

Appendix M

ANILCA Section 810 Analysis of Subsistence Impacts

Chapter 3 provides a detailed description of both the affected environment of the proposed action, the Land Use Plan Amendment for the Wildland Fire and Fuels Management. A statewide overview of subsistence use patterns and interactions with natural fire regimes is provided in Section 3.1.11 Subsistence. More detailed information on habitat and key subsistence resources is found in Section 3.1.2 Aquatic Resources and Essential Fish Habitat; Section 3.1.12 Threatened and Endangered Species; 3.2.6 Vegetation Resources; and 3.2.8 Wildlife. The information contained in these sections of the EA is the primary basis for this analysis.

This Appendix uses the information presented in the Draft Environmental Assessment to evaluate the potential impacts to subsistence pursuant to Section 810(a) of the Alaska National Interest Land Conservation Act (ANILCA).

I. Subsistence Evaluation Factors

Section 810(a) of ANILCA requires that an evaluation of subsistence uses and needs be completed for any Federal determination to "withdraw, reserve, lease, or otherwise permit the use, occupancy or disposition of public lands." Under longstanding guidance, planning and implementation of activities to suppress natural fire do not constitute decisions to withdraw, reserve, or lease public lands, nor to "permit" use of the public lands. Interagency planning for natural fire and fire suppression does not meet the threshold requirement to trigger an 810 evaluation.

However, prescribed burning and other active fuels management activities under the plan are subject to review under ANILCA § 810. The remainder of this analysis focuses on the fuels management component of the Land Use Plan Amendment for the Wildland Fire and Fuels Management. ANILCA requires that this evaluation include findings on three specific issues:

1. the effect of such use, occupancy, or disposition on subsistence uses and needs;
2. the availability of other lands for the purpose sought to be achieved; and
3. other alternatives that would reduce or eliminate the use, occupancy, or disposition of public lands needed for subsistence purposes (16 U.S.C. § 3120).

The evaluation and findings required by ANILCA § 810 are set out for the preferred alternative of this Land Use Plan Amendment.

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

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

To determine if a significant restriction of subsistence uses and needs may result from the actions proposed in the Land Use Plan Amendment, including their cumulative effects, the following three factors in

particular are considered: 1) the reduction in the availability of subsistence resources caused by a decline in the population or amount of harvestable resources; 2) reductions in the availability of resources used for subsistence purposes caused by alteration of their normal locations and distribution patterns; and 3) limitations on access to subsistence resources, including from increased competition for the resources.

A significant restriction to subsistence may occur in at least two instances: 1) when an action substantially may reduce populations or their availability to subsistence users, and 2) when an action may substantially limit access by subsistence users to resources. The Environmental Consequences sections of this Environmental Assessment provide the primary data concerning potential reductions and limitations. This information was used to determine whether the effects of each alternative are extensive enough to cause a possible significant restriction to subsistence.

Table 2-2 summarizes the extent of fuels management activities already provided for in existing Land Use Plans (No Action Alternative) and those proposed in the Preferred Alternative.

A subsistence evaluation and findings under ANILCA § 810 must also include a cumulative impacts analysis. Section II below begins with an evaluation and finding for the Preferred Alternative, followed by consideration of cumulative effects.

II. ANILCA 810(A) Evaluations and Findings for the Preferred Alternative and the Cumulative Case

The following evaluations are based on information relating to the environmental and subsistence consequences of the proposed Land Use Plan Amendment for Wildland and Fuels Management. Information specific to fuels management activities is summarized in Table 2-2, which notes the extent of fuels management activities already provided for in existing Land Use Plans (No Action Alternative) and those proposed in the Preferred Alternative. The evaluations and findings focus on potential impacts to the subsistence resources themselves, as well as access and competition issues related to subsistence use.

A. Evaluation and Findings for the Preferred Alternative

The Preferred Alternative incorporates into BLM Land Use Plans the policies, terminology, and appropriate management responses already in place through the Alaska Interagency Wildland Fire Management Plan. It also provides for prioritization and broader application of fuels treatments, while retaining requirements for site-specific plans and analyses. The Land Use Plan Amendment brings BLM frameworks into conformity with practices already adopted and implemented under the Alaska Interagency Wildland Fire Management Plan. Particularly in regard to fire suppression activities, the no action alternative and the preferred alternative have virtually identical environmental consequences. For this reason, the detailed evaluation below focuses on the preferred alternative.

1. Evaluation of the Effect of Such Use, Occupancy, or Disposition on Subsistence Uses and Needs

This analysis of the Preferred Alternative examines whether the environmental effects of fuels management activities might result in a significant restriction of subsistence uses and needs.

Direct and indirect effects of fuels treatments are examined for key resources in Chapter 3. Section 3.1.2 on Aquatic Resources concluded that fuel treatments are applied to very limited areas prioritized to increase protection of human life and property. Planned activities would not “cause a significant impact to the ecological health of grasslands, shrublands, or forestlands (p. 53).” Section 3.2.8 on Wildlife examined fuels treatments and concluded that “[following a fuels assessment by fire professionals, stand-scale vegetative treatments can be judiciously located to help protect communities from fires originating in

wildlands and in turn provide subsistence resources (game, berries, mushrooms) adjacent to communities (p. 65).”

As noted in Table 2-2, fuels management activities under the preferred alternative are distinguished by four classes of management option. An estimated 25-50 acres would be affected annually by manual treatment methods within Critical Management Option areas, with priority on reducing risk of wild fire near existing communities and significant cultural sites. No prescribed burns would be employed on lands with this classification. In the Full Management Option areas, an average of 20,000 acres would be affected by prescribed fire, which an additional average of 20 acres annually affected by mechanical methods. In Limited Management Option areas, an annual average of 700 acres would be affected by prescribed burns. Along with the purpose of breaking up fuel continuity, in Limited Management Option areas another purpose of prescribed burns will be to improve ecological health. This would result in improved habitat for key subsistence resources. Finally, in Modified Management Option areas, an annual average of 3,000 acres may be affected by prescribed fire.

In sum, mechanical methods are planned for very small acreages in critical areas surrounding communities at significant risk for wild fire damage. Prescribed burns may be employed in the other management classes, but the total annual acreage affected remains very small. Moreover, in intention and impact, prescribed burns more closely mimic natural wild fire, with generally positive effects on habitat quality.

These fuels management activities do not significantly reduce the availability of subsistence resources due to a decline in the population or amount of harvestable resources. These activities do not significantly reduce the availability of resources used for subsistence purposes due to alteration of their normal locations and distribution patterns; and the activities do not impose limitations on access to subsistence resources, including from increased competition for the resources. These activities do not constitute a significant restriction on subsistence uses or needs.

2. Evaluation of the Availability of Other Lands Wildland Fire and Fuels Management

The Land Use Plan Amendment for Wildlife Fire and Fuels Management addresses all BLM-managed land in Alaska, so there are no alternative BLM-administered lands available for the planned activities.

3. Evaluation of Other Alternatives that would Reduce or Eliminate the Use, Occupancy, or Disposition

The Land Use Plan Amendment for Wildlife Fire and Fuels Management encompasses a gradient of fuels treatment activities scaled to respond to the levels of risk to human life and property. Since the management measures proposed in the Land Use Plan Amendment are currently implemented under the Alaska Interagency Wildlife Fire Management Plan, there is no practical alternative to the levels of activity proposed in the Land Use Plan Amendment.

4. Findings

The effects of the Preferred Alternative fall below the level of significantly restricting subsistence.

B. Evaluation and Findings for the Cumulative Case

The cumulative case scenario includes potential effects on subsistence uses and needs caused by existing and planned fuels management activities, including other planned and reasonably foreseeable activities of this sort. The Land Use Plan Amendment for Wildlife Fire and Fuels Management represents a comprehensive policy and management framework for BLM administered lands. The Land Use Plan

Amendment clarifies the application on BLM administered lands of the standards currently implemented under the Alaska Interagency Wildlife Fire Management Plan. As a result, there are no additional planned or foreseeable activities for management of wildland fire and fuels management. For this reason, the impacts of the cumulative case would be the same as those for the Preferred Alternative. The activities considered under the cumulative case do not constitute a significant restriction on subsistence uses and needs.

III. Notice and Hearings

ANILCA § 810(a) provides that no "withdrawal, reservation, lease, permit, or other use, occupancy or disposition of the public lands which would significantly restrict subsistence uses shall be effected" until the Federal Agency gives the required notice and holds a hearing in accordance with §810(a)(1) and (2).

Since the evaluation of impacts on subsistence uses and needs for the Land Use Plan Amendment for Wildland Fire and Fuels Management concluded that the planned activities do not constitute a significant restriction on subsistence uses and needs, the requirements for notices and hearings do not arise.

IV. Subsistence Determinations Under § 810(a)(3)(A), (B), and (C)

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

The BLM has found in this subsistence evaluation that the activities planned under the Land Use Plan Amendment for Wildland Fire and Fuel Management do not constitute a significant restriction on subsistence uses and needs. Therefore no additional determinations are required.