



Decision Record (DR)
Approved East Alaska Resource Management Plan Amendment
Glenallen Field Office, Alaska
DOI-BLM-AK-A020-2020-0037-RMP-EA

1.0 Introduction

The Bureau of Land Management (BLM) Glennallen Field Office (GFO) has prepared a Proposed Resource Management Plan (RMP) Amendment and Environmental Assessment (EA) to analyze the effects of making lands within the East Alaska Resource Management Plan (2007 East Alaska RMP) available for potential exchange.

The RMP Amendment/EA is needed to address Section 1113(b)(2)(B) of the John D. Dingell, Jr. Conservation, Management, and Recreation Act (Dingell Act), which requires the BLM to identify “sufficient acres of accessible and economically viable Federal land” within the Chugach Region that can be offered in a potential exchange with Chugach Alaska Corporation (CAC). The Chugach Region of Alaska encompasses the lower Cook Inlet and Prince William Sound. It includes the communities of Cordova, Valdez, Whittier, and Seward, and the Alaska Native Villages of Eyak, Chenega, Tatitlek, Nanwalek (formerly known as English Bay), and Port Graham.

This planning process advances the objectives of the Dingell Act by analyzing the effects of making lands within the Chugach Region available for exchange that were prohibited from exchange under the Approved 2007 East Alaska RMP/Record of Decision. Section I-5-b of the East Alaska RMP states, “No exchanges would take place [within the RMP Planning Area] until all Native and State entitlements are met. Afterwards, exchanges would be considered in the Chistochina/Slana, Tiekkel, and Denali Planning Regions” (2007, p. 24).

Through the RMP Amendment/EA, the BLM evaluated whether lands within the East Alaska planning area near Thompson Pass, Alaska can be made available for any type of exchange. Specifically, the RMP Amendment/EA examined making two sections of land available for potential exchange - section 5 and 6, Township 9 South, Range 2 West, Copper River Meridian, Alaska. These two sections are currently selected by the State of Alaska (State) for potential conveyance; however, the State has provided a conditional relinquishment if these parcels are exchanged with CAC. Each section is 640 acres, for a total of 1,280 acres.

Purpose and Need

The BLM needs to amend the 2007 RMP to address the ability to make exchanges before all Native and State entitlements are met. The purpose of this action is to identify lands the BLM can make available for exchange. The need is to determine whether BLM-managed public lands within the East Alaska planning area near Thompson Pass, Alaska can be made available for an exchange.

2.0 Decision

Based on review of the *Proposed East Alaska Resource Management Plan Amendment and Environmental Assessment* (DOI-BLM-AK-A020-2020-0037-RMP-EA, hereby incorporated by reference), the BLM has made the decision to approve Alternative 2 – Make Available for Exchange Sections 5 and 6, as described below.

Description of Alternative 2

Alternative 2 would amend the Approved 2007 East Alaska RMP/Record of Decision to make available for a potential land exchange two parcels of land in Thompson Pass area – sections 5 and 6, Township 9 South, Range 2 West, Copper River Meridian, Alaska. These two sections are currently selected by the State. If the State selections are relinquished or rejected, these lands would be available for exchange. Each section is 640 acres, for a total of approximately 1,280 acres.

This amendment would not carry out a land exchange. A future land exchange would be carried out through a separate action which requires a public notice of the exchange. Those carried out under the Federal Land Policy Management of 1976 (FLPMA) would require additional analysis pursuant to the National Environmental Policy Act (NEPA). Implementing regulations can be found at 43 CFR Part 2200. Public access and or easements would likely be reserved for both sections 5 and 6 through the land exchange process. This amendment would not otherwise affect the decisions made under the Approved 2007 East Alaska RMP/Record of Decision for these lands.

Finding of No Significant Impact

The Finding of No Significant Impact (FONSI) for the Proposed RMP Amendment/EA was approved on September 27, 2021, and is hereby incorporated by reference. Based on the analysis of Alternative 2, the BLM determined the Proposed RMP Amendment/EA would not have significant effects; therefore, an environmental impact statement is not required and will not be prepared.

Other Alternatives Considered

In addition to the Selected Alternative (Alternative 2), the BLM analyzed two other alternatives. Under Alternative 1, the No Action Alternative, the East Alaska RMP would not be amended to allow land exchanges prior to Native and State entitlements being met nor in any new geographic areas. Alternative 3 would make available only section 5, Township 9 South, Range 2 West, Copper River Meridian, Alaska for potential exchange.

Authority

This decision is issued under the authority of the FLPMA. The FLPMA establishes policies and procedures for management of public lands. Section 202 of the FLPMA and the regulations implementing the Act's land use planning provisions (43 CFR subparts 1601 and 1610) provide a process and direction to guide the development, amendment, and revision of land use plans for the use of the public lands.

Decision Rationale

The decision to adopt the Selected Alternative (Alternative 2) is based on the Dingell Act's direction to identify lands within the Chugach Region that can be offered in a potential exchange with CAC and the associated environmental consequences of potentially making the proposed sections near Thompson Pass available for exchange was analyzed in the Proposed East Alaska RMP Amendment/EA and FONSI.

The No Action Alternative does not meet the purpose and need of the Proposed East Alaska RMP Amendment/EA because it would prohibit the exchange of any lands within the East Alaska planning area prior to meeting all Native and State entitlements. Both Alternative 2 and Alternative 3 meet the stated purpose and need of the Proposed East Alaska RMP Amendment/EA; however, in making more acres available for potential exchange, Alternative 2 provides greater flexibility for potential future exchanges made in accordance with the Dingell Act or other mechanism of land exchange.

3.0 Public Involvement

This RMP Amendment/EA has been prepared with input from interested agencies, organizations, and individuals. Public involvement is a vital component of the planning process and the NEPA process for engaging the public in the effort and allowing for full environmental disclosure.

Scoping

Public scoping for this RMP Amendment/EA was initiated with the publication of a Notice of Intent in the *Federal Register* on November 24, 2020 (85 FR 75030) and concurrent announcement on the BLM NEPA register project page (<https://eplanning.blm.gov/eplanning-ui/project/2003781/510>). The BLM issued a press release initiating a 30-day public scoping period on November 23, 2020. A second press release was issued on December 21, 2020 to extend the public scoping period. The BLM accepted public scoping comments for 41 days, closing the comment period on January 4, 2021. Approximately 143 scoping comments submissions were received. Of these, 129 were unique comments. The BLM reviewed and categorized the public scoping letters and used the planning issues raised in the scoping comments to help guide the development of the range of alternative management strategies for this RMP Amendment/EA.

Review of Draft RMP Amendment/EA

The Draft RMP Amendment/EA and unsigned FONSI were made available to the public for a 30-day public comment period starting on June 2, 2021. On July 2, 2021, the public comment period was extended for an additional seven days, closing on July 9, 2021. The BLM held two virtual public meeting sessions during the comment period on June 17, 2021 which were attended by 20 individuals. Announcements for the public comment period and virtual public meetings were issued via the BLM's ePlanning project page, Twitter, and Facebook accounts and distributed to local radio stations KVAK in Valdez, KCAM in Glenallen, KDHA in Delta Junction, and KCHU for Prince William Sound, as well as the *Copper River Record* and *Copper River Country Journal* newspapers, the *Fairbanks Daily News Miner*, the *Anchorage Daily News*, and *Alaska Public Media* and KTUU/KYES radio stations for distribution.

The BLM received approximately 40 comments from organizations and individuals to consider. All substantive comments were considered and incorporated into the EA or FONSI as appropriate. Appendix F of the EA provides a summary of public comments received and BLM responses.

4.0 Consultation and Coordination

Native American Tribes and Alaska Native Settlement Act Corporations

Invitations to consult, either on a government-to-government basis or government-to-corporation basis, were sent to the Federally Recognized Tribes and Alaska Native Corporations within the Chugach Region and project area on November 23, 2020, and again on June 1, 2021.

The following Federally Recognized Tribes, Tribes, Tribal Corporations, and Alaska Native Corporations were mailed and called:

- Native Village of Eyak, Alaska
- Native Village of Chenega, Alaska
- Qutekcak Native Tribe, Alaska
- Valdez Native Tribe, Alaska
- Eyak Corporation, Alaska
- Chugach Alaska Corporation, Alaska
- English Bay Corporation, Alaska
- Port Graham Corporation, Alaska
- Tatitlek Corporation, Alaska
- Chenega Corporation, Alaska

In response, the BLM received an email from Native Village of Eyak on December 28, 2020, stating that the project was not in their traditional use area and that they would not be further participating in this planning effort. Ahtna, Inc., an Alaska Native Corporation, submitted separate comments independent of consultation in a letter dated July 1, 2021.

Other Federal, State, and Local Governments

The BLM sent notification to State and local agencies during several phases of the East Alaska RMP Amendment project. The BLM notified Thompson Pass area managers for the Alaska Department of Natural Resources, and Alaska Department of Transportation of the public scoping effort for the RMP Amendment via email on December 12, 2020, and on December 20, 2020, respectively. The State of Alaska was notified of the comment period on the draft RMP amendment/EA on June 1, 2021 via email. Comments were received from AKDNR during the comment period on the draft RMP amendment/EA.

The City of Valdez is a cooperating agency on this project. This relationship was formalized through a Memorandum of Understanding executed on February 7, 2021.

5.0 Protest Resolution

The BLM published the East Alaska Proposed RMP Amendment/EA and signed FONSI on September 28, 2021 thereby initiating the 30-day protest period. The protest period ended on October 28, 2021. The BLM received 8 protest submissions during the protest period, all of which were submitted electronically via the BLM's ePlanning project page.

The planning regulations at 43 CFR 1610.5-2 outline the requirements for filing a valid protest. The regulatory authority of the Director to resolve protests (43 C.F.R. §§ 1610.5-2(a)(3); 1610.5-2(b)) has been delegated to, among other officials, the Assistant Director for Resources and Planning through BLM Manual MS-1203 Delegation of Authority, which is consistent with applicable case law and longstanding BLM practice.

The BLM evaluated all protest letters received and determined that all eight were complete and timely, and submitted by persons with standing to protest. Six letters had comments only. Two of the letters had valid protest issues. The BLM documented the responses to the valid protest issues raised in the letters in the protest resolution report. The decision for each protest, regarding its validity and its approval or denial, was recorded in writing along with the reasons for the decision in the Director's Summary Protest Resolution Report which is available on the BLM's website.

After careful review of the report by the BLM's Assistant Director for Resources and Planning, the Assistant Director concluded that the BLM Alaska State Director followed the applicable laws, regulations, and policies and considered all relevant resource information and public input. The Assistant Director addressed the protests and issued a Protest Resolution Report to protesting parties and posted the report on the BLM's website. The Assistant Director concluded no changes to the Proposed RMPA were necessary. The decision was sent to the protesting party by certified mail, return receipt requested. Resolution of protests is delegated to the BLM Assistant Director for Resources and Planning whose decision on the protest is the final decision of the U.S. Department of the Interior (43 CFR 1610.5-2(b)) consistent with the BLM Delegation of Authority Manual (MS-1203 Delegation of Authority).

6.0 Governor's Consistency Review

In accordance with the regulations at 43 CFR 1610.3-2(e), the BLM submitted the proposed RMP Amendment/ EA for a 60-day Governor's Consistency Review period on September 28, 2021. The BLM received a reply of no inconsistencies with state and local plans, policies, and programs on November 17, 2021.

7.0 Approval

It is the decision of the BLM to approve the Amendment for the East Alaska Resource Management Plan as described in this Decision Record. The Selected Alternative makes Sections 5 and 6, Township 9 South, Range 2 West, Copper River Meridian available for potential exchange. The BLM considered a range of alternatives, issues, public comments, and potential impacts to the human environment in making this decision. The BLM's new release for the Proposed RMP Amendment and EA was published on September 28, 2021. All protests were resolved, which is the final decision of the Department of the Interior, consistent with the regulations at 43 CFR 1610.5-2. The approval of this RMP Amendment is effective on the date this Decision Record is signed.

Marnie Graham
Field Manager
Glennallen Field Office

Tom Heinlein
Acting State Director
Alaska State Office