

Bay RMP/EIS Planning Schedule

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| September 2006: | Notice of Availability for the Draft RMP/EIS |
| October – January 2006: | Public review and comment period |
| March – August 2007: | Analyze comments, prepare Proposed RMP/Final EIS |
| September 2007: | Notice of Availability, Proposed RMP/Final EIS |
| September – October 2007: | Governor's Consistency Review, Protest Period |
| October – December 2007: | Resolve protests, issue RECORD OF DECISION |

Accessing the Bay Proposed RMP/Final EIS

If you're currently on the Bay mail list, you'll receive a postcard this summer with information about how you can request the Bay Proposed RMP/Final EIS via hard copy or CD-ROM. Or you may choose to view the document online and help us save taxpayer resources.

If you're not on the mail list and you'd like to receive announcements about the Bay plan or future land use planning in the Bay region, send your mailing address to akbayrmp@blm.gov, or phone us at (907) 267-1246 or toll-free at (800) 478-1263.

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Bay Resource Management Plan

Bureau of Land Management
Anchorage Field Office

April 2007
Planning Bulletin Two

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(Aerial view of Alagnak River in the Bay planning area. Top photo: BLM-administered lands near Lake Iliamna)



Dear Bay Plan Participant:

Thank you for your continued interest in the Bay plan. Public participation is a key component of effective land use planning. Your involvement is helping us craft a land use plan for the Bristol Bay and Goodnews Bay areas of Alaska that will help us serve the public land user and residents of the region well into the future.

Public participation for the Bay Resource Management Plan began two years ago with extensive scoping meetings throughout the planning area. We received more than 1,800 written and verbal comments during scoping. These comments were carefully considered as we developed the Bay Draft RMP/EIS, released in September 2006.

Next we held open house meetings and subsistence hearings in six communities in the Bay planning area, and one open house in Anchorage, to discuss the range of alternatives in the draft plan and to hear public comment on the plan. The initial 90-day public comment period was extended to February 5, 2007. During this 120 days, we received more than 12,000 comment letters on the draft plan. We also heard extensive oral public testimony.

Primary concerns expressed during the public comment period included mineral exploration and development, subsistence, and special designations. Many participants had concerns about how the BLM will address land withdrawals reserved under Section 17(d)(1) of the Alaska Native Claims Settlement Act (ANCSA). You'll find more information on this topic in this newsletter.

Over the next few months, we'll review all comments received on the draft Bay plan using a systematic content analysis process. In particular, we're analyzing those comments that address the adequacy or accuracy of the draft plan. The BLM Land Use Planning Handbook calls these substantive comments. These are comments that "reveal new information, missing information, or flawed analysis that would substantially change conclusions" in the draft plan, as defined in the handbook.

We'll address these comments in the Bay Proposed Resource Management Plan and Final Environmental Impact Statement, scheduled for release in September 2007. (See page 4 of this newsletter for information about how to receive a copy of the Bay Proposed RMP/Final EIS).

While the public comment period has ended, we will continue to keep you informed about the Bay Resource Management Plan. My challenge to you is to remain engaged in the Bay planning process. These are YOUR public lands, and we welcome your involvement.

Gary Reimer

Gary Reimer, Anchorage Field Manager



Land use planning and ANCSA “d-1” lands

This topic is an important and valid concern during land use planning, especially the Bay planning effort.

This newsletter will focus on some of the “hard to explain” aspects of the Public Land Orders executed under Section 17(d)(1) of the Alaska Native Claims Settlement Act (ANCSA). Understanding the relationship of land use planning to these Public Land Orders is key to understanding the Bay Resource Management Plan.

What are ANCSA “d-1” withdrawals?

The Alaska Native Claims Settlement Act authorized the Secretary of the Interior to withdraw and reserve lands for study and classification. The lands were reserved through a series of Public Land Orders issued from 1972 to 1975 under the authority of Section 17(d)(1). This action closed the lands to disposal and appropriation under public land laws, including mining and mineral leasing.

The withdrawals kept the lands unencumbered for selection by Alaska Native corporations under the various provisions of ANCSA, and prevented the creation of new third-party interests that would interfere with land conveyance.

The withdrawals also allowed the BLM time to study and classify the lands.

What happens to (d)(1) withdrawals during the land use planning process?

Land use planning is the land classification process envisioned in ANCSA Section 17(d)(1). It’s the policy of the Department of the Interior to review existing withdrawals during land use planning to determine if there is a valid need to retain the withdrawals.

The (d)(1) withdrawals have served their purpose by holding the status quo until the BLM has the opportunity to classify the lands. It’s now time to look at the withdrawals and make determinations for managing these lands in the future.

The BLM’s preferred alternative in the Bay draft plan recommended lifting Section 17(d)(1) withdrawals on BLM-administered public lands. The resources in the Bay planning area can, in most cases, be protected by tailoring restrictions, stipulations, and required operating procedures to minimize impacts to the lands and the natural resources.

Alternative A in the Bay plan (the No Action alternative) would retain the (d)(1) withdrawals.

Chekok Creek, northeast of Iliamna, in the Bay planning area

Regardless of the outcome of resource management plans, only the Secretary of the Interior can lift the Public Land Orders that withdrew the lands under Section 17(d)(1). The environmental impact statement for management plans is the NEPA (National Environmental Policy Act) document that would support such a Secretarial action.

What happens if the Secretary lifts (d)(1) land withdrawals?

Lifting (d)(1) withdrawals primarily opens the lands to leaseable and locatable minerals. It may also open the lands to disposal, such as land sales, which may be considered during the land use planning process.

In many instances, lifting the (d)(1) withdrawals may have no immediate effect. For example, lands selected by Alaska Native corporations under ANCSA or the State of Alaska under the Statehood Act remain “segregated” (unavailable) from leaseable or locatable mineral entry.

In the early 1970s when (d)(1) lands were withdrawn, there were fewer regulations to oversee the development of the public lands and protect important natural resources. Since then, Congress has passed significant legislation for the orderly development of the public lands and to protect the environment from adverse impacts.

If (d)(1) withdrawals in the Bay region are eventually lifted, mining activity can occur on unencumbered BLM-administered lands. Mining activity would be guided by regulations and permit conditions to protect sensitive resources in the area.

The BLM is taking a hard look at public comments to ensure that the Bay Final Environmental Impact Statement fully captures the effects of this activity.



How much BLM land could be affected by lifting the withdrawals?

Statewide, approximately 159 million acres of land are currently affected by ANCSA Section 17(d)(1) Public Land Orders.

Of these, roughly 57 million acres are BLM-administered, and nearly half of these are lands selected by Alaska Native corporations or the State of Alaska. Another 6.8 million acres are lands with overlapping withdrawal orders, such as lands withdrawn as Conservation System Units or Wild and Scenic River corridors. These withdrawals will be managed under the appropriate resource management plan.

Within the Bay planning area, the BLM administers, about 1.2 million unencumbered (d)(1) lands. These lands may potentially be opened to mineral entry if withdrawals are lifted, and the BLM would use a variety of land management tools to manage the resources.

Why is the BLM conducting large-scale land use planning at this time?

The Federal Land Policy and Management Act, or FLPMA, states: “The Secretary shall, with public involvement...develop, maintain and, when appropriate, revise land use plans...” We do not have land use plans for most of Alaska, so the BLM has initiated a process to do so.

With land selections in place for the remaining ANCSA entitlements, land ownership patterns are emerging that reveal what lands will remain BLM-administered after the land transfer program is completed. The BLM is developing land use plans that will help determine long-term management objectives for lands that will remain in the public domain.

Can’t the BLM simply leave the withdrawals in place following land use planning?

Land withdrawals are authorized for specific purposes. If the lands are no longer needed for those purposes, the withdrawal is considered for revocation.

One alternative in the Bay plan (Alternative A) does retain these withdrawals. This No Action, or “no resource management plan” alternative, essentially retains the land management status quo.

If (d)(1) withdrawals are lifted, how will the BLM manage sensitive resources on these lands?

The BLM has many tools to protect and manage resources. These include “3809” mining regulations (Subpart 3809 of the Code of Federal Regulations), required operating procedures and/or best management



Alagnak River in the Bay planning area

practices, and designating Areas of Critical Environmental Concern (ACEC).

Withdrawals are one tool available to the BLM to manage resources on public lands. Our multiple-use mandate is best served when we use the appropriate land management tools to protect and manage resources.

Why are (d)(1) lands in the Bay planning area a primary concern for the public?

Concerns about the proposed Pebble Mine Project, located on State lands within the Bay planning area, have resulted in heightened interest in the BLM’s Bay plan.

The BLM received public comments expressing concern that lifting (d)(1) withdrawals would open BLM lands in the Bay planning area to mining activity that could impact fishery and other resources in the watershed.

A key task of any environmental impact statement (EIS) is to evaluate the environmental consequences of each alternative. Chapter 4 of the Bay Draft RMP/EIS contained this evaluation. The BLM is now using comments received during the public comment period to review and strengthen this environmental analysis in the Final EIS. Like the draft plan, this analysis will consider the low-to-medium mineral potential for BLM lands in the Bay planning area.

BOTTOM LINE: If the Bay Proposed RMP recommends and the Secretary of the Interior lifts (d)(1) withdrawals, the BLM would manage these lands for multiple use.

For more information about BLM land use planning, visit www.blm.gov/ak and use Quick Links to find a list of all BLM land use planning efforts.