

Common Misconceptions About the Bristol Bay Area Plan

Classifications determine how land will be managed.

Classifications do not determine, by themselves, how land will be managed. Classifications identify the primary use or resource within a given area. State law requires that state lands (lands and waters) be classified through a planning process. The area plan determines how the Department of Natural Resources (DNR) will manage state lands. DNR is required to manage its land consistent with the plan designation, management intent for the unit and the management guidelines for the planning area.

Public and agency input also helps determine how state land will actually be managed. For example, land that is classified for Settlement might not ever be sold. The state must notify the public and other agencies if land is being offered for disposal out of state ownership and allow for agency and public input. The state takes those comments into account when considering whether or not to continue with the land disposal or whether to modify the project. For instance, the Cascaden Subdivision sale northwest of Fairbanks was scaled back as a result of public opposition to the project.

A Wildlife Habitat classification means that mining is not allowed.

A Wildlife Habitat classification does not necessarily preclude mining. Mining may occur on any state land that is open to mineral entry. One of the state's large gold mines – Pogo – is located on land classified for Wildlife Habitat. A Wildlife Habitat classification does, however, require the authorization process to consider impacts to habitat and to include stipulations to mitigate potential negative impacts. Stipulations may include but is not limited to buffers, siting, operational, noise minimization, or seasonal use conditions.

The decision on whether a mining operation may occur is made under a process that is separate from land classification. A Minerals land classification is not an authorization for mineral development.

If state land isn't classified Wildlife habitat, fish, wildlife or other resources are not protected.

Land classifications, by themselves, do not “protect” land. Classifications identify the primary resource or use within a given area of state land. All state land is managed for multiple uses and development may occur under any land use classification. Resources and uses are protected through the management requirements of the area plan (guidelines and management intent) and various permitting processes at the local, state and federal level.

Wildlife and fisheries resources are also protected through decisions made by the Legislature by designating state lands for specific purposes including state game refuges, critical habitat areas,

and wildlife sanctuaries. More generally, wildlife and fisheries resources are protected under the authorities assigned to and administered by ADF&G. They administer a variety of permitting and allocation processes which are intended to protect important fisheries and wildlife.

It is not possible for land to be classified and managed for both Minerals and Habitat.

It is entirely possible for state land to be classified for both and many DNR area plans carry a Minerals and Habitat co-classification. Alaska has abundant natural resources, which include minerals and wildlife. They often exist in the same location and it is necessary to plan for the management of both. This is particularly important in those areas that have concentrations of sensitive lifecycle stages, such as moose or caribou calving areas or bear denning areas. By co-classifying these lands within the same management unit, adjudicators are made aware of the presence of both resources and are to take both into consideration in the authorization process.

Resource Management and Minerals classifications mean development can and will occur.

Although it is possible for development to occur on land with these classifications, it does not mean that development will occur. Development only occurs if an economic use exists, development is feasible, the proposed development is consistent with the area plan, and is authorized through state and/or federal permitting processes. Moreover, the Resource Management Classification is generally not intended for development, except for public facilities, and lands under this classification are to be retained in state ownership. They cannot be conveyed to private individuals.

Development decisions are made through authorization processes. Adjudicators review land management plans, statutes, regulations and the applications related to development prior to issuing an authorization. If the application is not consistent with the state's land management intent and guidelines the application may be denied.

A Minerals classification doesn't mean the land will be developed. Although mineral resources have been identified in the area, it does not mean that anyone will ever mine the area. Also, prior to mineral development, a plan of operation must be submitted during the authorization process. If the plan is insufficient, the development will not be authorized.

DNR did not listen to public input.

DNR conducted nine public meetings in the Bristol Bay region and has incorporated many of the public recommendations into the 2013 plan amendment. For example, the amount of land classified for General Use in the 2005 BBAP was significantly reduced (by 2.8 million acres). Much of that land has been re-classified for Wildlife Habitat, Public Recreation, or Water Resources.

However, some public recommendations were not (and could not) be included. Many were outside of the authority of DNR to do so. State statute prohibits DNR from closing large areas of

land to mineral entry (AS 38.05.300). While there are numerous recommendations to include additional areas for habitat in the Plan Amendment, not all of the recommended areas support habitat having sensitive lifecycle stages and it would be inappropriate to classify the entire plan area for habitat. Also, DNR is not able to designate land for “Subsistence” because there is no “Subsistence” designation or classification (11 AAC-55.050-.230).

DNR has not considered the value of the Bristol Bay fisheries to the people and culture of the region.

DNR has considered the value of the fisheries to the people and culture of the region. Information obtained during public meetings in the region and through written comments from Bristol Bay area residents is incorporated in both the original 2005 plan and the Plan Amendment. In the 2005 plan, specific management guidelines regarding traditional uses and subsistence are provided on pages 2-15 – 2-17. The 2013 plan amendment includes additional language in the management guidelines that states: “The underlying integrity of the ecological system and traditional way of life in this region is to be maintained to the maximum extent practicable.” All major river systems identified were designated for either Public Recreation or co-designated Public Recreation and Habitat through the 2013 Plan Amendment. Most of the adjoining riverine areas were also designated for Habitat.

In this plan, DNR is not protecting the subsistence lifestyle.

DNR recognizes the importance of the subsistence lifestyle and provides guidance to DNR decision-making in both the 2005 BBAP and 2013 plan amendment. The 2005 BBAP includes Management Guideline T on page 2-15 that requires: “Decisions to authorize land use activities will consider the effect on and minimize significant conflicts with traditional uses of fish and wildlife resources.” As referenced above, DNR is also adding more language to the plan to emphasize the importance of the fisheries and subsistence in the Bristol Bay area including a statement in the Harvest section of the Management Summary:

“It is the policy of DNR that the Bristol Bay area fisheries, wildlife and their associated habitats be maintained throughout the planning period. These areas are essential to the commercial fishery, maintenance of the traditional subsistence lifestyle, public recreation and the commercial recreation industry. DNR decisions are to carefully consider the effects of a proposed use upon these uses and resources, and all authorizations are to ensure that adverse impacts are avoided, minimized, or mitigated consistent with the requirements in Chapter 2.”

Additional information is also being added to the Fish and Wildlife section of Chapter 2 under Management Guideline: Habitat Areas:

“The underlying integrity of the ecological system and traditional way of life in this region is to be maintained to the maximum extent practicable.”

Both of these changes are designed to ensure the consideration of subsistence in DNR authorizations and to ensure that impacts on these activities are mitigated or avoided when possible.

DNR tilted the 2005 area plan to help build Pebble and promote mineral development.

DNR did not revise the 2005 area plan to help build Pebble or promote mining. The recognition of the Pebble deposit is not new to the 2005 Plan; it was also identified in the 1984 plan. The 2005 BBAP and the revisions in the 2013 Plan Amendment actually reduced the area of state land designated or co-designated with minerals from 2.8 million to less than 200,000 acres.

DNR typically updates land use plans every 15 to 20 years and it was time to update the 1984 plan. The plan revision process began in 2003. The plan was also revised to address the municipal selections in fulfillment of the Lake and Peninsula Borough land entitlement as well as oil and gas issues, which are now dealt with through a separate planning process.

When a plan is revised, it is necessary to reflect current land status, land use patterns, and new resource and habitat data.

The revised plan makes it easier/harder to develop Pebble and other mineral development.

The revisions to this plan do not directly impact the Pebble project. In general, however, the revisions to the plan make it clear that resource protection and resource development need to be balanced and that the fisheries and wildlife populations are integral to the communities in the region. The plan amendment reduces the size of areas designated as mineral to more accurately reflect the extent of mineralization, and identifies important habitat values that require protection. Where appropriate, the plan amendment also co-designates areas as minerals and habitat. Any authorization that may be issued must include stipulations that minimize the adverse effects on fisheries and wildlife populations.

Further, DMLW cannot authorize a mineral development, especially large-scale operations, without the submission of a plan of operations, which would include information about how the developer intends to minimize adverse effects on wildlife and habitat. A large-scale hard rock mining operation must go through the established permitting process which typically involves multiple state and federal agency jurisdictions. These independent processes include opportunities for public input at various stages.

DNR has already made up its mind about Pebble.

DNR has not made up its mind about Pebble. DNR has not evaluated the merit of any development plans for Pebble because the permitting process has not been initiated.