

**FSH 2090.23 – SUBSISTENCE MANAGEMENT AND USES HANDBOOK  
CHAPTER 10 – COMPONENTS OF AN ANILCA SECTION 810 EVALUATION**

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A Section 810 document shall include sufficient information and analysis to enable the responsible line officer to make a determination. Such data and evaluation should be appropriate to the level and kind of action being considered. Collection and/or mapping of subsistence use information should identify important use areas on the National Forests, how these areas relate to identified habitat capability for producing important subsistence resources, and the identification of alternative areas for subsistence use through application of habitat suitability indices and models being developed for the Wildlife and Fish Habitat Relationships Program. See 10 – Exhibit 01 for a list of possible subsistence information and data sources. A Section 810 document shall include the following components (from ALUC Section 810 Guidelines) and should be prepared through an interdisciplinary approach.

## **11 – EVALUATION**

1. Evaluate the expected effect of the proposed action(s) on subsistence uses and needs. This evaluation shall, as a minimum, address whether or not there is likely to be:
  - a. A reduction in subsistence uses due to factors such as direct - impacts on the resource, adverse impacts on habitat, or increased competition for the resources.
  - b. A reduction in the subsistence uses due to changes in availability of fish and wildlife resources caused by an alteration in migration or location.
  - c. A reduction in subsistence uses due to limitations on the access to harvestable resources, such as by physical or legal barriers.
2. Evaluate the availability of other lands for the purpose to be achieved. In deciding which lands to consider, it is necessary to demonstrate that the other lands are:
  - a. Adequately suitable. For example, have reasonably similar geographic and resource base attributes for the purpose to be achieved by the proposed action(s);
  - b. Available within the proposed timeframe; and
  - c. Not designated for land uses that would preclude the proposed action(s).
3. Evaluate other alternatives that would reduce or eliminate the proposed action(s) from lands needed for subsistence purposes.
  - a. Alternatives to be evaluated here are other ways to implement the proposed action or other actions and not other sites for the proposed action(s).
  - b. Other actions selected for evaluation must be reasonable, physically and technically possible, and economically feasible.

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## **12 – FINDING**

The evaluation shall conclude with a distinct finding that the proposed action would or would not have a significant possibility of a significant restriction on subsistence uses. This finding must logically follow from the above evaluation.

1. The Findings shall be stated as either:
  - a. This evaluation concludes that the action shall not result in a significant restriction of subsistence uses; or,
  - b. This evaluation concludes that the action may have a significant possibility of a significant restriction of subsistence uses due to (specific causes).
2. A finding of no significant restriction completes the Section 810 requirements.
3. A finding of a significant possibility of a significant restriction requires that:
  - a. The proposed action be modified to remove the significant restriction finding; or
  - b. The process be stopped for that action and the action prohibited, or
  - c. After notifying the Regional Forester and requesting concurrence, proceed to Notice and Hearings (described below).

## **13 – NOTICE AND HEARINGS**

1. If the above evaluation results in the finding of a significant possibility of a significant restriction of subsistence uses and the responsible line officer decides to proceed, the official shall:
  - a. Give notice to the Alaska Department of Fish and Game (for wildlife and fisheries subsistence uses);
  - b. Give notice to the appropriate Subsistence Regional Advisory Councils and Local Fish and Game Advisory Committees (for wildlife and fisheries subsistence uses); and,
  - c. Give notice and hold a public hearing in the vicinity of the area involved.
2. Notice shall not be less than 30 days and may be extended. Notices in a, b, and c, above may run concurrently.

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3. Following the public hearing, it is possible that the finding may be revised to no likely significant restriction on subsistence uses, based on new information or new mitigation measures resulting from the hearing. In such cases, this situation shall be documented in the written report and the action may proceed.

4. If, however, following the public hearing, the finding of a significant possibility of a significant restriction remains, the responsible line officer may:

- a. Prohibit the action, if appropriate under law; or,
- b. Proceed to Determinations.

#### **14 – DETERMINATIONS**

1. A section entitled 810(a)(3) Determinations shall be prepared which shall make three determinations for the proposed action. This section shall show that:

- a. Such a significant possibility of a significant restriction of subsistence uses is necessary consistent with sound management principles for the utilization of the National Forest lands;
- b. The proposed activity shall involve the minimum amount of National Forest lands necessary to accomplish the purposes of such use and occupancy, or other disposition; and,
- c. Reasonable steps shall be taken to minimize adverse impacts upon subsistence uses and resources resulting from such actions.

2. After compliance with the above 810 procedures the responsible line officer may proceed with the action.

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10 – Exhibit 01

LIST OF POSSIBLE INFORMATION SOURCES ON SUBSISTENCE

Bibliographies

ADF&G Regional Subsistence Bibliography (Southeast or Southcentral)  
Alaska Environmental Information Data Center Subsistence Bibliography  
University of Alaska - Anchorage and Juneau

Publications

ADF&G Habitat Guides  
ADF&G Subsistence Division Technical Paper Series  
Forestry Sciences Laboratory Library  
Institute for Social and Economic Research Library

Map Collections

ADF&G Subsistence Maps  
City/Borough Planning and Use Area Maps  
Coastal Zone Management Plans Subsistence Maps  
Land Management Plans - Forest Service, Native Corporations, State, Other Federal Agencies

Individual/Groups Consulted

Forest Service Staff  
ADF&G Staff  
Local Community Representatives  
Native Regional Associations  
Regional and Village Native Corporations  
Sportsmen/conservation organizations  
Regional Fish and Game Advisory Councils  
Community Fish and Game Advisory Committee

Environmental Organizations

Individuals/Users