

DECISION

IX. DETERMINATIONS

A. Threatened and Endangered Species

Appendix J of the FEIS contains the consultation and determination that the program will not affect listed species, critical habitat, or essential habitat. It also states that it will not affect or is not likely to affect proposed species or proposed critical habitat.

B. Coastal Zone Management Act

The Federal Coastal Zone Management Act (CZMA) and the Alaska Coastal Management Act were enacted in 1972 and 1977 respectively. Through these acts, development and land use in coastal areas are managed to provide a balance between the use of coastal resources and the protection of valuable coastal resources. The ACMP requires that coastal districts and State agencies recognize and assure opportunities for subsistence use of coastal areas and resources (6 AAC 80.120).

The proposed action is consistent to the maximum extent practicable with approved State management programs. No action of the FSMP presently will directly impact the coastal zone; the FSMP is limited to Federal public lands, which are excluded from the coastal zone under the CZMA.

C. ANILCA 810 Evaluation and Finding

This evaluation concludes that the FSMP under this alternative would have some local impacts on subsistence use, but would not constitute a significant restriction of subsistence uses, under the "may significantly restrict" standard.

Impacts on subsistence use patterns could occur in communities whose rural determination status could change in the next 10 years from rural to non-rural. A small proportion of the population of these communities depends on a subsistence lifestyle. Impacts are expected to be long term (more than 2 years), resulting in reduced harvests of subsistence resources and a shift in subsistence use patterns.

Determinations have been made in accordance with Section 810(a)(3) that:

- (1) such a significant restriction of subsistence uses is necessary, 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 impacts on subsistence uses and resources resulting from such actions

DECISION

1. NECESSITY, CONSISTENT WITH SOUND MANAGEMENT OF PUBLIC LANDS

ANILCA Title VIII requires the Secretary to manage subsistence uses on public lands if the State fails to implement a subsistence management program that satisfies the requirements of Title VIII. The State no longer manages subsistence in a manner consistent with Title VIII, therefore this action is necessary.

2. AMOUNT OF PUBLIC LAND NECESSARY TO ACCOMPLISH THE PROPOSED ACTION

Section 102(3) of ANILCA, in conjunction with Section 804, requires subsistence use priority on all Federal Public lands in Alaska. There are no options to further minimize the amount of public lands under disposition of the Federal Subsistence Management Program.

3. REASONABLE MEASURES TO MINIMIZE ADVERSE IMPACTS UPON SUBSISTENCE USES AND RESOURCES

Alternative IV as modified is less likely to have restrictions than Alternatives II or III because of the fewer number of eligible subsistence users. This would reduce the possibility of further harvest restrictions due to excess demand for subsistence resources. Localized impacts may be experienced, as described under Chapter IV Section J.5.

Alternative IV as modified would have an advisory system focused on subsistence uses and would have the users involved at all levels to assure that all reasonable measures were taken to minimize or avoid adverse impacts. Existing impacts to customary and traditional practices of subsistence users are reduced or eliminated through the use of such mechanisms as permitting the use of designated hunters and community harvest allocations. The 5-year waiting period in the rural determination process will also reduce the impact on a community or area from losing its rural status.

Based on the evaluation process contained in Chapter IV.J of the EIS, and considering all relevant information, I find that there is no significant possibility of a significant restriction on subsistence uses as a result of the selected course of action.