORV is defined as a unique, rare or exemplary feature that is significant at a comparative regional or national scale. If a river is found eligible it is then analyzed as to its current level of development. Next, a recommendation is made for assigning one or more of three classifications: wild, scenic, and/or recreational. The final step is the suitability analysis which provides the basis for determining whether to recommend one or more rivers as part of the National System as an Alternative in the RMP/EIS. The RMP may recommend select rivers or river segments within the Bay planning area that have been determined to be eligible for nomination to the National Wild and Scenic Rivers System; however, only Congress may designate rivers to the System.

## ***2. Issues Considered But Not Further Analyzed***

The following topics were raised during public scoping but will not be addressed in this RMP process. Some of these issues are beyond the scope of the plan, while in other cases it has already been determined through BLM policy or planning criteria that the topic will not be addressed. The issues and concerns that will not be analyzed further are summarized below.

## a) Wilderness Inventory

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

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

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

In recognition of the sensitive and protracted negotiations that resulted in the designation of large amounts of wilderness and the limitations wilderness designations impose on the multiple use of those lands, Congress did not mandate further wilderness inventory, review, or study of BLM lands in Alaska with one exception, lands not in the planning area.

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

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

Clearly, Congress may direct the BLM to undertake further wilderness study in Alaska in future legislation. However, in the absence of further legislation, Congress has granted the Secretary the discretion to determine whether further wilderness inventory, review and study of BLM lands in Alaska is warranted. Secretary Gail Norton, in a letter dated April 11, 2003, instructed the BLM to “...consider specific wilderness study proposals in Alaska, as part of any new or revised resource management planning effort, if the proposals have broad support among the State and Federal elected officials representing Alaska. Absent this broad support, wilderness should not be considered in these resource management plans (USDI 2003).”

The State of Alaska has asked the BLM to adhere to this directive in this RMP because the State feels that at this time it is clear that there is a lack of broad support for further wilderness proposals (ADNR 2004). Therefore, wilderness inventory was not conducted as part of this planning process and wilderness areas are not considered in any of the Alternatives.

There are no BLM-managed wilderness areas or wilderness study areas within the planning area. There are areas that provide opportunities for a primitive recreation experience, solitude, and naturalness. These areas are described in Chapter III. These will not be recommended for Congressional designation as wilderness areas.

## b) Subsistence

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

The RMP will not change administration of the Federal subsistence program by the Federal Subsistence Board. The RMP will, however, consider impacts to subsistence activities, stipulations to protect subsistence resources, access for subsistence, and management of fish and wildlife habitat to support subsistence species. Appendix B provides the Section 810 (ANILCA) analysis.

### **c) Fish and Wildlife, Habitat, and Regulations**

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

The BLM received many comments relating to habitat management for important subsistence species such as caribou and moose, and this issue proved to be one of the most important themes at all of the public meetings held in the region, as well as in written comments received. Several comments noted that the planning area includes important habitats and migration routes for moose and for the Nushagak and Mulchatna caribou herds. Twenty-five villages in and adjacent to the planning area depend on these resources. Comments reflected the serious concerns of subsistence and recreational users about various kinds of development on BLM lands, including development of infrastructure to support industry. Commenters recommended an ecosystem management approach to habitat management.

Commenters recognized the world-class status of the river systems within the Bay planning area as spawning and rearing habitat for the five species of salmon and for other anadromous and freshwater fish species. Salmon are the single most important species for subsistence users. There is a great deal of concern that this habitat be retained intact. Specific rivers and streams were identified for their importance (Table 1.1).

Commenters were interested in the BLM working with others to discuss enhancing moose and caribou populations, and carefully tracking wildlife populations. Commenters in the villages repeatedly mentioned the increased presence of wolves and bears near their villages, and the inroads those species were making in the moose and caribou populations. The BLM was encouraged to work with Togiak National Wildlife Refuge to adopt consistent conservation objectives to protect the Nushagak and Mulchatna caribou herds.

The RMP will not affect State and Federal hunting or fishing regulations, or predator control activities. While the BLM manages fish and wildlife habitat on BLM-administered lands, the Alaska Department of Fish and Game (ADF&G) manages fish and wildlife populations, harvest by recreational, commercial, and subsistence users on State lands, on selected lands, and on private lands, and the Federal Subsistence Board manages qualified Federal subsistence harvest of fish and wildlife populations on Federally-administered public lands and waters in Alaska. Changes in hunting and fishing regulations are controlled by the Boards of Game and Fish and the Federal Subsistence Board and are beyond the scope of this plan. BLM participates in the Federal Subsistence Board, and is a member of several fish and wildlife planning groups for the Bay planning area, including those addressing moose, the Mulchatna caribou herd, brown bear, salmon, migratory waterfowl, and shorebirds. Any actions that might affect hunting and

fishing will be coordinated with ADF&G consistent with 43 CFR Part 24, the Department of the Interior Fish and Wildlife Policy (which clarifies the Department's relationship with State fish and wildlife management agencies) and the Master Memorandum of Understanding between the agencies (Appendix G).

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

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

#### **e) Special Status Species/Critical Habitat**

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

BLM manages fish and wildlife habitat on BLM lands, and can provide special attention to important habitat areas by using any of a number of planning tools. However, the term, "critical habitat" has legal connotations. It is the function of the U.S. Fish and Wildlife Service to formally make a determination of critical habitat in conjunction with the Federal List of Endangered and Threatened Wildlife. This is done under the auspices of the Endangered Species Act of 1973 (16 USC 1531-1544). A formal notice of the determination is printed in the Federal Register.

#### **f) Implementation of the RMP**

Public comments requested that BLM make clear in this RMP/EIS how it intends to implement proposed actions. The specifics of implementing this RMP/EIS will not be addressed in this plan, but will be addressed in a subsequent Bay Implementation Plan.

#### **g) Fire**

A few comments were received that addressed fire. Some concerned residents of the Bay planning area have noticed a warming and drying trend in the planning area during the past few years, a lowering of the water level in some rivers, a bark beetle infestation of certain trees, and an increase in conditions that may lead to greater incidence of wildfire in a region that has historically seen few natural fires due in part to the marine influence. Commenters requested that BLM be clear about the fire management plan for the BLM lands around villages in the Bay planning area, and how the fire management plan will be incorporated into the planning process. Commenters asked that the plan address fire, fire suppression zones, and fire management, including provisions for letting fires burn and for protecting or propagating wildlife habitat.

While the effects of fire have been analyzed to a certain degree in Chapter IV, Environmental Consequences, fire management planning decisions for BLM lands will be made through the existing process detailed in the Alaska Interagency Wildland Fire Management Plan (<http://fire.ak.blm.gov/content/planning/98aifmp.pdf>). All fire management requests for active fires on BLM lands will be made through the existing process.

#### **h) Education and Interpretation**

Commenters recommended educating people to the subsistence customs of the local people, including educating recreational users on local culture, to include game movement, hunting techniques, elimination

of wasteful practices, avoidance of water contamination from human waste, respect for private land and Native belief systems, and protection of historic and prehistoric archaeological sites.

Chapter III, Section F (beginning on page 3-305) and Appendix B (analysis of impacts to subsistence by the proposed Alternatives and subsistence use area maps) provide information on the subsistence customs and practices of the people in the Bay planning area, traditional subsistence hunting areas and hunting practices, and Native belief systems.

## **i) Co-Management**

One comment expressed interest in co-management of lands and resources between BLM and the Tribes. While the administration of BLM lands remains under BLM management, land management issues will be addressed on a case-by-case basis in Government-to-Government consultations between the interested Tribal entity and BLM AFO. While Government-to-Government consultations can take place regarding any subject at any time, should a Tribal entity desire to have a formal agreement, AFO is willing to enter into a Memorandum of Agreement with any affected Tribe to provide a framework for Government-to-Government discussions.

## **j) Impacts to Subsistence Users of Activities Occurring on State or Private Lands.**

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

# **F. Planning Criteria and Legislative Constraints**

FLPMA (1976) is the primary authority for BLM's management of public lands. This law provides fundamental policy by which public lands will be managed, and establishes provisions for land use planning, land acquisition and disposal, administration, range management, ROWs, designated management areas, and the repeal of certain laws and statutes. NEPA (1969) provides the basic national charter for environmental responsibility and requires the consideration and public availability of information regarding the environmental impacts of major Federal actions significantly affecting the quality of the human environment. In Alaska, ANCSA (1971) and ANILCA (1980) add to the legal framework for lands and realty issues, as well as access and subsistence issues.

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

The AFO uses the following planning criteria for the Bay planning effort:

- Opportunities for public participation will be made available and encouraged throughout the RMP/EIS process.
- Valid existing rights will be protected throughout the planning area.
- Subsistence uses will be considered and adverse impacts minimized in accordance with Section 801 of ANILCA.
- BLM will work cooperatively with the State and Federal agencies, Native corporations, Tribes, Municipal governments, and interested groups and individuals.

- Wildlife habitat management will be consistent with Alaska Department of Fish and Game (ADF&G) objectives and/or the Federal Subsistence Board requirements and mandates.
- The plan will be consistent with the standards and guidance set forth in FLPMA, NHPA, the Wild and Scenic Rivers Act, and other Federal laws, regulations, and policies required. The RMP/EIS will be prepared in compliance with Council on Environmental Quality (CEQ) regulations implementing NEPA, and will comply with BLM's planning regulations at 43 CFR 1600 and the BLM H-11601-1 Land Use Planning Handbook, Program-Specific and Resource-Specific Decision Guidance and supplemental program guidance Manual for ACECs and Fluid Minerals (BLM 2005).
- The plan will be consistent with the Alaska Land Health Standards.
- Land tenure adjustments, disposals and acquisitions will be analyzed when in the national interest. Land acquisition or disposal options will include land transfers, exchanges, and sales as allowed under FLPMA, the Recreation and Public Purposes Act (R&PP) (1954), and other laws. However, emphasis will be placed on exchanges of isolated parcels of unencumbered land for parcels that will help in consolidating existing discontiguous large blocks of BLM unencumbered land in the Bristol Bay area and the Goodnews Bay area.
- Plans and policies of adjacent Federal conservation system units, landowners and State and local governments will be considered, and the RMP/EIS decisions will be consistent with officially approved or adopted resource-related plans of other Federal, State, local and tribal governments to the extent those plans are consistent with Federal laws and regulations applicable to public lands. BLM's management of the subsurface estate in components of the National Wildlife Refuge and the National Park System will be consistent with the plans of the surface managers.
- Management of withdrawn lands will be consistent with the purpose for which the withdrawal was established.
- The plan will identify, designate, and protect special management areas such as Areas of Critical Environmental Concern (ACECs), Special Recreation Management Areas (SRMAs) and other special management designations. Management Alternatives will be developed and incorporated into the RMP/EIS.
- Management prescriptions will focus on the relative values of resources and not the combination of uses that will give the greatest economic return or economic output.
- The Visual Resource Management (VRM) class designations will be analyzed to reflect present conditions and future needs. Areas requiring modifications or restrictions for specific land uses to resolve conflicts will be identified.
- Planning will include the preservation, conservation, and enhancement of important historic, cultural, paleontological, and natural components of public land resources.
- Coordination will be maintained with Alaska Native entities to identify sites, areas, and objects important to their cultural and religious heritage.
- In accordance with the Endangered Species Act (ESA), BLM will undertake consultation with USFWS and the National Marine Fisheries Service (NMFS).
- Determinations of Wild and Scenic River eligibility and suitability will be made in accordance with Section 5(d) of the Wild and Scenic Rivers Act (WSRA) and BLM Manual 8351.
- Designations for Off-Highway Vehicles for all public lands within the planning area will be completed according to the regulations found in 43 CFR 8342.

## G. The Planning Process

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

The RMP describes broad, multiple-use guidance for managing public lands and mineral estate administered by BLM. In Alaska this applies to unencumbered BLM lands that have not been selected by

the State or by Native corporations, as well as those that have been selected but have not yet been conveyed. RMP decisions are made on a broad scale and guide subsequent site-specific, day-to-day decisions.

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

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

Section 202 of FLPMA requires carrying out comprehensive planning, while requirements in NEPA call for analyzing the impacts of Federal actions, including planning. A BLM Resource Management Plan is therefore developed in the context of an Environmental Impact Statement. Each of the Alternatives presented in Chapter 2 represents a different plan for the future management of BLM lands under its responsibility in the Bay planning area. These Alternatives also satisfy the requirements in NEPA that BLM consider alternative approaches to proposed Federal actions. The Record of Decision (ROD) that will be issued at the end of the planning process will provide the approved RMP that will guide BLM's management in the Bay Planning Area.

## ***1. Policy***

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

### **a) State of Alaska Selections**

Under the Statehood Act, the State of Alaska has an entitlement to select Federal lands for conveyance to the State. Approximately 875,620 acres or 34% of all BLM-managed lands in the planning area are State-selected. ANCSA requires the conveyance of lands to Alaska Native corporations. Approximately 437,729 acres, or 17% of the BLM-managed lands in the planning area are Native-selected. Conveyance of State-selected and Native-selected lands within the planning area is ongoing. Implementation of planning decisions on selected lands may be delayed until conveyances are complete and final ownership is determined and will only apply to these lands if they remain in Federal Ownership. Other decisions may be precluded because the lands in question may ultimately pass from BLM management.

### **b) Coastal Zone Management**

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

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

unincorporated areas (coastal resource service areas) within the coastal zone now have State-approved coastal management programs.

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

Certain Federal actions may require a Federal Consistency Determination. The BLM will contact the ADNRS Alaska Coastal Management Program for program applicability before beginning a project that may affect a coastal zone.

### **c) RS 2477 Routes**

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

Table 1.2. Steps in the BLM Planning Process

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

## ***2. Relationship to BLM Policies, Plans, and Programs***

BLM has developed a number of plans and Standards that relate to or govern management in the planning area. They are listed below and provide the broad picture of management considerations relevant to the planning area.

- Southwest Management Framework Plan (BLM 1981) (no amendments)
- Alaska Interagency Wildland Fire Management Plan (Alaska Department of Natural Resources et al. 1998)
- Land Use Plan Amendment for Wildland Fire and Fuels Management - Environmental Assessment (BLM 2004) Decision Record (BLM 2005)
- BLM's Alaska Statewide Land Health Standards (2004)
- In addition, this plan will comply with all applicable Federal Executive Orders, laws, and regulations.

### ***3. Forms of Public and Intergovernmental Involvement***

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

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

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

***Consultation*** involves a formal effort to obtain the advice or opinion of another agency regarding an aspect of land use management for which that agency has particular expertise or responsibility, as required by statute or regulation.

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

#### **a) Collaboration With Alaska Native Governments**

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

#### **b) Other Stakeholder Relationships**

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

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

These stakeholders have been contacted and are included in the Bay mailing list. Those identified as having potential interest in the project include Federal, State, and local agencies; elected and appointed officials; Alaska Coastal Management Districts; ANCSA regional and village corporations, village and Tribal councils, Alaska Federation of Natives, and Alaska Inter-Tribal Council; and interested organizations, including recreation/tourism, mineral development, conservation, individual citizens, media, and the BLM Resource Advisory Council (RAC), which is a citizen body representing a wide spectrum of public interests.

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

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

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

BLM agreed to:

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

Plans previously written by Federal, State, local and Tribal governments that relate to management of lands and resources within and adjacent to the Bay planning area are reviewed and considered as the RMP/EIS is developed. BLM planning regulations require that BLM plans be consistent with officially approved or adopted resource-related plans of other agencies to the extent those plans are consistent with Federal laws and regulations applicable to public lands. Table 1.2 provides a list of major regional plans that have been reviewed as part of preparation of this RMP/EIS. These plans can be obtained at the University of Alaska Anchorage, Alaska Resources Library and Information Services section, or from the sponsoring agency.

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

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

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

The plan has been organized into a series of chapters and sections.

**Chapter 1** establishes the purpose and need for the Bay Resource Management Plan, describes the planning area, addresses scoping, including scoping issues addressed and those considered but not further analyzed, provides planning criteria and legislative constraints, describes the planning process including an overview of NEPA and its procedural requirements, and identifies other related plans.

**Chapter 2** provides a general description of each Alternative, and identifies management common to all Alternatives. It identifies the preferred Alternative.

**Chapter 3** addresses the affected environment, including presenting information needed to understand issues and environmental consequences and providing a context for the Goals and Objectives.

**Chapter 4** provides analytical assumptions, including reasonably foreseeable development scenarios for mineral development, addresses direct, indirect, and cumulative impacts of the proposed Alternatives, summarizes critical elements that are addressed, not affected, or not present, and identifies incomplete or unavailable information.

**Chapter 5** includes a discussion of specific actions taken to consult and coordinate with agencies, entities, and the general public.