

DECISION

V. REASONS FOR THE DECISION

A. ANILCA

The ANILCA requires the Secretaries of the Interior and of Agriculture to provide the opportunity for rural residents engaged in a subsistence way of life to do so consistent with sound management principles, and the conservation of healthy populations (or natural and healthy for National Parks and Monuments) of fish and wildlife. Nonwasteful subsistence uses of fish and wildlife and other renewable resources are to be the priority consumptive uses of all such resources on the public lands (as defined in Section 102(3) of ANILCA) of Alaska when it is necessary to restrict taking in order to assure the continued viability of a fish or wildlife population or the continuation of subsistence uses of such population.

B. Environmental Considerations

I am fully aware of the environmental consequences of the alternatives as described in the EIS. While there would be no physical impacts, there would be differing projected impacts on the biological, sociocultural systems, economic, subsistence use patterns, and sport hunting aspects of Alaska.

1. BIOLOGICAL

Alternative III would have the greatest impact on all subsistence species. The impacts of Alternative II would be less than Alternative III, but still greater than those of either Alternatives I or IV.

2. SOCIOCULTURAL SYSTEMS

a. **Alternative I:** In the three communities (Sitka, Kodiak, and Unalaska) whose status could change in the next 10 years from rural to non-rural, a proportion of the population that depends on a subsistence lifestyle could experience long-term (more than 2 years), reduced access to subsistence resources. As a result of this reduced access, there would be increased stress. The social health in these communities would be impacted, and sociocultural systems—including social organization and cultural values—would be disrupted, with tendencies toward displacement of sociocultural systems. Impacts would be expected to be the same as those under Alternative IV.

b. **Alternative II:** In the three communities whose status would change under this alternative (Sitka) or in the next 10 years (Kodiak and Unalaska) from rural to non-rural, a proportion of the population that depends on a subsistence lifestyle could experience long-term, reduced access to subsistence resources. In addition, rural communities would be designated under Alternative II, which would increase the number of subsistence users. Such a situation is expected to force increased application of Section 804 of ANILCA, allowing only those with customary and direct dependence on subsistence

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resources to subsistence hunt. For those residents who could not demonstrate customary and direct dependence, this alternative would alter subsistence harvest areas and decrease subsistence harvests. As a result, there could be increased stress. The social health in these communities would be impacted and sociocultural systems—including social organization and cultural values—would be disrupted with tendencies toward displacement of the sociocultural systems. Impacts would be expected to be long term (more than 2 years) and greater than those expected under Alternative IV.

c. **Alternative III:** More rural communities would be designated under Alternative III, which would increase the number of subsistence users. Such a situation is expected to force increased application of Section 804 of ANILCA, allowing only those with customary and direct dependence on subsistence resources to subsistence hunt. For those residents who could not demonstrate customary and direct dependence, this alternative would alter subsistence harvest areas and decrease subsistence harvests, resulting in increased stress. The social health in these communities would be impacted and sociocultural systems—including social organization and cultural values—would be disrupted, with tendencies toward displacement of the sociocultural systems. Impacts would be long term (more than 2 years) and greater than those in Alternative IV.

d. **Alternative IV:** In the three communities (Sitka, Kodiak, and Unalaska) whose status could change in the next 10 years from rural to non-rural, a proportion of the population that depends on a subsistence lifestyle could experience long-term (more than 2 years), reduced access to subsistence resources. As a result, there would be increased stress. The social health in these communities would be affected and sociocultural systems—including social organization and cultural values—would be disrupted with tendencies toward displacement of sociocultural systems.

3. ECONOMY

There would be greater Federal expenditures under Alternatives II and III than under either Alternative I or IV. This difference is not significant and is only a projection. Actual spending associated with the FSMP would vary according to the Federal budgetary processes.

4. SUBSISTENCE USE PATTERNS

a. **Alternative I:** Impacts on subsistence use patterns could occur in Sitka, Kodiak, and Unalaska because their status could change in the next 10 years from rural to non-rural. For these communities, a small proportion of the population depends on a subsistence lifestyle. While impacts could occur in Unalaska and Kodiak, impacts to subsistence harvest patterns are most likely to occur in Sitka. 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. Impacts would be expected to be the same as those under Alternative IV.

b. **Alternative II:** In Sitka, where the status would change under this alternative, and in Kodiak, Unalaska, and Moose Creek, where the status could change from rural to non-rural within the next 10 years, a small proportion of the population

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depends on a subsistence lifestyle. While impacts could occur in Unalaska, Kodiak, and Moose Creek, subsistence harvest patterns are most likely to occur in Sitka. Impacts are expected to be long term (more than 2 years), resulting in a reduced harvests of subsistence resources and a shift in subsistence use patterns. In addition, more rural communities would be designated under Alternative II, increasing the number of subsistence users. Such a situation is expected to force increased application of Section 804 of ANILCA, allowing only those with customary and direct dependence on subsistence resources to subsistence hunt. For those residents who could not demonstrate customary and direct dependence, this alternative would alter subsistence harvest areas and decrease subsistence harvests. Impacts would be expected to be long term (more than 2 years) and greater than those expected under Alternative IV.

c. **Alternative III:** Under Alternative III there would be more rural communities designated, increasing the number of subsistence users. Such a situation is expected to force increased application of Section 804 of ANILCA allowing only those with customary and direct dependence on subsistence resources to subsistence hunt. For those residents who could not demonstrate customary and direct dependence, this alternative would alter subsistence harvest areas and decrease subsistence harvests. Impacts would be expected to be long term (more than 2 years) and greater than those expected under Alternative IV.

d. **Alternative IV:** Impacts on subsistence use patterns could occur in Sitka, Kodiak, and Unalaska whose status could change in the next 10 years from rural to non-rural. A small proportion of the population in these communities depends on a subsistence lifestyle. While impacts could occur in Unalaska and Kodiak, impacts to subsistence harvest patterns are most likely to occur in Sitka. Impacts are expected to be long term (more than 2 years), resulting in reduced harvests of subsistence resources.

5. SPORT HUNTING

a. **Alternative I:** This alternative has approximately 142,000 eligible subsistence users (the same number as Alternative IV) and would place less subsistence harvest demand on wildlife resources than Alternatives II or III. This would result in less need to restrict sport hunting opportunities than under Alternatives II or III. There would be no immediate change from the present condition. While the growth in rural population would increase harvest demand on wildlife, it is generally expected that subsistence demand from this alternative could be met by present wildlife populations, with some exceptions. Presently, there are few situations where sport hunting is severely restricted because of the need to provide a priority for subsistence use.

b. **Alternative II:** There would be significant changes in the distribution of residents with subsistence eligibility as a result of this alternative. This alternative has the second highest number of subsistence users and would place an increased subsistence harvest demand on wildlife resources. This would result in an increased likelihood of additional restrictions on sport hunting opportunities. There would be significant changes in the distribution of residents with subsistence eligibility because of this alternative. While the growth in rural population would increase harvest demand on

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wildlife, it is generally expected that subsistence demand from this alternative could be met by present wildlife populations without additional restrictions on sport hunting. There are, however, some localized exceptions. These exceptions generally are found in areas where there is a large increase in rural populations or where wildlife populations can support only small harvest levels. Presently, there are few situations where sport hunting is restricted because of the need to provide a priority for subsistence use. The large increase in rural residents under this Alternative increases the likelihood of further restrictions; however, much of the increased demand from subsistence users probably can be accommodated by wildlife populations. This is in part true because a significant number of eligible subsistence hunters currently are harvesting animals by hunting under sport regulations.

c. **Alternative III:** There would be significant changes in the distribution of residents with subsistence eligibility as a result of this alternative. This alternative has the highest number of subsistence users and would place the greatest increase in subsistence harvest demand on wildlife resources. This would result in an increased likelihood of additional restrictions on sport hunting opportunities. The growth in rural population would increase harvest demand on wildlife. It is expected that subsistence demand from this alternative would exceed the allowable harvest levels of present wildlife populations in many areas without additional restrictions on sport hunting. The need for restrictions would be moderated somewhat as the number of sport hunters in this alternative decreases. There presently are few situations where sport hunting is severely restricted because of the need to provide a priority for subsistence use. The large increase in rural residents under this alternative increases the likelihood of further restrictions; however, a significant number of newly eligible subsistence hunters currently are harvesting animals by hunting under sport hunting regulations, and this would serve to moderate the impact of a large increase in subsistence users.

d. **Alternative IV:** This alternative has 142,410 eligible subsistence users (the same number as Alternative I) and would place less subsistence harvest demand on wildlife resources than Alternatives II or III. This would result in less need to restrict sport hunting opportunities under Alternative IV than under Alternatives II or III. While the growth in rural population would increase harvest demand on wildlife, it is generally expected that subsistence demand from this alternative could be met by present wildlife populations, with some exceptions. Presently, there are few situations where sport hunting is severely restricted because of the need to provide a priority for subsistence use.

C. FACTORS WHICH WERE BALANCED

1. ENVIRONMENTAL

The EIS analyzed four alternatives each of which would fulfill the responsibilities of the Secretaries. The impacts to the biological, sociocultural systems, subsistence use patterns, and sport hunting considerations were all balanced in arriving at this decision.

In consideration of the biological resources, Alternatives I and IV are virtually identical in their respective impacts on all fish and wildlife species analyzed. These impacts were less

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than under either Alternatives II or III, both immediately and over the long term. Although there may be some local impacts were this is not true, overall the statewide impacts are less under this alternative.

The sociocultural systems are impacted mostly by the gain or loss of eligibility for a subsistence priority. While Alternative III would result in the greatest number of subsistence users, most of these additional users currently are not subsistence users nor have they been throughout the history of ANILCA. This is also somewhat true of Alternative II which would have fewer users than Alternative III, but more than either Alternatives I or IV. While Alternative IV does not give eligibility to as many users as some other alternatives, it does provide for the continuation of use by those who have been eligible in the past.

Relative to subsistence use patterns, Alternative IV as modified in this decision, would result in less restriction upon those who have been dependent on subsistence uses of the resources than would be required under Alternatives II or III. Alternative IV provides an advisory system which is not as encumbered by commercial and sport uses as under Alternative I, and as modified would also be responsive to cultural differences. More than any other alternative, Alternative IV has the flexibility needed to respond to both assuring that customary and traditional activities can continue, while protecting the health of the fish and wildlife populations.

Sport hunting would be severely restricted if Alternative III were selected due to the large numbers of subsistence users who would have a priority use of the resources. Alternative II would have this same restriction but to a lesser extent. Alternatives IV and Alternative I would create the least need to further restrict sport hunting statewide.

Alternative IV as modified is the "environmentally preferable alternative." "Environmentally preferable alternative" is defined in the Council on Environmental Quality Forty Most Asked Questions as the alternative that causes the least damage to the biological and physical environments or best protects, preserves, and enhances historic, cultural, and natural resources. While Alternative IV as modified would establish Federal Regional Advisory Councils, it would most clearly provide the flexibility needed to respond to the variety of customary and traditional uses. The historic and cultural practices of rural Alaskans would thus be protected and preserved to a greater extent than with either Alternatives II and III. Alternative IV as modified would also provide the opportunity for subsistence uses by rural Alaskans required under Title VIII of ANILCA with lower biological impacts than Alternatives II or III by maintaining the eligibility of those who have been subsistence users and not expanding this to a much larger group of users who currently are not eligible.

2. REGIONAL ADVISORY COUNCILS

On further review of the public comments to the EIS, and in consideration of the Board's recommendation, two specific changes from Alternative IV as displayed in the final EIS were selected. Ten Regional Advisory Councils would be formed instead of eight as described in the proposed action in the EIS. The Federal Subsistence Board recommended an increase to 10 in the number of Regional Advisory Councils to provide for increased participation of rural residents in subsistence management. Such an increase would allow

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the regional boundaries to reflect more closely the differences in social and cultural patterns of subsistence users. The Board proposed the increase in number of Regional Advisory Councils to respond to a strong preference expressed by subsistence users favoring the Council structure described in Alternative III, where twelve regions would have boundaries similar or identical to the Regional Corporations formed by ANCSA. It is recognized that those regions were formed in part based on social, cultural, and resource use patterns. The ANCSA regional boundaries do not precisely meet all the requirements for Federal Regional Advisory Regions. However, subsistence regional boundaries also must balance other considerations such as: the amount and distribution of Federal public lands; the distribution of wildlife populations regulated by the Federal Subsistence Management Program; the number of eligible subsistence users residing in the region; the geographic size of and the travel distances within the regions; and the cost of operating the Councils. The 12 ANCSA regions and their boundaries are socio-political oriented, designed to reflect the ethnic distribution and cultural differences of the shareholders of the ANCSA Corporations. Subsistence in Alaska is not an exclusive Alaska Native activity. It is not racially based. Rural residents relying on the subsistence preference in ANILCA Title VIII comprise 30.4% (167,397) of the total Alaska population according to the 1990 Census. Of that rural population, 28.7% (48,048) are Native, and 71.3% (119,355) are non-Native. Utilizing the 12 ANCSA Regional Corporation boundaries to establish the Federal Regional Council system for subsistence would ignore this aspect of the demographics of Alaska and those non-Native rural residents who rely on subsistence.

Alternative III contains some regions with relatively small amounts of Federal public lands, disproportionately small numbers of eligible subsistence users, and restricted numbers and distribution of wildlife species regulated by the Federal program, rendering this alternative undesirable. By increasing the number of regions in the preferred alternative to ten, I feel the Federal Government will effectively respond to sociocultural concerns, allow for increased participation by rural residents, and provide for a cost effective program.

3. RURAL DETERMINATIONS

The second modification is to the Alternative IV rural determination process. The Federal Subsistence Board recommended the addition of the 5-year waiting period from Alternative II. Those who commented on the EIS were very concerned about the prospect of losing access to subsistence resources in what could conceivably be an almost overnight event because of changes in the population of their community. I recognize that the rural nature of some Alaskan communities is not a static condition and the rate of economic development and the rural nature of some communities may change over time. The loss of rural status by a community would not necessarily prohibit the taking of fish and wildlife on Federal public lands by residents of these communities. Subsistence uses could continue in accordance with State regulations, but the users would not receive any preference on Federal public lands, and could be restricted when necessary to ensure the subsistence needs of rural residents are met. If the Board determines that a community is no longer rural, a five-year grace period would be required before the community would lose the subsistence priority provided by Title VIII. This would allow residents considerable opportunity to make adjustments and to minimize any potential adverse impacts of such a change.

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D. Mitigation Measures

All practicable means have been adopted in the selected alternative to avoid or minimize environmental harm. In this alternative, "...the continuation of the opportunity for subsistence uses by rural residents of Alaska, including both Natives and non-Natives, on the public lands..." is still provided for those who have been eligible. It also does not increase the competition for the limited resources by previously non-rural residents.

Alternative IV as modified has an enlarged advisory system focused on subsistence uses and would have greater participation by subsistence users 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 reduce the impacts to a community or area that could result from suddenly losing its rural status.

Monitoring or "feedback" mechanisms are a part of the formulation of all the alternatives discussed in the EIS. Under the ANILCA, the Secretary of Interior, through delegation to the Federal Subsistence Board, will be responsible for ascertaining the status of the subsistence resources and determining the nature and extent of the subsistence use.

The method for gathering this information under Alternative IV provides for the Regional Councils to lead in the development, review, evaluation, and recommendations pertinent to Section 805 of ANILCA. The Regional Council, with assistance from Federal coordinators and staff, would evaluate the impact of the Federal regulations promulgated by the Board and provide feedback before the development of the current year regulations regarding the take of fish and wildlife for subsistence purposes.